

International law

UDC 341.231:379.8

DOI <https://doi.org/10.5281/zenodo.19968829>

**Legal regulation of the activities of environmental whistleblowers in
international law**

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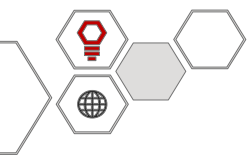
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Accepted: 13.04.2026 | Published: 30.04.2026

Abstract. The article examines the international legal framework environmental whistleblowers, protection as an essential element of ensuring the human right to a safe environment. The relevance of the topic is caused by increasing environmental risks, the complexity of detecting environmental violations, and the critical role of individuals who disclose such misconduct. The study analyzes international standards, particularly the Aarhus Convention and the EU



Whistleblower Protection Directive (2019/1937), which establish guarantees for access to information, reporting channels, and protection against retaliation.

It is established that whistleblowers play a crucial role in ensuring the enforcement of environmental law, as they are often the first to detect violations posing serious threats to public interests. Particular attention is paid to international legal protection including the lack of a unified definition of whistleblowers, fragmentation of legal regulation, and insufficient effectiveness of protection mechanisms. Despite the introduction of minimum EU standards, gaps in implementation persist, particularly regarding protection against retaliation and reporting systems functional.

The article proposes recommendations aimed at improving legal regulation, including the need international standards, strengthening legal guarantees, and enhancing enforcement mechanisms. For Ukraine, the importance of aligning national legislation with European standards, improving reporting procedures, and ensuring effective protection against retaliation is emphasized. Future development should focus on creating a comprehensive and coherent system of international safeguards for environmental whistleblowers.

Keywords: environmental whistleblowers, right to a safe environment, international law, whistleblower protection, environmental security, human rights, EU Directive 2019/1937.

**Правове регулювання діяльності екологічних викривачів у
міжнародному праві**

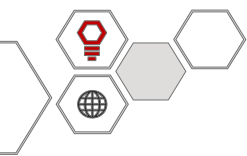
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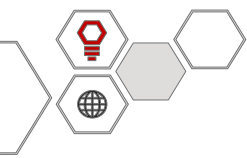
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Анотація. Стаття присвячена дослідженню міжнародно-правових засад захисту екологічних викривачів як важливого елементу забезпечення права людини на безпечне довкілля. Актуальність теми зумовлена зростанням екологічних загроз, складністю виявлення екологічних правопорушень та ключовою роллю осіб, які повідомляють про такі порушення. У статті проаналізовано міжнародні стандарти у сфері захисту викривачів, зокрема положення Орхуської конвенції та Директиви ЄС 2019/1937, які встановлюють базові гарантії доступу до інформації, створення каналів повідомлення та захисту від репресій. З'ясовано, що викривачі відіграють важливу роль у забезпеченні ефективного правозастосування екологічного законодавства, оскільки саме вони часто першими виявляють порушення, які можуть становити значну загрозу суспільним інтересам.

Особливу увагу приділено проблемам міжнародно-правового регулювання, серед яких виділено відсутність уніфікованого визначення поняття «викривач», фрагментарність правового регулювання та недостатню ефективність механізмів захисту. Незважаючи на запровадження мінімальних стандартів на рівні ЄС, практика їх імплементації свідчить про наявність прогалин, зокрема щодо гарантій захисту від переслідувань та належного функціонування каналів повідомлення. Додатковою проблемою є ризики тиску, звільнення та інших форм репресій щодо викривачів, що стримує їхню активність та негативно впливає на ефективність екологічного контролю.

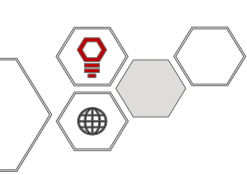


У статті сформульовано рекомендації щодо вдосконалення правового регулювання, які полягають у необхідності уніфікації міжнародних стандартів, посилення гарантій захисту викривачів та впровадження ефективних механізмів їх реалізації на національному рівні. Для України обґрунтовано доцільність гармонізації законодавства з європейськими стандартами, удосконалення процедур внутрішнього та зовнішнього повідомлення, а також створення дієвих механізмів захисту від переслідувань. Перспективи розвитку регулювання вбачаються у формуванні комплексної системи міжнародних гарантій, що сприятиме підвищенню рівня екологічної безпеки та ефективному захисту прав людини.

Ключові слова: екологічні викривачі, право на безпечне довкілля, міжнародне право, захист викривачів, екологічна безпека, права людини, Директива ЄС 2019/1937.

Problem statement. Despite the presence of a significant number of international legal acts regulating the status of whistleblowers, the legal support for the activities of environmental whistleblowers remains fragmented, unsystematic and insufficiently effective. One of the key problems is the lack of a single universal approach to defining the concept of “whistleblower”, which causes discrepancies in international and national legal systems and complicates the formation of agreed standards for their protection. Despite the fact that such acts as the Aarhus Convention and EU Directive 2019/1937 establish key guarantees, they do not form a holistic mechanism for the legal protection of environmental whistleblowers.

Analysis of recent research and publications. The issue of legal regulation of the whistleblower institute, in particular in the environmental sphere, is the subject of active scientific reflection both in domestic and international doctrine. At the same time, researchers' approaches to determining the priorities of legal support differ significantly.



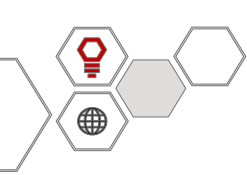
Thus, N. S. Horobets focuses on the formation of international and European standards for the protection of whistleblowers, justifying their decisive role in ensuring the transparency and accountability of public authorities. Her approach is systemic in nature, but it does not pay enough attention to the practical problems of implementing these standards into national legislation.

In contrast, O. V. Nesterenko and O. Yu. Shostko focus on domestic mechanisms for the protection of whistleblowers, in particular on the need to create effective guarantees against persecution, discrimination and dismissal. The advantage of their approach is its practical orientation, but it is mostly limited to the national level and does not sufficiently take into account the influence of international legal standards.

An important place in scientific research is occupied by the analysis of the practice of the European Court of Human Rights, which forms approaches to the protection of whistleblowers through the application of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The works of researchers emphasize that the court has developed criteria for assessing the legality of the disclosure of information, in particular regarding the presence of public interest, the good faith of the whistleblower and the proportionality of state interference. At the same time, there is no unity in the scientific literature regarding the limits of such protection, especially in cases where the disclosure is related to confidential or official information.

Transparency International's analytical materials demonstrate that even with the presence of formally established guarantees in many countries, the mechanisms for protecting whistleblowers remain insufficiently effective. This is especially true in the environmental sphere, where whistleblowers face increased risks of pressure from both state authorities and the private sector.

Thus, the analysis of scientific sources indicates the presence of two main approaches: internationally oriented and nationally practical, which are currently not



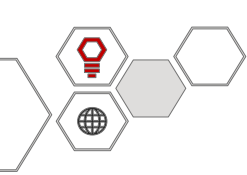
sufficiently integrated with each other. In addition, despite a significant number of studies, the issue of the specifics of environmental whistleblower protection remains insufficiently developed, which necessitates further comprehensive research in this area. Modern research demonstrates a comprehensive approach to understanding the institution of whistleblowers, but at the same time indicates the presence of gaps in legal regulation, which necessitates the further development of international and national standards of protection, in particular for environmental whistleblowers.

Dentification of previously unresolved parts of the general problem.

An additional problem is the insufficient effectiveness of the mechanisms for implementing existing norms. In practice, whistleblowers often face the formal nature of internal reporting procedures, the lack of independent bodies to consider reports, as well as an inadequate level of response to the information disclosed. This leads to a decrease in trust in institutions and forces individuals to turn to public channels, which increases the risks of losing legal protection.

A significant challenge is also the high level of risks of persecution of whistleblowers, including dismissal, disciplinary sanctions, psychological pressure and other forms of repression. Such risks significantly reduce the motivation of individuals to report environmental violations, which negatively affects the level of environmental safety. This problem is especially relevant in the context of growing global environmental threats, climate change and armed conflicts, which cause large-scale environmental consequences.

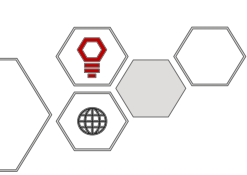
For Ukraine, this issue is of particular importance given the need to fulfill international obligations, ensure effective public participation in making environmentally significant decisions, as well as overcome the consequences of armed aggression, which is accompanied by significant environmental losses. The lack of an effective mechanism for protecting environmental whistleblowers complicates the timely detection of violations and hinders the implementation of the human right to a safe environment.



Formulation of the article objectives (statement of the task) is a comprehensive analysis of the international legal regulation of the protection of environmental whistleblowers, identification of the main problems in this area, and development of recommendations for improving the legal provision of their protection, in particular in Ukraine.

Presentation of the main material. The issue of regulating the legal status of environmental whistleblowers is extremely relevant today, since a fairly large number of countries are faced with the crime of corruption (Colombia, the Dominican Republic, Gambia, Lesotho and Zambia, Brazil and Sri Lanka [1]). Given this fact, a number of relevant regulatory legal acts have been adopted at the international and national levels, the main purpose of which is to regulate the institution of whistleblowers and determine the mechanism for ensuring the rights of such persons. It was in these documents that the definitions of “whistleblowers” were formed.

Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons reporting breaches of Union law, adopted on 23 October 2019, defines the following definition: “whistleblower” – a natural person who reports or discloses to the public information about a breach that he or she has received in the course of his or her work-related activities [2]. The provisions of this document also apply to the areas of the environment, nuclear safety, waste management, and water resources protection. At the same time, if we compare the content of Directive 2019/1937 with other international acts, it is obvious that the term “whistleblower” in Directive 2019/1937 is interpreted more broadly, since this concept covers persons who not only report corruption crimes, but also other illegal actions that have become known to them in connection with the performance of their official duties [3, p. 889].



A whistleblower is any person who reports in good faith and on reasonable grounds to the competent authorities any facts of the commission of offences established in accordance with this Convention [4].

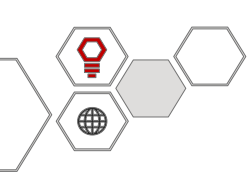
Whistleblowers are employees who have reasonable grounds to suspect corruption and who report their suspicions in good faith to authorised persons or officials [5].

A whistleblower is any person who reports or discloses information about harm or a threat of harm to the public interest that has come to their knowledge in connection with their employment relationship, whether that employment relationship is in the public or private sector [6].

The formulation of “guardians of the constitutional order” is quite interesting – individuals (whistleblowers – author) who disclose information about illegal activities, embezzlement of budget funds, abuse of power, bribery, etc. in state authorities and local governments, since it is they who warn about the dangers that may arise within the state apparatus, for the rights and freedoms of man and citizen, and the constitutional order as a whole [7, p. 5].

Whistleblower – an individual who, having the belief that the information is reliable, reported possible facts of corruption or corruption-related offenses, other violations of this Law (“On Prevention of Corruption”) committed by another person, if such information became known to him in connection with his labor, professional, economic, public, scientific activities, his service or training, or his participation in procedures provided for by law that are mandatory for the commencement of such activities, service or training [8, art. 1].

According to Clause 16² Part 1, Article 3 of the Criminal Procedure Code of Ukraine, a whistleblower is an individual who, having the belief that the information is reliable, has filed a statement or report on a corruption criminal offense with a pre-trial investigation body. Thus, a whistleblower may be a person who has reported: corruption and corruption-related criminal offenses defined in the note to Article 45

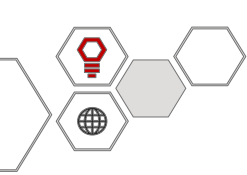


of the Criminal Code of Ukraine; corruption-related administrative offenses defined in Chapter 13-A of the Code of Administrative Offenses; any other violations of the Law [9].

Thus, generalizing the above definitions, a “whistleblower” can be characterized as a special subject of human rights protection activity (an individual) who, acting in conditions of potential risk of persecution, ensures the implementation of the legally enshrined principles of the rule of law by identifying and publishing socially significant information about offenses, thereby performing the function of preventive control over the activities of state authorities.

Reshaping this category to our topic, the following interpretation of the category “environmental whistleblower” is proposed – a special subject of environmental security, who, by reporting or disclosing information about violations in the field of environmental protection, contributes to the realization of the human right to a safe environment, performs a preventive function regarding environmental offenses, and acts as an element of the mechanism of international environmental control.

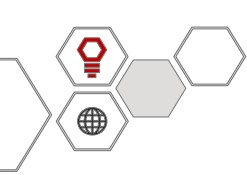
Thanks to the activities of whistleblowers, society is provided with access to significant information about the activities of the state, and therefore the desacralization of the government itself is ensured – preventing its monopoly on information on which people’s lives depend (about the state of the natural environment). Such desacralization is the foundation for decent governance – governance of institutions. Today, perhaps the most important area where whistleblower activity is in demand is the environmental sphere. This is primarily due to global climate change, which already affects the life of every person and is a huge challenge for the entire human civilization. Ukraine is at the epicentre of climate change – in the territory of our state, the average temperature is growing several times faster than in the world as a whole.



The ongoing military aggression of the Russian Federation against Ukraine, and the associated active hostilities on our territory, only increase the greenhouse effect. The actions of the aggressor country can quite reasonably be qualified as ecocide – deliberate destruction of the ecosystem, a vivid example of which was the destruction of the Kakhovka reservoir dam. Whistleblowing activities in the environmental sphere are even more important given Ukraine's systematic failure to comply with its international obligations regarding public participation in decision-making on environmental issues, undertaken by our state when ratifying the Aarhus Convention (Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters) and the Espoo Convention (Convention on Environmental Impact Assessment in a Transboundary Context) [10, p. 202].

National normative and legal regulation of environmental whistleblower activities is mainly carried out within the framework of the institute of strategic environmental assessment. In 2015, Ukraine ratified the "Protocol on strategic environmental assessment to the Convention on environmental impact assessment in a transboundary context", under which states undertake to ensure a high level of environmental protection, including public health [11].

Also on March 20, 2018, the Law of Ukraine "On Strategic Environmental Assessment" was adopted. This Law regulates relations in the field of environmental impact assessment, including for public health, implementation of state planning documents and applies to state planning documents that relate to agriculture, forestry, fisheries, energy, industry, transport, waste management, water resource use, environmental protection, telecommunications, tourism, urban planning or land management (schemes) and the implementation of which will involve the implementation of activities (or which contain activities and facilities) for which the legislation provides for the implementation of the environmental impact assessment procedure, or which require an assessment, taking into account the likely



consequences for the territories and facilities of the nature reserve fund and the ecological network, except for those related to the creation or expansion of territories and facilities of the nature reserve fund [12].

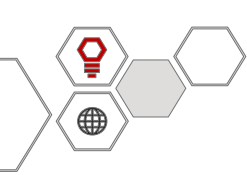
The status of environmental whistleblowers is regulated on the basis of universal and regional international legal acts.

For example, Article 33 of the UN Convention against Corruption enshrines a norm according to which each State Party shall consider including in its domestic legal system appropriate measures to ensure the protection of any person who, in good faith and on reasonable grounds, reports to the competent authorities any facts related to the offences covered by this Convention from any unfair treatment [14]. It entered into force for Ukraine on 01.01.2010.

At the regional level, it is worth mentioning the activities of the Council of Europe and the current acts adopted by it. The Parliamentary Assembly recognizes the importance of whistleblowers – concerned individuals who raise the alarm to stop offences that endanger others – as their actions provide an opportunity to strengthen accountability and the fight against corruption and poor governance in both the public and private sectors [13].

This resolution also regulates the right of every person to disclose information that is of public interest and corresponds to the public's right to receive information in accordance with Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms. And information on the state of the natural environment cannot be classified as information with restricted access.

In addition to the need to determine the legal status of whistleblowers, an urgent issue is their protection when carrying out such actions. In accordance with the provisions of Article 22 of the Council of Europe Criminal Convention on Combating Corruption, it is envisaged that each Party will take such measures as may be necessary to ensure effective and adequate protection: of those who report criminal offences defined in Articles 2 to 14 or otherwise cooperate with the

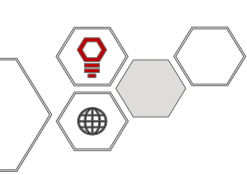


investigation and prosecution authorities; of witnesses who give evidence in relation to these offences [14].

Similar to the above is the provision of Article 9 of the Council of Europe Civil Code Convention on Combating Corruption (adopted on November 4, 1999 in Strasbourg, and entered into force on November 1, 2003. For Ukraine, the Law on Ratification of the Convention № 2476-IV was adopted on March 16, 2005), which enshrines the norm that each Party shall provide in its domestic legislation for adequate protection against any unjustified sanction for employees who have sufficient grounds to suspect corruption and who report their suspicions in good faith to responsible persons or competent authorities [5].

Continuing the study of the issue of whistleblower protection, the activities of the ECHR deserve special attention. The court interprets exposure from the point of view of protecting human rights, namely, the possibility of exercising freedom of speech and expression of views (Article 10 of the ECHR). We share the opinion that this is not an impeccable position, since the very nature of exposure is that a person reveals important information hidden from him to society. That is, a person does not express his vision, reasoning. We are talking about the subjective views of the whistleblower himself. The very content of the information that the whistleblower reveals is not created by him. If we can talk about a certain manifestation in the exposure of the personality of the whistleblower himself, then we should not talk about his views, but about his position. The very act of exposure implies the empathy of the whistleblower towards society, its vital needs and interests. But, again, here we are talking about the expression of a position, not about the expression of views. To justify the paradigm of the ECHR judges' view of the nature of disclosure, we can say that they are faced with the task of extending the provisions of the ECHR to whistleblowers, and therefore the jurisdictional protection from the ECHR bloc.

The resolution of this issue, obviously, cannot do without a certain degree of fiction. It is present in the interpretation of disclosure as the exercise of freedom of



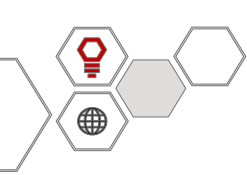
expression. The case law of the ECHR on the protection of the rights of whistleblowers also clearly demonstrates the universality of the application by the Strasbourg judges of the principle of proportionality, which is fundamental for them. Regarding disclosure, this principle is expressed in the need to achieve a balance between the interests of the employer of the whistleblower in maintaining the secrecy of information about his activities and the interests of society in obtaining information important to him. Such a balance is built in the opposition of internal and external channels of communication of information that constitutes the content of the disclosure. And priority is given to internal channels of communication, that is, first the employee-whistleblower must report his disclosure to his employer [10, p. 202].

Regarding the judgments handed down by the ECHR regarding the protection of environmental whistleblowers, it is worth focusing on the following:

- The Grand Chamber of the ECHR in the case of *Guja v. Moldova* (№ 14277/04, 2008 [15]) determined for the first time that under certain conditions whistleblowers in the public sector are subject to protection, outlining the criteria for assessing the violation of freedom of expression.

- In the case of *Heinisch v. Germany* (№ 28274/08 [16]), the ECHR established under Article 10 of the Convention that an employee should first use internal reporting channels, as this facilitates a prompt response.

- *Marchenko v. Ukraine*, № 4063/04 [17] – the judgment underlined the duty of care: information should first be communicated to management or competent authorities, and only if this is impossible – to the public. At the same time, this duty is not absolute: if the employer is inactive, internal channels can be bypassed (*Gudja v. Moldova*). On the other hand, if the whistleblower deliberately ignores the available internal mechanisms, he cannot count on protection (*Soares v. Portugal*, № 79972/12). The ECHR stressed that employees have a duty to be loyal, discreet and careful towards their employer. In view of these duties, disclosure should be made

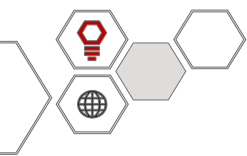


in the first instance to a superior or other competent authority or body. Only where this is clearly impossible, information may, as a last resort, be disclosed to the public. However, if the whistleblower was aware of the existing internal reporting mechanisms and did not use them and publicly disclosed the information, then he cannot expect protection under Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms [19].

– To be protected under EU Directive 2019/1937, the individual must have reasonable grounds to believe that the information is true; the protection is maintained even in the event of a mistake, provided that it was made in good faith (*Halet v. Luxembourg*, № 21884/18 [18]). In its judgment, the Court concluded that the public interest in disclosing the information concerned must outweigh any detrimental consequences associated with it.

– In the case of *Goryaynova v. Ukraine*, № 41752/09, it was stated that in certain circumstances, the reporting by a public sector employee of illegal acts or misconduct occurring in the workplace should be protected. This may be required where the public interest in receiving the specific information is so strong that it outweighs even the legally established duty of loyalty. This is particularly the case where the public official who discloses the information is the only person or part of a limited category of persons who knows what is happening at work and is therefore best placed to act in the public interest by alerting the employer or the public at large [19].

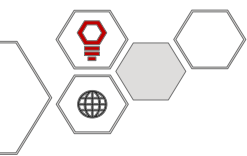
Summarizing the significance of the decisions in the cases, it is worth noting that in general, the practice of the ECHR demonstrates the expansion of whistleblower protection standards and forms key principles: public interest in disclosure; truthfulness or reasonable belief in it; priority of internal channels (with exceptions); good faith; superiority of the public interest over harm to the employer; proportionality of punishment.



The above-mentioned documents and court decisions constitute the legal basis for determining the legal status of environmental whistleblowers, protecting their rights, etc.

It is also worth mentioning the Principles for the Development of Whistleblower Protection Legislation developed by the public organization “Transparency International”. The most important and appropriate proposal contained in this document is to expand the circle of whistleblowers who should be provided with legal protection. It is proposed to move away from the established “employer-employee” scheme and include consultants, interns, temporary workers, job seekers, persons providing additional information, etc. in the circle of whistleblowers.

The Blueprint for Free Speech, an international non-profit organization that studies freedom of speech and information, ensuring transparency of state institutions, and combating corruption through increased citizen participation, has developed principles that should be included in any whistleblower protection law. Whistleblower protection is one of the most dynamic issues in the fight against corruption and human rights. As many countries around the world adopt new or improved whistleblower protection laws, it is important that these laws contain a comprehensive mechanism for protecting officials and citizens who report violations that harm or threaten the public interest. The document presents 23 core principles that should be included in any whistleblower protection law. These principles are designed to ensure that: information about harm or threats to the public interest becomes public knowledge; whistleblowers are protected from all forms of harassment, including civil and criminal liability; disclosure of information leads to improved public administration and political and legal reforms; violators are held accountable. These principles are based on research by international and regional organizations, academic institutions, civil society organizations, and experts in the field of freedom of speech and human rights [7, p. 10].

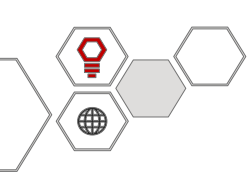


Within the Council of Europe, there are several documents directly related to the protection of whistleblowers. In 2010, PACE adopted Resolution 1729 (2010) entitled “Protection of whistleblowers”, which recognizes the importance of whistleblowers – concerned individuals who raise concerns in order to stop a crime that endangers their loved ones – as their actions provide an opportunity to strengthen accountability and strengthen the fight against corruption and abuse in both the public and private sectors [20, p. 27].

On 30 April 2014, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec (2014) 7, prepared by the European Committee on Legal Co-operation (CDCJ). This legal document sets out a number of principles for member states to take into account when drafting their national laws and regulations or making amendments that may be necessary and appropriate in the context of their legal systems. A whistleblower is defined as “any person who reports or discloses information about a threat or harm to the public interest in the context of their work in the public or private sector” [21, p. 147].

In its resolution, the Congress calls on local and regional authorities to establish and disseminate whistleblowing policies, with appropriate internal and anonymous reporting channels, and to ensure that independent designated bodies are in place to monitor and process the information disclosed. In its recommendation, the Congress calls for national legislation to provide for whistleblower protection at local and regional levels, and also suggests that bodies at the national level monitor the implementation and effectiveness of whistleblower legislation [22].

The Parliamentary Assembly of the Council of Europe continues to take strategic decisions on improving the regulatory framework for the protection of the rights of persons who disclose information of public importance. Recently, PACE addressed the Committee of Ministers of the Council of Europe with Recommendation 2073 (2015) “On improving the protection of whistleblowers” with a request to start the process of negotiations on the development of an



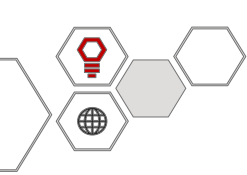
international legal instrument in the form of a framework convention, which would be accessible to non-member states and would cover the issue of disclosure of information about wrongdoing by persons working in the field of national security and information, as well as to consider ways and means by which the Council of Europe could provide technical assistance to member states in the implementation of the recommendation [23, p. 10].

At the European Union level, the situation is not the same: there is still no legislation in this area, although the European Commission is currently actively working on a legal regime for whistleblowers, especially in the context of preventing fraud using the EU budget. It is worth noting that in 2013, despite calls from members of parliament, the European Commission refused to adopt a law on the protection of whistleblowers throughout the European Union [21, p. 147].

In the fall of 2016, the Greens/European Free Alliance fraction in the European Parliament announced the creation of a new service – EULeaks – for those who wish to anonymously report facts of corruption and abuse by government bodies in the European Union. EULeaks is a secure platform for whistleblowers, created by the Greens/European Free Alliance group in the European Parliament in 2016 to anonymously publish information about violations in EU institutions. The platform uses TOR encryption to protect sources reporting on tax fraud, corruption and lobbying [24].

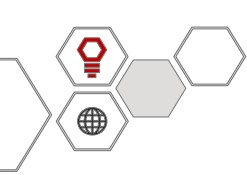
In early 2017, the European Commission announced the holding of public consultations as a means of open and democratic governance with the aim of legally regulating whistleblower protection among interested parties in order to find out the opinions of different groups and sectors [21, p. 147].

Despite the fact that the vast majority of the above documents are devoted to the general activities of whistleblowers, we emphasize that environmental whistleblowers also fall under this category and similar provisions may be used in relation to them.



As for the definition of the place and role of environmental whistleblowers in civil society, it is the basis for ensuring the human right to a safe natural environment, which is recognized as a component of the right to life and health in accordance with the decisions of the ECHR and international standards. In particular, the connection with human rights is manifested in the fact that the disclosure of information about environmental violations contributes to the realization of the right to access environmental information and participation in decision-making (Aarhus Convention). Environmental whistleblowers play an important role in strengthening environmental security, as they allow for the timely detection of violations that may pose a threat to the population and the environment. The practice of the ECHR confirms the significance of their activities, in particular in the cases of *Guja v. Moldova*, № 14277/04 and *Goryaynova v. Ukraine*, № 41752/09, which emphasized the superiority of the public interest in obtaining information. Practical examples may include cases of reporting illegal emissions, water pollution, or violations of waste management rules, which contribute to the prevention of environmental disasters and the protection of citizens' rights.

Also worthy of special attention are the problems that may be encountered in the international legal regulation of environmental whistleblowers, namely: the lack of a universal definition: different acts, such as the Aarhus Convention and EU Directive 2019/1937, approach the understanding of a whistleblower differently, which complicates the development of unified standards. The lack of effectiveness of protection mechanisms is manifested in the fact that even in the presence of a regulatory framework, states do not always provide real protection, as evidenced by the practice of the ECHR, in particular the case of *Heinisch v. Germany*, №. 28274/08. In addition, in a number of cases, internal reporting procedures are formal or ineffective, which forces whistleblowers to turn to public channels at the risk of losing protection (*Soares v. Portugal*, №. 79972/12). The risks of persecution and pressure, including dismissal, disciplinary sanctions or other forms of reprisals,

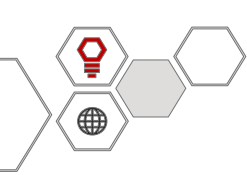


remain a significant concern, as established in the case of *Guja v. Moldova*, № 14277/04. Such examples demonstrate the need to strengthen international guarantees and establish effective mechanisms for the protection of whistleblowers.

Prospects for development and improvement of regulation are seen in the unification of standards, as well as strengthening international standards for the protection of environmental whistleblowers. Prospects for development lie in the need to unify international standards, strengthen guarantees for the protection of whistleblowers and ensure their effective implementation. For Ukraine, it is advisable to: harmonize legislation with European standards; improve internal and external reporting mechanisms; provide real protection against persecution; increase the institutional capacity of control bodies. Strengthening international guarantees and creating a comprehensive protection system will contribute to more effective detection of environmental offenses and strengthening environmental safety.

Conclusions. The analysis confirms the fact that environmental whistleblowers are an important element of the mechanism for ensuring the right to a safe natural environment and play a key role in identifying and preventing environmental violations. The generalization of international and national approaches allows us to consider the whistleblower not only as a participant in anti-corruption mechanisms, but also as an independent subject of environmental law enforcement who, acting in good faith and under the potential risk of prosecution, contributes to the implementation of the rule of law and exercises preventive control over the activities of state and private entities.

It has been established that international legal regulation in this area has formed basic standards for the protection of whistleblowers, but remains insufficiently coordinated and effective. The lack of a universal definition, the fragmentation of legal norms, as well as the imperfection of the mechanisms for their implementation reduce the level of guarantees for the protection of whistleblowers and inhibit their activity. The practice of the ECHR confirms the need to maintain a balance between



the public interest and the interests of the employer, at the same time allows to justify the priority of the public importance of information, especially in cases concerning threats to environmental safety and public health.

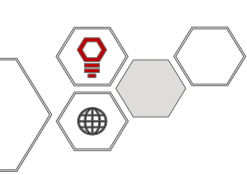
The expediency of distinguishing environmental whistleblowers as a special category of subjects with an increased level of legal protection is substantiated, given the specifics of the risks associated with the disclosure of environmentally significant information. This approach allows us to clarify the balance between the employee's duty of loyalty and the public interest, shifting the emphasis to the priority of environmental safety as a component of the right to life and health of a person.

The problem is particularly relevant in the environmental sphere, where whistleblowers are often the only source of information about violations that can pose a significant threat to the life and health of the population. This necessitates the further development of national legal regulation, taking into account international standards and modern security challenges.

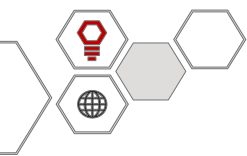
In this regard, the prospects for the development of legal regulation are seen in the need to unify international standards, expand the circle of persons subject to protection, as well as strengthen guarantees against persecution. For Ukraine, it is important to further approximate the legislation to European standards, improve reporting procedures, create independent institutions to protect whistleblowers and ensure a real mechanism for bringing them to justice for violations of their rights. The implementation of these measures will contribute to increasing the efficiency of environmental control, strengthening environmental safety and ensuring human rights.

References:

1. Суспільство на захисті антикорупційних інституцій. URL: <https://cpi.ti-ukraine.org/> (дата звернення: 01.03.2026).



2. Про захист осіб, які повідомляють про порушення законодавства Союзу: Директива (ЄС) 2019/1937 Європейського парламенту і Ради ЄС від 23.10.2019 р. URL: <https://nazk.gov.ua/wp-content/uploads/2023/06/Dyrektyva-YES-20191937.pdf> (дата звернення: 02.03.2026).
3. Горобець Н. С. Міжнародні та європейські стандарти регулювання інституту викривачів. *Аналітично-порівняльне правознавство*. 2024. С. 887-891. DOI <https://doi.org/10.24144/2788-6018.2024.05.135>
4. Конвенція Організації Об'єднаних Націй проти корупції від 31.10.2003 р. URL: https://zakon.rada.gov.ua/laws/show/995_c16#top (дата звернення: 03.03.2026).
5. Цивільна конвенція про боротьбу з корупцією від 04.11.1999 р. URL: https://zakon.rada.gov.ua/laws/show/994_102#top (дата звернення: 01.03.2026).
6. Recommendation of the Parliamentary Assembly of the Council of Europe No. 2073 (2015) «On ensuring the protection of whistleblowers». URL: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=21936&lang=en> (дата звернення: 02.03.2026).
7. Нестеренко О. В., Шостко О. Ю. Правовий захист викривачів. Харків: ТОВ «Видавництво «Права людини», 2016. 94 с.
8. Про запобігання корупції: Закон України від 14.10.2014 № 1700-VII. URL: <https://zakon.rada.gov.ua/laws/show/1700-18#top> (дата звернення: 07.03.2026).
9. Щодо правового статусу викривача. URL: https://wiki.nazk.gov.ua/category/vykryvachi-koruptsiyi/status_vykruvacha/ (дата звернення: 07.03.2026).
10. Панфілова Ю. М., Михайловський В. І. Екологічні викривачі: значення в контексті євроінтеграції України та утвердження верховенства права. Науковий вісник Ужгородського національного університету. Серія



«Право». 2025. Вип. 91 (ч. 5). С. 200-205. DOI <https://doi.org/10.24144/2307-3322.2025.91.5.28>.

11. Протокол про стратегічну екологічну оцінку до Конвенції про оцінку впливу на навколишнє середовище у транскордонному контексті від 21.05.2003 р. URL: https://zakon.rada.gov.ua/laws/show/995_b99 (дата звернення: 07.03.2026).

12. Про стратегічну екологічну оцінку: Закон України від 20.03.2018 № 2354-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2354-19#top> (дата звернення: 06.04.2026).

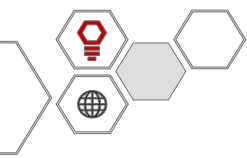
13. Protection of «whistle-blowers»: Resolution 1729 (2010) Parliamentary Assembly of the Council of Europe. URL: <https://pace.coe.int/en/files/17851/html> (дата звернення: 06.04.2026).

14. Кримінальна конвенція про боротьбу з корупцією від 27.01.1999 р. URL: https://zakon.rada.gov.ua/laws/show/994_101#top (дата звернення: 05.03.2026).

15. Європейський суд з прав людини. Справа «Гуджа проти Молдови» (Guja v. Moldova), заява № 14277/04, рішення від 12.02.2008 р. URL: https://europeancourt.org/wp-content/uploads/ECHR_Guja_v_Moldova_12_02_2002.pdf (дата звернення: 04.03.2026).

16. Європейський суд з прав людини. Справа «Хайніш проти Німеччини» (Heinisch v. Germany), заява № 28274/08, рішення від 21.07.2011 р. URL: <https://hudoc.echr.coe.int/eng?i=001-105777> (дата звернення: 07.03.2026).

17. Європейський суд з прав людини. Справа «Марченко проти України» (Marchenko v. Ukraine), заява № 4063/04, рішення від 19.02.2009 р. URL: https://court.gov.ua/userfiles/file/court_gov_ua_sud5010/Konvenciya_z_prav/st_10/Marchenko.pdf (дата звернення: 06.03.2026).



18. Європейський суд з прав людини. Справа «Halet v. Luxembourg», заява № 21884/18. URL: <https://hudoc.echr.coe.int/eng> (дата звернення: 07.03.2026).
19. Правові позиції Європейського суду з прав людини. URL: <https://wiki.nazk.gov.ua/archive/print/page/6174/12.01.2024/> (дата звернення: 03.04.2026).
20. Публічна етика. Прозорість та відкритий уряд. URL: <https://rm.coe.int/booklet-a6-transparency-coll-public-ethic-ukr/168094eb8b> (дата звернення: 07.03.2026).
21. Шостко О. Ю. Правовий захист викривачів корупційних правопорушень. Юридичний науковий електронний журнал. 2017. № 3. С. 146-150. URL: <https://dspace.nlu.edu.ua/server/api/core/bitstreams/0964d608-8e21-4c64-a1ee-f2c4ddfdddf38/content> (дата звернення: 05.03.2026).
22. Захист викривачів: проблеми та можливості для місцевих і регіональних органів влади. URL: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016809c3fae> (дата звернення: 06.03.2026).
23. Про забезпечення захисту інформаторів: Рекомендація Парламентської Асамблеї Ради Європи № 2073 (2015). URL: www.ombudsman.gov.ua (дата звернення: 07.04.2026).
24. EU Leaks: Frequently Asked Questions. URL: <https://www.greens-efa.eu/files/doc/docs/fb52de9dcec822658438724d52fc4782.pdf> (дата звернення: 03.03.2026).