

The Aarhus Convention and Article 50 of the Constitution of Ukraine protect citizens' access to information on environmental issues. According to these regulations, environmental information cannot be fully or partially hidden or unavailable. Since the beginning of Russia's full-scale invasion of Ukraine, access to open environmental data has been limited, as has access to most data that an enemy could potentially use. One of the main reasons why access to information is currently limited is the need to protect the addresses of the locations of industrial and energy facilities that could become targets for potential attacks by the Russian Federation.

Information that an enemy could potentially use to identify targets should be limited, but environmental information is not subject to such restrictions as most kits pass the three-pronged test. These restrictions on the access of Ukrainian citizens to environmental information, especially during wartime, may pose several threats both in the short-term and in the long-term. In particular, without having operational data on the state of such spheres of the environment as air and atmosphere, water, soil, land, or such factors as the level of radiation, citizens are deprived of the opportunity to:

- a) independently make decisions about reducing the burden on one's own health and life safety;
- (b) participate fully or partially in decision-making processes that will impact the environment.
- c) it deprives the possibility of access to justice due to a lack of information.

It is worth noting that the posting of environmental information in the format of open data, which is regulated in Ukraine by Resolution of the CMU #835, obliges the managers of such information to post it on the State portal of open data in a machine-readable format with a certain regularity. This allows users to process, analyze, and create convenient digital products that make it easier for citizens to perceive and further use such environmental information. The State Portal of Open Data administrator in Ukraine is the Ministry of Digital Transformation, which, at the beginning of the full-scale war, had defined restrictions on some data sets for publication. Still, environmental information did not fall under such regulations. Therefore, managers do not publish open environmental data at their discretion.

Thus, Articles 3, 4, 9, and 15 of the Aarhus Convention are currently being violated in Ukraine.

In light of the above and following Article 15 of the Aarhus Convention, we appeal to the Committee to consider the facts of Ukraine's non-compliance with the Aarhus Convention set out in the notice and to provide the Government of Ukraine with recommendations on restoring the violated rights of Ukrainian citizens.

In official reports, the managers of information refer to the military threat and Art. 8 of the Law of Ukraine "On the Legal Regime of Martial Law," Decree of the President of Ukraine dated February 24, 2022, No. 64 "On the Introduction of Martial Law in Ukraine", as well as the Resolution of the Cabinet of Ministers of Ukraine, that dated March 12, 2022, No. 263 "Some issues of ensuring the functioning of information and communication systems, electronic communication systems, and public electronic registers in martial law conditions".

Following the new security conditions of martial law, which were implemented after the full-scale invasion of Russia on the territory of Ukraine, the public was challenged to extract

environmental information from the array of all open data, access to which was closed because Ukraine did not provide adequate protection of the publicity of environmental information. Inquiries were made to the state administrators about ensuring that the administrators publish sets of environmental open data on the state portal and obtain access, and negative responses were received. After that, we turned to the Commissioner for Human Rights in the Verkhovna Rada regarding protecting our rights to access environmental information in the format of open data.

Since the full-scale war in Ukraine has been going on for more than 2.5 years, this time, access to environmental information has been limited, in particular in the format of open data. Restoring citizens' violated rights with available legal instruments within the country may take a long time. We appeal to The Compliance Committee of the Aarhus Convention for protecting the rights of citizens to access environmental information in the format of open data that directly affects the life and health of Ukrainians.