



Annex V.**Recognition of the Right to a Healthy Environment in
Constitutions, Legislation and Treaties: Asia-Pacific Region**

This Annex contains a chart summarizing the status of the right to a healthy environment in the constitutions, legislation, and regional treaties of States in the Asia-Pacific Region. Following the chart is an alphabetical listing of States and the specific constitutional and legislative references to the right to a healthy environment in each of those States.

Much of the research conducted for this project on behalf of the Special Rapporteur was organized by the Cyrus R. Vance Center for International Justice and carried out on a pro bono basis by a consortium of law firms led by Clifford Chance and White & Case.¹ The conclusions expressed in the Annex, including the chart, are the Special Rapporteur's alone. Any errors and/or omissions are the sole responsibility of the Special Rapporteur on human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment.

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Annex V on the Issue of the Recognition of the Right to a Healthy Environment in Constitutions, Legislation and Treaties: Asia-Pacific Region

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I. A chart summarizing the status of the right to a healthy environment in the constitutions, legislation, and regional treaties of States in Asia Pacific Region

Country	National Constitution	International Treaty	National Legislation
Afghanistan	No	No	No
Bahrain	No	Yes [‡]	No
Bangladesh	Yes*	No	No
Bhutan	No	No	Yes
Brunei Darussalam	No	No	No
Cambodia	No	No	No
China	No	No	No
Cyprus	Yes*	Yes [§]	Yes
Democratic People's Republic of Korea (North Korea)	No	No	No
Fiji	Yes	No	No
India	Yes*	No	Yes
Indonesia	Yes	No	Yes
Iran	Yes	No	No
Iraq	Yes	Yes [‡]	No
Japan	No	No	No
Jordan	No	Yes [‡]	No
Kazakhstan	No	Yes [§]	Yes
Kiribati	No	No	No
Kuwait	No	Yes [‡]	No
Kyrgyzstan	Yes	Yes [§]	Yes
Lao People's Democratic Republic (Laos)	No	No	No
Lebanon	No	Yes [‡]	Yes
Malaysia	Yes*	No	No
Maldives	Yes	No	No
Marshall Islands	No	No	No
Micronesia (Federated States of)	No	No	No
Mongolia	Yes	No	Yes
Myanmar	No	No	No
Nauru	No	No	No
Nepal	Yes	No	No
Oman	No	No	No
Pakistan	Yes*	No	No
Palau	No	No	Yes
Papua New Guinea	No	No	No
Philippines	Yes	No	Yes
Qatar	No	Yes [‡]	No

Republic of Korea (South Korea)	Yes	No	Yes
Samoa	No	No	No
Saudi Arabia	No	Yes [‡]	Yes
Singapore	No	No	No
Solomon Islands	No	No	No
Sri Lanka	Yes*	No	No
Syria	No	Yes [‡]	No
Tajikistan	No	Yes [§]	Yes
Thailand	Yes	No	Yes
Timor-Leste	Yes	No	Yes
Tonga	No	No	No
Turkmenistan	Yes	Yes [§]	Yes
Tuvalu	No	No	No
United Arab Emirates	No	Yes [‡]	No
Uzbekistan	No	No	Yes
Vanuatu	No	No	No
Viet Nam	Yes	No	Yes
Yemen	No	Yes [‡]	Yes

‡ Denotes party to the Arab Charter on Human Rights.

§ Denotes party to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (“Aarhus Convention”).

* Denotes an implicit right. See country-specific notes for details.

A. Afghanistan

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

B. Bahrain

Constitutional provisions

N/A

Treaty provisions

Party to the Arab Charter on Human Rights.

Legislative provisions

N/A

C. Bangladesh

Constitutional provisions

The Constitution of Bangladesh does not expressly provide rights to a healthy environment. However, according to case law interpretations, Articles 31 and 32 of the Constitution, which protect the right to life as a fundamental right, encompass the protection and preservation of a healthy environment and ecological balance free from pollution of air and water, and sanitation. See: Farooque v Government of Bangladesh, 22 BLD (HDC) (2002) 534; Bhuiyan v Ministry of Local Government, 59 DLR (AD) (2007); BLAST v Bangladesh, Writ Petition No. 1534 of 1999; BLAST v Bangladesh, Writ Petition No. 1694/2000, Judgment reported at: 22 BLD (HCD) 245 [Vehicular Pollution Case].

Article 31: Right to protection of law

To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.

Article 32: Protection of right to life and personal liberty

No person shall be deprived of life or personal liberty save in accordance with law.

Treaty provisions

N/A

Legislative provisions

N/A

D. Bhutan

Constitutional provisions

N/A. However, the constitution does provide an extensive set of government and individual duties to protect the environment (Article 5), including the requirement that 60 per cent of Bhutan's total land remain under forest cover for all time.

Treaty provisions

N/A

Legislative provisions

Section 5 of the National Environmental Protection Act 2007

A person has the fundamental right to a safe and healthy environment with equal and corresponding duty to protect and promote the environmental wellbeing of the country.

Section 6 of the Waste Prevention & Management Act 2009

A person has the right to safe and healthy environment with equal and corresponding duty to protect and promote the environmental wellbeing of the country as enshrined in the Constitution of the Kingdom of Bhutan.

E. Brunei Darussalam

Constitutional provisions

N/A

Treaty provisions

Party to the non-binding ASEAN Human Rights Declaration.

Legislative provisions

N/A

F. Cambodia

Constitutional provisions

N/A

Treaty provisions

Party to the (non-binding) ASEAN Human Rights Declaration.

Legislative provisions

N/A

G. China

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

H. Cyprus

Constitutional provisions

Article 7.1 of the Constitution (right to life) has been interpreted to provide a positive right to the environment. See: *Republic v Pyrgon Community* (1996) 3 A.A.Δ (Supreme Court of Cyprus) 503.

Article 7.1: Each has the right to life and physical integrity.

Έκαστος έχει το δικαίωμα ζωής και σωματικής ακεραιότητας.

Treaty provisions

Party to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Legislative provisions

Law ratifying the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters Law 33 (III) /2003

In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.

Με σκοπό την συμβολή στην προστασία του δικαιώματος κάθε ατόμου της παρούσας και των μελλοντικών γενιών να ζει σε σωστό περιβάλλον για την υγεία και την ευημερία του/της, κάθε Συμβαλλόμενο Μέρος θα εγγυηθεί τα δικαιώματα πρόσβασης στην πληροφόρηση, δημόσιας συμμετοχής στη λήψη αποφάσεων και πρόσβασης στη δικαιοσύνη σε περιβαλλοντικά θέματα σύμφωνα με τις διατάξεις της Σύμβασης αυτής.

I. Democratic People's Republic of Korea (North Korea)

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

J. Fiji

Constitutional provisions

Constitution of the Republic of Fiji

Article 40:

- (1) Every person has the right to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations through legislative and other measures.*
- (2) To the extent that it is necessary, a law or an administrative action taken under a law may limit, or may authorise, the limitation of, the rights set out in this section.*

Treaty provisions

N/A

Legislative provisions

N/A

K. India

Constitutional provisions

The Supreme Court of India has found that Article 21 of the Indian Constitution implies a right to a healthy environment. See *Rural Litigation v State of Uttar Pradesh* AIR 1988 SC 2187; *Koolwal v State of Rajasthan* AIR 1988 Raj 2; *Kumar v State of Bihar* (1991) 1 SCC 598; *Gaur v State of Haryana* (1995) 2 SCC 577; *Vellore Citizens Welfare Forum v Union of India* AIR 1996 SC 2715; *Mehta v Union of India* AIR 2004 SC 4016; *Thirumulpad v Union of India* AIR 2005 SC 4256.

Article 21 of the Constitution of India

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Treaty provisions

N/A

Legislative provisions

National Green Tribunal Act (No. 19 of 2010)

Preamble

And whereas in the judicial pronouncement in India, the right to a healthy environment has been construed as a part of the right to life under article 21 of the Constitution;

Section 14

The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment) is involved and such question arises out of the implementation of the enactments specified in Schedule I.

L. Indonesia

Constitutional provisions

Article 28H (1) of the Constitution of the Republic of Indonesia of 1945

SECTION XA — FUNDAMENTAL HUMAN RIGHTS

Everyone has a right to well-being in body and mind, to a place to dwell, to enjoy a good and healthy environment, and to receive medical care.

BAB XA – HAK ASASI MANUSIA

Setiap orang berhak hidup sejahtera lahir dan batin, bertempat tinggal, dan mendapatkan lingkungan hidup yang baik dan sehat serta berhak memperoleh pelayanan kesehatan.

8. Treaty provisions

Party to the (non-binding) ASEAN Human Rights Declaration.

Legislative provisions

Law No. 39 of 1999 regarding Human Rights / Undang – Undang Republik Indonesia No. 39 Tahun 1999 tentang Hak Asasi Manusia, Article 9(3)

CHAPTER III — HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Section I — Right to live

Everyone has the right to a good and healthy environment.

BAB III — HAK ASASI MANUSIA DAN KEBEBASAN DASAR MANUSIA

Bagian Kesatu – Hak untuk Hidup

Setiap orang berhak atas lingkungan hidup yang baik dan sehat.

Law No. 32 of 2009 regarding The Protection and Management of The Environment / Undang – Undang Republik Indonesia No. 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup

CHAPTER X – RIGHTS, OBLIGATIONS AND RESTRICTIONS

Section I – Rights

Article 65

(1) Everyone has the right to a good and healthy environment as one of the human rights.

BAB X — HAK, KEWAJIBAN, DAN LARANGAN

Bagian Kesatu — Hak

Pasal 65

(1) Setiap orang berhak atas lingkungan hidup yang baik dan sehat sebagai bagian dari hak asasi manusia.

M. Iran

Constitutional provisions

Principle 50 of the Constitution of the Islamic Republic of Iran (Approved on November 15, 1979; Amended 1989)

The preservation of the environment, in which the present as well as the future generations have a right to flourishing social existence, is regarded as a public duty in the Islamic Republic. Economic and other activities that inevitably involve pollution of the environment or cause irreparable damage to it are therefore forbidden.

رشدی به رو اجتماعی حیات آن در باید بعد نسلهای و امروز نسل که زیست محیط حفاظت ،اسلامی جمهوری در یا زیست محیط آلودگی با که آن غیر و اقتصادی فعالیت های رو این از .گردد می تلقی عمومی وظیفه ،باشند داشته است ممنوع ،کند پیدا ملازمه آن جبران قابل غیر تخریب.

Treaty provisions

N/A

Legislative provisions

N/A

N. Iraq

Constitutional provisions

Article 33 of the Constitution of Iraq

- 1. Every individual has the right to live in a safe environment.*
- 2. The State undertakes the protection and preservation of the environment and biological diversity.*

المادة ٣٣ من الدستور العراقي:

١. لكل فرد حق العيش في ظروف بيئية سليمة.
٢. البيئة حماية الدولة تكفل والتنوع الأحيائي والحفاظ عليهما.

Treaty provisions

Party to the Arab Charter on Human Rights.

Legislative provisions

N/A

O. Japan

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

P. Jordan

Constitutional provisions

N/A

Treaty provisions

Party to the Arab Charter on Human Rights.

Legislative provisions

N/A

Q. Kazakhstan

Constitutional provisions

N/A

Treaty provisions

Party to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Legislative provisions

Article 13 of the Environmental Code of the Republic of Kazakhstan of 9 January 2007 No. 212-III

1. Individuals have the right:

1) to a favourable environment for their life and health.

1. Физические лица имеют право:

1) на благоприятную для их жизни и здоровья окружающую среду.

R. Kiribati

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

S. Kuwait

Constitutional provisions

N/A

Treaty provisions

Party to the Arab Charter on Human Rights.

Legislative provisions

N/A

T. Kyrgyzstan

Constitutional provisions

Constitution of the Kyrgyz Republic of 27 June 2010

Article 48

1. Everyone shall have the right to environment favourable for life and health.

48-берене.

1. Ар ким өмүрү жана ден соолугу үчүн ыңгайлуу болгон экологиялык чөйрөгө укуктуу.

Treaty provisions

Party to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Legislative provisions

Law of the Kyrgyz Republic ""On environmental protection"" dated 16 June 1999 No. 53, Article 3

Every citizen has the right to a favourable environment for life and health, and to compensation for damage caused to health or property by adverse environmental impact on the environment as a result of economic or other activities.

*Ар-бир жаран жашоосу жана ден соолугу үчүн жагымдуу болгон айлана-чөйрөгө жана чарбалык же башка ишти ж*үзөгө ашыруунун натыйжасында айлана-чөйрөгө*

келтирилген жагымсыз таасирлер аркылуу ден соолугуна же мүлкүнө келтирилген зыяндын ордун толтуртуп алууга укуктуу.

U. Laos

Constitutional provisions

N/A

Treaty provisions

Party to the (non-binding) ASEAN Human Rights Declaration.

Legislative provisions

N/A

V. Lebanon

Constitutional provisions

N/A

Treaty provisions

Party to the Arab Charter on Human Rights.

Legislative provisions

Article 3 of Law 444 issued on 29 July 2002 on Protection of the Environment

Every human being has the right to a healthy and stable environment, and it is the duty of every citizen to ensure the protection of the environment and to secure the current generation's needs without prejudice to the rights of the coming generations.

المادة ٣ من القانون رقم ٤٤٤ الصادر في ٢٩ يوليو ٢٠٠٢ بشأن حماية البيئة:

لكل إنسان الحق ببيئة الحالية الأجيال حاجات وتأمين البيئة حماية على السهر مواطن كل واجب ومن ،مستقرة سليمة المقابلة الأجيال بحقوق المساس دون من.

W. Malaysia

Constitutional provisions

In obiter dicta, Malaysian courts have held that the definition of “life” under Article 5(1) of the Federal Constitution of Malaysia, which states that “No person shall be deprived of his life or personal liberty save in accordance with law”, should be interpreted broadly and liberally, to include a right to a healthy environment. See *Tan Teck Seng v Suruhanjaya Perkhidmatan Pendidikan* [1996] 2 CLJ 771 (Court of Appeal).

Treaty provisions

Party to the (non-binding) ASEAN Human Rights Declaration.

Legislative provisions

N/A

AA. Mongolia

Constitutional provisions

Article 16.2 of the Constitution of Mongolia 1992

The citizens of Mongolia shall have the right to a healthy and safe environment, and to be protected against environmental pollution and ecological imbalance.

Монгол Улсын иргэн эрүүл, аюулгүй орчинд амьдрах, орчны бохирдол, байгалийн тэнцэл алдагдахаас хамгаалуулах эрхтэй.

Treaty provisions

N/A

Legislative provisions

Law of Mongolia on Environmental Protection dated 30 March 1995

Article 1

The purpose of this law is to regulate relations between the State, citizens, business entities and organisations to guarantee the human right to live in a healthy and safe environment, an ecologically balanced social and economic development, the protection of the environment for present and future generations, the proper use of natural resources and the restoration of available resources.

Энэ хуулийн зорилт нь хүний эрүүл, аюулгүй орчинд амьдрах эрхийг хангах, нийгэм, эдийн засгийн хөгжлийг байгаль орчны тэнцэлтэй уялдуулах, өнөө болон ирээдүйн үеийнхний ашиг сонирхлын үүднээс байгаль орчныг хамгаалах, түүний баялгийг зохистой ашиглах, жам ёсны боломжтойг нь нөхөн сэргээхтэй холбогдож төр, иргэн, аж ахуйн нэгж, байгууллагын хооронд үүсэх харилцааг зохицуулахад оршино.

Article 4

1. Citizens shall have the following rights in protecting the environment:

1) to bring claims for compensation for damage to their property or health resulting from adverse environmental impact against the person responsible for causing the damage;

2) to commence legal action against persons whose conduct may cause adverse environmental impact or jeopardise the enforcement of legislation on environmental protection;

3) to establish non-Governmental organisations and capital funds for protection of the environment;

4) to obtain accurate information about the environment from relevant organisations; and

5) to require relevant authorities to restrict or prohibit actions which may cause adverse environmental impacts and to prohibit the establishment of new business entities or organisations whose activities may cause adverse environmental impacts.

1.Иргэн байгаль орчныг хамгаалах талаар дараахь эрхийг эдэлнэ:

1/гэм буруутай этгээд байгаль орчинд хортой нөлөөлснөөс эрүүл мэнд, эд хөрөнгөндөө учирсан хохирлыг түүгээр нөхөн төлүүлэхээр нэхэмжлэх;

2/байгаль орчныг хамгаалах тухай хууль тогтоомжийн зөрчилтэй тэмцэх болон байгаль орчинд хортой нөлөөлсөн этгээдэд хариуцлага хүлээлгэхийг шаардах, байгаль орчинд учруулсан хохирлыг барагдуулахаар шүүхэд нэхэмжлэл гаргах;

/Энэ заалтад 2010 оны 7 дугаар сарын 8-ны өдрийн хуулиар нэмэлт оруулсан/

3/байгаль орчныг хамгаалах олон нийтийн байгууллага байгуулах, хөрөнгийн сан үүсгэх нутгийн иргэд сайн дурын үндсэн дээр нэгдэж байгалийн баялгийг арчлан хамгаалах, нөхөн сэргээх, түүний ашиг шимийг хуртэх;

/Энэ заалтад 2005 оны 11 дүгээр сарын 18-ны өдрийн хуулиар нэмэлт орсон/

4/холбогдох байгууллагаас байгаль орчны тухай үнэн, зөв мэдээлэл авах;

5/байгалийн нөөц, баялгийн халдашгүй байдлыг хангах, байгаль орчинд хортой нөлөөлөх аливаа үйл ажиллагааг хязгаарлах, таслан зогсоох шийдвэр гаргахыг болон байгаль орчинд хортой нөлөөлж болзошгүй аж ахуйн нэгж, байгууллагыг шинээр байгуулах зөвшөөрөл олгохгүй байхыг холбогдох эрх бүхий байгууллагаас шаардах;

/Энэ заалтад 2012 оны 5 дугаар сарын 17-ны өдрийн хуулиар нэмэлт оруулсан/

BB. Myanmar

Constitutional provisions

N/A, although constitutional duties to protect the environment are provided for in Article 45 (applicable to the state) and Article 390 (applicable to citizens).

Treaty provisions

Party to the (non-binding) ASEAN Human Rights Declaration.

Legislative provisions

N/A

CC. Nauru

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

DD. Nepal

Constitutional provisions

Article 30 of the Constitution of Nepal 2015

- (1) Every citizen shall have the right to live in a clean and healthy environment.*
- (2) The victim shall have the right to obtain compensation, in accordance with law, for every injury caused from environmental pollution or degradation.*
- (3) The Article shall not be deemed to prevent the making of necessary legal provision for the proper balance between the environment and development, in development works of the nation.*

Article 35 (4) of the Constitution of Nepal 2015

Every citizen shall have the right of access to clean drinking water and sanitation.

Treaty provisions

N/A

Legislative provisions

N/A

EE. Oman

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

FF. Pakistan

Constitutional provisions

Although there is no express right to a healthy environment in the Constitution of Pakistan, Article 9 has been interpreted by the Supreme Court as conferring such a right. See *Re: Human Rights Case (Environment Pollution in Baluchistan)*.

Article 9 of the Constitution of Pakistan 1973 (reinst. 2002, rev. 2017)

No person shall be deprived of life or liberty save in accordance with law.

Treaty provisions

N/A

Legislative provisions

N/A

GG. Palau

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

Environmental Quality Protection Act 24 P.C.L. § 102(c)

The Olbiil Era Kelulau [Palauan national legislature] recognizes that each person has a fundamental right to a healthy environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

HH. Papua New Guinea

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

II. Philippines

Constitutional provisions

Article II, Section 16 of the Constitution of the Philippines

The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Treaty provisions

Party to the (non-binding) ASEAN Human Rights Declaration.

Legislative provisions

Philippine Environmental Policy (Presidential Decree No. 1151, June 6, 1977)

In furtherance of these goals and policies, the Government recognizes the rights of the people to a healthful environment. It shall be the duty and responsibility of each individual to contribute to the preservation and enhancement of the Philippine environment.

Section 4 of the Clean Air Act of 1999

S. 4. Recognition of Rights.

Pursuant to the above-declared principles, the following rights of citizens are hereby sought to be recognized and the State shall seek to guarantee their enjoyment:

- (a) The right to breathe clean air;*
- (b) The right to utilize and enjoy all-natural resources according to the principles of sustainable development;*
- (c) The right to participate in the formulation, planning, implementation, and monitoring of environmental policies and programs and in the decision-making process;*
- (d) The right to participate in the decision-making process concerning development policies, plans, programs, projects, or activities that may have adverse impact on the environment and public health;*
- (e) The right to be informed of the nature and extent of the potential hazard of any activity, undertaking, or project and to be served timely notice of any significant rise in the level of pollution and the accidental or deliberate release into the atmosphere of harmful or hazardous substances;*
- (f) The right of access to public records that a citizen may need to exercise his or her rights effectively under this Act;*
- (g) The right to bring action in court or quasi-judicial bodies to enjoin all activities in violation of environmental laws and regulations, to compel the rehabilitation and clean-up of affected*

areas, and to seek the imposition of penal sanctions against violators of environmental laws;
and

(h) The right to bring action in court for compensation of personal damages resulting from the adverse environmental and public health impact of a project or activity.

JJ. Qatar

Constitutional provisions

There is no explicit right to a healthy environment, although Article 33 of the Constitution requires the state to “*protect the environment and its natural balance in order to achieve comprehensive and sustainable development for all generations*”.

Treaty provisions

Party to the Arab Charter on Human Rights.

Legislative provisions

N/A

KK. Republic of Korea (South Korea)

Constitutional provisions

Article 35(1) of the Republic of Korea (1987)

All citizens shall have the right to a healthy and pleasant environment. The State and all citizens shall endeavor to protect the environment.

모든 국민은 건강하고 쾌적한 환경에서 생활할 권리를 가지며, 국가와 국민은 환경보전을 위하여 노력하여야 한다.

Treaty provisions

N/A

Legislative provisions

Art. 6 (1), Framework Act on Environmental Policy (1990)

Every citizen shall have the right to live in a healthy and agreeable environment.

모든 국민은 건강하고 쾌적한 환경에서 생활할 권리를 가진다

LL. Samoa

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

MM. Saudi Arabia

Constitutional provisions

No

Treaty provisions

Party to the Arab Charter on Human Rights.

Legislative provisions

Article No. 1 of the Gulf Cooperation Council (GCC) endorsed by Royal Decree No. M/3, dated 04-02-1421 H.

Every individual has the right for a safe environment that preserves his/her human dignity, but he/she has to take responsibility for preserving such environment for both that generation and upcoming generations within the framework of sustainable development concepts.

النظام العام للبيئة لمجلس التعاون لدول الخليج العربية الصادر بالمرسوم الملكي رقم م/٣ في ٤٢١/٢/٤ هـ المبني على قرار مجلس الوزراء

مادة ١: - البيئة هي كل ما يحيط بالإنسان من ماء وهواء وبأبسة أو فضاء خارجي وكل ما تحتويه هذه الأوساط من جماد وثبات وحيوان وأشكال مختلفة من الطاقة ونظم وعمليات طبيعية وأنشطة بشرية.

NN. Singapore

Constitutional provisions

Although there is no express right to a healthy environment yet recognized in Singaporean law, case law suggests that courts may interpret the right to life (Article 9 of the Constitution of Singapore) to encompass the right to live in a healthy environment. See *Yong Vui Kong v Public Prosecutor* [2015] 2 SLR 1129.

Treaty provisions

Party to the (non-binding) ASEAN Human Rights Declaration.

Legislative provisions

N/A

OO. Solomon Islands

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

PP. Sri Lanka

Constitutional provisions

Sri Lankan courts have interpreted rights to equality (article 12) and freedom of speech, assembly, association, occupation and movement (article 14) as including a citizen's right to a healthy environment and protection of the same. See *Bulankulama v Ministry of Industrial Development* 2000 3SLR 243 [SC(FR) Application No. 884/1999]; *Wijebanda v Conservator-General of Forests* 2009 1SLR 337 [SC, 2009, Application No. 118/2004]; *Kariyawasam v Central Environment Authority* [SC, Application No 141/2015].

Article 12(1) of the Constitution of the Democratic Socialist Republic of Sri Lanka

All persons are equal before the law and are entitled to the equal protection of the law.

Article 14(g) of the Constitution of the Democratic Socialist Republic of Sri Lanka

The freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise.

Article 27(14) of the Constitution of the Democratic Socialist Republic of Sri Lanka

The state shall protect, preserve and improve the environment for the benefit of the community.

Article 28(f) of the Constitution of the Democratic Socialist Republic of Sri Lanka

The exercise and enjoyment of rights and freedoms are inseparable from the performance of duties and obligations and accordingly, it is the duty of every person in Sri Lanka to protect nature and conserve its riches.

Treaty provisions

N/A

Legislative provisions

N/A

QQ. Syria

Constitutional provisions

N/A

Treaty provisions

Party to the Arab Charter on Human Rights.

Legislative provisions

N/A

RR. Tajikistan

Constitutional provisions

N/A

Treaty provisions

Party to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Legislative provisions

Article 12 of the Law of the Republic of Tajikistan on Protection of Environment dated 2 August 2011 No. 760

1. Citizens of the Tajikistan Republic have the right to live in an environment favorable for their life and to use its resources, and to protection of the environment from negative effects caused by economic or other activity, and emergencies both natural and man-made.

Моддаи 12. Ҷисси ва ӯдадорӣи шаирвандон дар соҷаи иҷфзи муити зист

1. Шаирвандони Ҷумиурии Тоҷикистон ба зиндагӣ дар шароити барои саломатӣ ва иаёт мусоид ва истифода аз неъматҳои он, ба иҷфзи муити зист аз таъсири номатлуби фаъолияти хоҷагидорӣ ва дигар фаъолият, иолатҳои фавсулоддаи хусусияти табиӣ ва техногендошта иҷфзи доранд.

SS. Thailand

Constitutional provisions

Section 43 of the Constitution of the Kingdom of Thailand B.E 2560 (2017)

A person and a community shall have the right to:

manage, maintain and utilise natural resources, environment and biodiversity in a balanced and sustainable manner, in accordance with the procedures as provided by law;

The rights of a person and a community under paragraph one shall also include the right to collaborate with a local administrative organisation or the State to carry out such act.

จัดการ บำรุงรักษา และใช้ประโยชน์จากทรัพยากรธรรมชาติ สิ่งแวดล้อม และความหลากหลายทางชีวภาพอย่างสมดุลและยั่งยืนตามวิธีการที่กฎหมายบัญญัติ

สิทธิของบุคคลและชุมชนตามวรรคหนึ่ง

หมายความรวมถึงสิทธิที่จะร่วมกับองค์กรปกครองส่วนท้องถิ่นหรือรัฐในการดำเนินการดังกล่าวด้วย

Treaty provisions

Party to the (non-binding) ASEAN Human Rights Declaration.

Legislative provisions

National Health Act B.E. 2550 (2007)

Section 5. A person shall enjoy the right to live in a healthy environment and environmental conditions.

A person shall have duties in cooperation with State agencies in generating the environment and environmental conditions under paragraph one.

มาตรา ๕ บุคคลมีสิทธิในการดำรงชีวิตในสิ่งแวดล้อมและสภาพแวดล้อมที่เอื้อต่อสุขภาพ

บุคคลมีหน้าที่ร่วมกับหน่วยงานของรัฐในการดำเนินการให้เกิดสิ่งแวดล้อมและสภาพแวดล้อมตามวรรคหนึ่ง

Enhancement and Conservation of the National Environmental Quality Act B.E. 2535 (1992)

Section 6. For the benefit of contribution to the enhancement and conservation of national environmental quality, any individuals may have the following rights and duties:

Obtaining information and news from the government in matters related to the enhancement and conservation of environmental quality, except the information or news that the

government considers to be secrets pertaining to the protection of national security of secrets regarding the right to privacy, rights in property, or the rights in trade or business of a person which are duly protected by law;

Receiving damages or compensation from the State in the case of loss or harm suffered as a result of dispersion of pollutants or pollution, which is caused by an affair or a project initiated, supported, or undertaken by a government agency or state enterprise;

Making a complaint to government officials accusing an offender in the case of witnessing an act committed in infringement or violation of the laws relating to pollution control or conservation of natural resources;

Providing cooperation and assistance to government officials in carrying out the functions relating to the enhancement and conservation of environmental quality;

The implementing this Act or other laws that relate to the enhancement and conservation of environmental quality.

The utilisation and enforcement of this section shall comply with the provisions of this Act or those of related law.

มาตรา ๖ เพื่อประโยชน์ในการร่วมกันส่งเสริมและรักษาคุณภาพสิ่งแวดล้อมของชาติ บุคคลอาจมีสิทธิและหน้าที่ ดังต่อไปนี้

การได้รับทราบข้อมูลและข่าวสารจากทางราชการ ในเรื่องเกี่ยวกับการส่งเสริมและรักษาคุณภาพสิ่งแวดล้อม เว้นแต่ข้อมูลหรือข่าวสารที่ทางราชการถือว่าเป็นความลับเกี่ยวข้องกับการรักษาความมั่นคงแห่งชาติ หรือเป็นความลับเกี่ยวกับสิทธิส่วนบุคคล สิทธิในทรัพย์สิน หรือสิทธิในทางการค้า หรือกิจการของบุคคลใดที่ได้รับความคุ้มครองตามกฎหมาย

การได้รับชดใช้ค่าเสียหาย หรือค่าทดแทนจากรัฐ

ในกรณีที่ได้รับบาดเจ็บหรือความเสียหายจากภัยอันตรายที่เกิดจากการแพร่กระจายของมลพิษหรือภาวะมลพิษ

อันมีสาเหตุมาจากกิจการหรือโครงการใดที่ริเริ่ม สนับสนุน หรือดำเนินการ โดยส่วนราชการหรือรัฐวิสาหกิจ

การร้องเรียนกล่าวโทษผู้กระทำผิดต่อเจ้าพนักงาน ในกรณีที่ได้พบเห็นการกระทำใด ๆ อันเป็นการละเมิด หรือฝ่าฝืนกฎหมายเกี่ยวกับการควบคุมมลพิษ หรือการอนุรักษ์ทรัพยากรธรรมชาติ

การให้ความร่วมมือ และช่วยเหลือเจ้าพนักงานในการปฏิบัติหน้าที่ที่เกี่ยวข้องกับการส่งเสริมและรักษาคุณภาพสิ่งแวดล้อม

การปฏิบัติตามพระราชบัญญัตินี้หรือกฎหมายอื่นที่เกี่ยวข้องกับการส่งเสริมและรักษาคุณภาพสิ่งแวดล้อม โดยเคร่งครัด

TT. Timor-Leste

Constitutional provisions

Article 61 of the Constitution of the Democratic Republic of Timor-Leste

1. Everyone has the right to a humane, healthy, and ecologically balanced environment and the duty to protect it and improve it for the benefit of the future generations.

2. The State shall recognise the need to preserve and rationalise natural resources.

3. The State should promote actions aimed at protecting the environment and safeguarding the sustainable development of the economy.

1. Todos têm direito a um ambiente de vida humano, sadio e ecologicamente equilibrado e o dever de o proteger e melhorar em prol das gerações vindouras.

2. O Estado reconhece a necessidade de preservar e valorizar os recursos naturais.

3. O Estado deve promover acções de defesa do meio ambiente e salvaguardar o desenvolvimento sustentável da economia.

Treaty provisions

N/A

Legislative provisions

Preamble of Decreto-Lei No. 26/2012, 26 June 2012 – Environmental Base Regulations

(...) The right to a clean and healthy environment is a universally recognised human right and, in this respect, the Constitution of the Democratic Republic of Timor-Leste regards environmental protection as a twofold perspective and considers it a fundamental task of the State and a fundamental right of citizens.

O direito a um ambiente limpo e saudável é um direito humano universalmente reconhecido e, neste campo, a Constituição da República Democrática de Timor-Leste, encara a protecção ambiental numa dupla perspectiva, considerando-a como uma tarefa fundamental do Estado e, simultaneamente, como um direito fundamental dos cidadãos.

UU. Tonga

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

VV. Turkmenistan

Constitutional provisions

Article 53 of the Constitution of Turkmenistan

Every person has a right to favourable environmental conditions for life and health, true and accurate information on the environment and compensation for damage caused to health and property as a result of a violation of environmental laws, and natural disasters.

The State shall ensure the sustainable use of natural resources and the protection and preservation of the environment to ensure the protection and maintenance of healthy conditions for citizens.

Every person is obliged to protect nature and to take care of the environment and natural resources.

Her bir adamyň jany we saglygy üçin amatly daşky gurşawa, onuň ýagdaýy barada hakyky maglumatlar we ekologiýa kanunçylygynyň bozulmagy ýa-da tebigy betbagtçylyk netijesinde saglygyna we emlägine ýetirilen zyýanyň öweziniň dolunmagyna hukugy bardyr.

Döwlet ilatyň sagdyn ýaşaýyş şertlerini goramak we üpjün etmek, daşky gurşawy goramak we onuň durnukly ýagdaýyny saklamak maksady bilen tebigy baýlyklaryň rejeli peýdalanlyşyna gözegçilik edýär.

Her bir adam tebigaty goramaga, daşky gurşawa we tebigy baýlyklara aýawly çemeleşmäge borçludur.

Treaty provisions

Party to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Legislative provisions

Article 10 of Law of Turkmenistan “On Environment Safety” No. 569-V dated 3 June 2017

1. Every citizen has a right to:

a favourable living environment and environmental safety;
true and accurate information on environmental safety at their place of residence;
seek information from the state authority on environmental safety at their place of residence;
exercise other rights and duties as prescribed by the law and other legislative acts of Turkmenistan.

2. Every citizen is obliged to:

comply with the requirements of environmental safety laws of Turkmenistan;
contribute to environmental safety;
prevent threats to environmental safety.

Her bir raýatyň şulara hukugy bardyr:

ýaşayyş we saglyk üçin amatly daşky gurşawa we ekologiýa howpsuzlygyna;
özünüň ýaşayan ýerlerinde ekologiýa howpsuzlygynyň ýagdaýy baradaky ygtybarly maglumata;

özünüň ýaşayan ýerlerinde ekologiýa howpsuzlygynyň ýagdaýy baradaky maglumaty almak meseleleri boýunça we ony üpjün etmegiň çäreleri boýunça döwlet häkimiýet edaralaryna we ýerli öz-özüňi dolandyryş edaralaryna ýüz tutmaga;

*şu Kanuna we Türkmenistanyň beýleki kadalaşdyryjy hukuk namalaryna laýyklykda, beýleki hukuklary amala aşyrmaga. **

2. Her bir raýat şulara borçludyr:

ekologiýa howpsuzlygy hakynda Türkmenistanyň kanunçylygynyň talaplaryny berjaý etmäge;

döwletiň ekologiýa howpsuzlygynyň üpjün edilmegine ýardam etmäge;

özünüň günäsi bilen ýüze çykyp biljek, ekologiýa howpsuzlygyna abanýan howplaryň önüni almaga.

WW. Tuvalu

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

XX. United Arab Emirates

Constitutional provisions

N/A

Treaty provisions

Party to the Arab Charter on Human Rights.

Legislative provisions

N/A

YY. Uzbekistan

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

Law of the Republic of Uzbekistan “On Nature Protection” No. 754-XII dated 9 December 1992, Article 12

Article 12. The human right to a favourable environment for life and the duty to preserve it:

Residents of the Republic of Uzbekistan have the right to live in a favourable environment for their health and the health of future generations, and to the protection of their health from the adverse effects of the environment.

For this purpose, residents of the Republic of Uzbekistan have the right to unite in public organisations for the protection of nature, to require and receive information about the state of the environment and measures taken to protect it.

12-модда. Инсоннинг яшаш учун қулай атроф табиий муҳитга эга бўлиш ҳуқуқи ва бу муҳитни сақлаб қолиш борасидаги бурчи

Ўзбекистон Республикаси аҳолиси ўз саломатлиги ва келажак авлоднинг саломатлиги учун қулай табиий муҳитда яшаш, ўз саломатлигини атроф муҳитнинг зарарли таъсиридан муҳофаза қилиш ҳуқуқига эга.

Ана шу мақсадда Ўзбекистон Республикаси аҳолиси табиатни муҳофаза қилиш бўйича жамоат ташилотларига бирлашиш, атроф табиий муҳитнинг аҳволи ҳамда уни муҳофаза қилиш юзасидан кўрилайётган чора-тадбирларга доир ахборотларни талаб қилиш ва олиш ҳуқуқига эга.

Ўзбекистон Республикаси аҳолиси табиий ресурслардан оқилона фойдаланиши, табиат бойликларига эҳтиётлик билан муносабатда бўлиши, экология талабларига риоя этиши шарт.

ZZ. Vanuatu

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

AAA. Viet Nam

Constitutional provisions

Everyone has the right to live in a clean environment and has the duty to protect the environment.

Mọi người có quyền được sống trong môi trường trong lành và có nghĩa vụ bảo vệ môi trường.

Treaty provisions

Party to the (non-binding) ASEAN Human Rights Declaration.

Legislative provisions

Article 4 of the Law on Environmental Protection No. 55/2014

- 1. Environmental protection is the responsibility and obligation of every agency, organization, family, household and individual.*
- 2. Environmental protection must harmonize with the economic growth, social security, assurance about the children's right, promotion of gender equality, development and conservation of biodiversity, response to climate changes, in order to ensure the human right to live in a pure environment.*

Điều 4. Nguyên tắc bảo vệ môi trường

- 1. Bảo vệ môi trường là trách nhiệm và nghĩa vụ của mọi cơ quan, tổ chức, hộ gia đình và cá nhân.*
- 2. Bảo vệ môi trường gắn kết hài hòa với phát triển kinh tế, an sinh xã hội, bảo đảm quyền trẻ em, thúc đẩy giới và phát triển, bảo tồn đa dạng sinh học, ứng phó với biến đổi khí hậu để bảo đảm quyền mọi người được sống trong môi trường trong lành.*

BBB. Yemen

Constitutional provisions

N/A

Treaty provisions

Party to the Arab Charter on Human Rights.

Legislative provisions

Article 4 (2) of the Environment Protection Law No. 26 of 1995

Every individual has the basic right to live in a healthy and balanced environment that concurs and complies with the human being integrity which ensure intellectual, mental, physical and healthy growth, whereby each person natural and juridical adheres to and abides to the - protection of the environment and its natural resources and to prevent the damage to the environment and pollution control.

مادة ٤ (٢) من قانون رقم ٢٦ لسنة ١٩٩٥ م بشأن حماية البيئة: لكل مواطن حق أساسي في العيش في بيئة صحية ومتوازنة تتفق مع الكرامة الإنسانية تسمح له بالنمو الصحي الجسماني والعقلي والفكري.. يلتزم كل شخص طبيعي ومعنوي بالمحافظة على البيئة ومواردها الطبيعية ومنع الأضرار البيئية ومكافحة التلوث.