



THE ECHR JURISPRUDENCE IN THE FIELD OF HEALTHY ENVIRONMENT: BALANCING OF INTERESTS AND STATES OBLIGATIONS, THE CASE OF *KAPA AND OTHERS V. POLAND*

The right to a healthy environment is now recognized at different levels as a fundamental human right. This right balances the necessary protection of the environment with economic development as both are functional to human well-being. It is, however, a “recent” right, constantly evolving. Therefore, the role of supranational courts becomes fundamental in defining the perimeter of application of this right, which cannot and should not be considered simply a reason for restricting productive (albeit polluting) activities.

In this sense, the European Court of Human Rights has repeatedly addressed the issue even though the Convention to which it refers lacks provisions concerning the protection of the environment and its relationship to humans. Starting from the recent case of *Kapa and others v. Poland*, the aim of this paper is to analyze the impact and contribution of ECHR's jurisprudence to the strengthening of a human right to a healthy environment that is, for European judges, highly related, in many cases, to the protection of private and family life of individuals.