



Annex VII.**Recognition of the Right to a Healthy Environment in Constitutions,
Legislation and Treaties: Latin America and Caribbean 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 Latin America and Caribbean Region (LAC). 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 views expressed in this 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.

¹ The Special Rapporteur would like to extend his great appreciation to Susan Kath, Sam Bookman and Nathalya Desterro from the Cyrus R. Vance Center for International Justice, Janet Whittaker, Carla Lewis and David Boyd from Clifford Chance, and the hundreds of lawyers from Clifford Chance, White & Case and law firms around the world who generously contributed their time and expertise to this research project on a pro bono basis.

Annex VI on the Issue of the Recognition of the Right to a Healthy Environment in Constitutions, Legislation and Treaties: Latin American and Caribbean 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 Latin American and Caribbean 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.

Country	National Constitution	International Treaty	National Legislation
Antigua and Barbuda	No	No	No
Argentina	Yes	Yes†	Yes
Bahamas	No	No	No
Barbados	No	No	No
Belize	No	No	No
Bolivia	Yes	Yes†‡	Yes
Brazil	Yes	Yes†	Yes
Chile	Yes	No	Yes
Colombia	Yes	Yes†	Yes
Costa Rica	Yes	Yes†	Yes
Cuba	Yes	No	Yes
Dominica	No	No	No
Dominican Republic	Yes	No	Yes
Ecuador	Yes	Yes†‡	Yes
El Salvador	Yes*	Yes†	Yes
Grenada	No	No	No
Guatemala	Yes*	Yes†	Yes
Guyana	Yes	Yes‡	No
Haiti	No	No	Yes
Honduras	Yes	Yes†	Yes
Jamaica	Yes	No	No
Mexico	Yes	Yes†	Yes
Nicaragua	Yes	Yes†‡	Yes
Panama	Yes*	Yes†‡	Yes
Paraguay	Yes	Yes†	Yes
Peru	Yes	Yes†	Yes
Saint Kitts and Nevis	No	Yes‡	No
Saint Lucia	No	No	No
Saint Vincent and the Grenadines	No	Yes‡	No
Suriname	No	Yes†	No
Trinidad and Tobago	No	No	No
Uruguay	No	Yes†‡	Yes
Venezuela	Yes	No	Yes

† Denotes state party to the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (San Salvador Protocol).

‡ Denotes state party to the Escazu Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean.

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

A. Antigua and Barbuda

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

B. Argentina

Constitutional provisions

Article 41 of the Federal Constitution of the Argentine Nation

Every citizen has the right to a healthy and balanced environment, suitable for human development and for productive activities to satisfy present needs without compromising those of future generations. Moreover, citizens have the duty to preserve the environment.

Any environmental damage will primarily generate, as a priority, the obligation to restore it, according to what is set forth by complementary legislation.

The authorities shall provide for the protection of this right, for the rational use of natural resources, for the preservation of natural and cultural values and biological diversity, and for the access to environmental information and education on environmental matters.

It is a duty of the Federal Government to enact regulations containing the minimum standards for environmental protection respecting the provincial jurisdictions. The Provincial Governments must enact all complementary regulations that are necessary to complement such minimum standards.

The entry of current or potentially hazardous and radioactive waste into the national territory is prohibited.

Todos los habitantes gozan del derecho a un ambiente sano, equilibrado, apto para el desarrollo humano y para que las actividades productivas satisfagan las necesidades presentes sin comprometer las de las generaciones futuras; y tienen el deber de preservarlo. El daño ambiental generará prioritariamente la obligación de recomponer, según lo establezca la ley.

Las autoridades proveerán a la protección de este derecho, a la utilización racional de los recursos naturales, a la preservación del patrimonio natural y cultural y de la diversidad biológica, y a la información y educación ambientales.

Corresponde a la Nación dictar las normas que contengan los presupuestos mínimos de protección, y a las provincias, las necesarias para complementarlas, sin que aquéllas alteren las jurisdicciones locales.

Se prohíbe el ingreso al territorio nacional de residuos actual o potencialmente peligrosos, y de los radiactivos.

Treaty provisions

Party to the San Salvador Protocol.

Legislative provisions

General Law on the Environment – Law No. 25,675/2002

ARTICLE 1 - This law establishes the minimum requirements for the achievement of a sustainable and adequate management of the environment, the preservation and protection of biological diversity and the implementation of sustainable development.

ARTICLE 2 - The national environmental policy must meet the following objectives:

- a) Ensure the preservation, conservation, recovery and improvement of the quality of environmental resources, both natural and cultural, in the performance of different anthropic activities;
- b) Promote the improvement of quality of life of present and future generations, as a priority;
- e) Maintain the balance and dynamics of ecological systems;

ARTICLE 4 - The interpretation and application of this law, and of any other norm through which the Environmental policy is executed, will be subject to compliance with the following principles:

Principle of intergenerational equity: Those responsible for environmental protection should ensure the appropriate use and enjoyment of the environment by present and future generations.

Principle of sustainability: The economic and social development and the use of natural resources must be carried out through appropriate management of the environment in such a way that it does not compromise the possibilities of present and future generations.

ARTICLE 6 - The minimum requirement, established in article 41 of the National Constitution, shall mean any rule that grants a uniform or common environmental protection for the entire national territory, and is intended to impose necessary conditions to ensure environmental protection. In its content, it must provide the necessary conditions to guarantee the dynamics of ecological systems, maintain their carrying capacity and, in general, ensure environmental preservation and sustainable development.

ARTICLE 14. - Environmental education constitutes the basic instrument to generate in citizens, values, behaviors and actions that are consistent with a balanced environment, aim to preserve natural resources and their sustainable use, and improve the quality of life of the population.

C. Bahamas

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

D. Barbados

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

E. Belize

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

F. Bolivia

Constitutional provisions

Political Constitution of the State (of Bolivia)

Article 30(ii)

In the framework of the unity of the State, and in accordance with this Constitution, the nations and rural native indigenous peoples enjoy the following rights: ...

(10): To live in a healthy environment, with appropriate management and exploitation of the ecosystems.

Article 33

Everyone has the right to a healthy, protected, and balanced environment. The exercise of this right must be granted to individuals and collectives of present and future generations, as well as to other living things, so they may develop in a normal and permanent way.

Artículo 30(ii):

En el marco de la unidad del Estado y de acuerdo con esta Constitución las naciones y pueblos indígena originario campesinos gozan de los siguientes derechos:

(10) A vivir en un medio ambiente sano, con manejo y aprovechamiento adecuado de los ecosistemas.

Artículo 33:

Las personas tienen derecho a un medio ambiente saludable, protegido y equilibrado. El ejercicio de este derecho debe permitir a los individuos y colectividades de las presentes y futuras generaciones, además de otros seres vivos, desarrollarse de manera normal y permanente.

Treaty provisions

Party to the San Salvador Protocol and the Escazu Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean.

Legislative provisions

Article 17 of the Law on the Environment No. 1333 dated April 1992

It is the duty of the State and society to guarantee the right of every person and living being to enjoy a healthy and amenable environment for the development and exercise of their activities.

Es deber del Estado y la sociedad, garantizar el derecho que tiene toda persona y ser viviente a disfrutar de un ambiente sano y agradable en el desarrollo y ejercicio de sus actividades.

Article 2 of the Law of the Rights of Mother Earth No. 71 dated December 21, 2010

The principles of mandatory compliance, which govern this law are:

(2) Principle of collective good: society's interests, within the framework of Mother Earth rights, prevail in all human activities and above any acquired right.

(4) Principle of respect and defense of Mother Earth's Rights: the State and individual, or collective persons must respect, protect and guarantee the rights of Mother Earth so current and future generations can live well.

Los principios de obligatorio cumplimiento, que rigen la presente ley son:
2. Bien Colectivo: El interés de la sociedad, en el marco de los derechos de la Madre Tierra, prevalecen en toda actividad humana y por sobre cualquier derecho adquirido.

4. Respeto y defensa de los Derechos de la Madre Tierra. El Estado y cualquier persona individual o colectiva respetan, protegen y garantizan los derechos de la Madre Tierra para el Vivir Bien de las generaciones actuales y las futuras.

G. Brazil

Constitutional provisions

Article 225 of the Constitution of the Federative Republic of Brazil² (1988)

All have the right to an ecologically balanced environment, which is an asset of common use and essential to a healthy quality of life, and both the Government and the community shall have the duty to defend and preserve it for present and future generations.

Paragraph 1. In order to ensure the effectiveness of this right, it is incumbent upon the Government to:

I – preserve and restore the essential ecological processes and provide for the ecological treatment of species and ecosystems;

II – preserve the diversity and integrity of the genetic patrimony of the country and to control entities engaged in research and manipulation of genetic material;

III – define, in all units of the Federation, territorial spaces and their components which are to receive special protection, any alterations and suppressions being allowed only by means of law,

² This is an official English translation of the Brazilian constitution. <http://english.tse.jus.br/arquivos/federal-constitution>

and any use which may harm the integrity of the attributes which justify their protection being forbidden;

IV – demand, in the manner prescribed by law, for the installation of works and activities which may potentially cause significant degradation of the environment, a prior environmental impact study, which shall be made public;

V – control the production, sale and use of techniques, methods or substances which represent a risk to life, the quality of life and the environment;

VI – promote environment education in all school levels and public awareness of the need to preserve the environment;

VII – protect the fauna and the flora, with prohibition, in the manner prescribed by law, of all practices which represent a risk to their ecological function, cause the extinction of species or subject animals to cruelty.

Paragraph 2. Those who exploit mineral resources shall be required to restore the degraded environment, in accordance with the technical solutions demanded by the competent public agency, as provided by law.

Paragraph 3. Procedures and activities considered as harmful to the environment shall subject the infractors, be they individuals or legal entities, to penal and administrative sanctions, without prejudice to the obligation to repair the damages caused.

Paragraph 4. The Brazilian Amazonian Forest, the Atlantic Forest, the Serra do Mar, the Pantanal Mato-Grossense and the coastal zone are part of the national patrimony, and they shall be used, as provided by law, under conditions which ensure the preservation of the environment, therein included the use of mineral resources.

Paragraph 5. The unoccupied lands or lands seized by the states through discriminatory actions which are necessary to protect the natural ecosystems are inalienable.

Paragraph 6. Power plants operated by nuclear reactor shall have their location defined in federal law and may not otherwise be installed.

Todos têm direito ao meio ambiente ecologicamente equilibrado, bem de uso comum do povo e essencial à sadia qualidade de vida, impondo-se ao Poder Público e à coletividade o dever de defendê-lo e preservá-lo para as presentes e futuras gerações.

Parágrafo 1º Para assegurar a efetividade desse direito, incumbe ao Poder Público:

I - Preservar e restaurar os processos ecológicos essenciais e prover o manejo ecológico das espécies e ecossistemas;

II - Preservar a diversidade e a integridade do patrimônio genético do País e fiscalizar as entidades dedicadas à pesquisa e manipulação de material genético;

III - Definir, em todas as unidades da Federação, espaços territoriais e seus componentes a serem especialmente protegidos, sendo a alteração e a supressão permitidas somente através de lei, vedada qualquer utilização que comprometa a integridade dos atributos que justifiquem sua proteção;

IV - Exigir, na forma da lei, para instalação de obra ou atividade potencialmente causadora de significativa degradação do meio ambiente, estudo prévio de impacto ambiental, a que se dará publicidade;

V - Controlar a produção, a comercialização e o emprego de técnicas, métodos e substâncias que comportem risco para a vida, a qualidade de vida e o meio ambiente;

VI - Promover a educação ambiental em todos os níveis de ensino e a conscientização pública para a preservação do meio ambiente;

VII - proteger a fauna e a flora, vedadas, na forma da lei, as práticas que coloquem em risco sua função ecológica, provoquem a extinção de espécies ou submetam os animais a crueldade.

Parágrafo 2º Aquele que explorar recursos minerais fica obrigado a recuperar o meio ambiente degradado, de acordo com solução técnica exigida pelo órgão público competente, na forma da lei.

Parágrafo 3º As condutas e atividades consideradas lesivas ao meio ambiente sujeitarão os infratores, pessoas físicas ou jurídicas, a sanções penais e administrativas, independentemente da obrigação de reparar os danos causados.

Parágrafo 4º A Floresta Amazônica brasileira, a Mata Atlântica, a Serra do Mar, o Pantanal Mato-Grossense e a Zona Costeira são patrimônio nacional, e sua utilização far-se-á, na forma da lei, dentro de condições que assegurem a preservação do meio ambiente, inclusive quanto ao uso dos recursos naturais.

Parágrafo 5º São indisponíveis as terras devolutas ou arrecadadas pelos Estados, por ações discriminatórias, necessárias à proteção dos ecossistemas naturais.

Parágrafo 6º As usinas que operem com reator nuclear deverão ter sua localização definida em lei federal, sem o que não poderão ser instaladas.

Treaty provisions

Party to the San Salvador Protocol.

Legislative provisions

Law of Public Civil Action Law, Law No. 7,347 of 1985, as amended

"Article 4 The precautionary action may be filed for the purposes of this Law, seeking, at the same time, to avoid damage to the environment, to the consumer, to the honor and dignity of racial, ethnic or religious groups, to the urban environment, order or goods and rights of artistic, aesthetic, historical, tourist and scenic value."

Environmental Crimes Law - Law 9605/98 | Law No. 9.605, of February 12, 1998

H. Chile

Constitutional provisions

Political Constitution of the Republic of Chile

Article 19

The Constitution assures every person:

8. *The right to live in an environment free of contamination. It is the duty of the State to ensure that this right is not jeopardized and to promote the preservation of nature.*

The law may establish specific restrictions on the exercise of certain rights of freedoms to protect the environment.

La Constitución asegura a todas las personas:

8°. El derecho a vivir en un medio ambiente libre de contaminación. Es deber del Estado velar para que este derecho no sea afectado y tutelar la preservación de la naturaleza.

La ley podrá establecer restricciones específicas al ejercicio de determinados derechos o libertades para proteger el medio ambiente;

Article 20

He that by arbitrary or illegal acts or omissions, suffers deprivation, disturbance or threat in the legitimate exercise of rights and guarantees established in article 19, number 1, 2, 3 fourth paragraph, 4, 5, 6, 9 final paragraph, 11, 12, 13, 15, 16 in what is relative to the freedom to work and the right to free choice and freedom to contract, and what is set out in the fourth paragraph, 19, 21, 22, 23, 24 and 25 may concur personally, or through anyone on his behalf, to the respective Court of Appeals, which shall immediately take the measures it deems necessary to restore the rule of law and ensure the due protection of the affected party, notwithstanding the other rights that he may assert before the authority or the corresponding courts.

Likewise, the recourse of protection will also proceed in the case of number 8 of article 19, when the right to live in a pollution-free environment is affected by an unlawful act or omission attributable to a particular authority or person.

El que por causa de actos u omisiones arbitrarios o ilegales, sufra privación, perturbación o amenaza en el legítimo ejercicio de los derechos y garantías establecidos en el artículo 19, números 1.°, 2.°, 3.° inciso cuarto, 4.°, 5.°, 6.°, 9.° inciso final, 11.°, 12.°, 13.°, 15.°, 16.° en lo relativo a la libertad de trabajo y al derecho a su libre elección y libre contratación, y a lo establecido en el inciso cuarto, 19.°, 21.°, 22.°, 23.°, 24.° y 25.° podrá ocurrir por sí o por cualquiera a su nombre, a la Corte de Apelaciones respectiva, la que adoptará de inmediato las providencias que juzgue necesarias para restablecer el imperio del derecho y asegurar la debida protección del afectado, sin perjuicio de los demás derechos que pueda hacer valer ante la autoridad o los tribunales correspondientes. Procederá también, el recurso de protección en el caso del No. 8. del artículo 19, cuando el derecho a vivir en un medio ambiente libre de contaminación sea afectado por un acto u omisión ilegal imputable a una autoridad o persona determinada.

Treaty provisions

N/A

Legislative provisions

General Environmental Framework Law, Law No 19,300 of 1994

Article 1

The right to live in an environment pollution-free, the environmental protection, the preservation of nature and the conservation of environmental assets shall be regulated by the provisions of this law, without prejudice to what other legal regulations establish on the matter.

El derecho a vivir en un medio ambiente libre de contaminación, la protección del medio ambiente, la preservación de la naturaleza y la conservación del patrimonio ambiental se regularán por las disposiciones de esta ley, sin perjuicio de lo que otras normas legales establezcan sobre la materia.

Article 2

For all legal purposes, it is hereby defined:

m) Pollution-Free Environment: that in which the pollutants are in concentrations and periods lower to those capable of causing risk to people's health, population's quality of life, to the preservation of nature or to the conservation of environmental assets.

Para todos los efectos legales, se entenderá por:

Medio Ambiente Libre de Contaminación: aquél en el que los contaminantes se encuentran en concentraciones y períodos inferiores a aquéllos susceptibles de constituir un riesgo a la salud de las personas, a la calidad de vida de la población, a la preservación de la naturaleza o a la conservación del patrimonio ambiental.

I. Colombia

Constitutional provisions

Political Constitution of Colombia (1991)

Article 79

Every individual has the right to enjoy a healthy environment. An Act shall guarantee the community's participation in the decisions that may affect it.

It is the duty of the State to protect the diversity and integrity of the environment, to conserve the areas of special ecological importance, and to foster education for the achievement of these ends.

Todas las personas tienen derecho a gozar de un ambiente sano. La ley garantizará la participación de la comunidad en las decisiones que puedan afectarlo.

Es deber del Estado proteger la diversidad e integridad del ambiente, conservar las áreas de especial importancia ecológica y fomentar la educación para el logro de estos fines.

Article 95.8

The quality of being Colombian enhances all members of the national community. Everyone has the duty to exalt and dignify it. The exercise of the rights and liberties recognized in this Constitution implies responsibilities.

Every individual is obliged to obey the Constitution and the laws.

The following are duties of the individual and of the citizen: ...

8. To protect the country's cultural and natural resources and to keep watch that a healthy environment is being preserved;

La calidad de colombiano enaltece a todos los miembros de la comunidad nacional. Todos están en el deber de engrandecerla y dignificarla. El ejercicio de los derechos y libertades reconocidos en esta Constitución implica responsabilidades.

Toda persona está obligada a cumplir la Constitución y las leyes.

Son deberes de la persona y del ciudadano:

8. Proteger los recursos culturales y naturales del país y velar por la conservación de un ambiente sano;

Treaty provisions

Party to the San Salvador Protocol.

Legislative provisions

Article 2 of Law No. 99 of 1993

CREATION AND OBJECTIVES OF THE MINISTRY OF THE ENVIRONMENT. Create the Ministry of the Environment as a governing body for the management of the environment and renewable natural resources, responsible for promoting a relationship of respect and harmony of man with nature and to define, in terms of This law, the policies and regulations to which the recovery, conservation, protection, management, use and use of renewable natural resources and the environment of the Nation will be subject, in order to ensure sustainable development.

The Ministry of the Environment will formulate, together with the President of the Republic and guaranteeing the participation of the community, the national environmental and renewable natural resources policy, so as to guarantee the right of all people to enjoy a healthy environment and the natural heritage and sovereignty of the Nation be protected.

CREACIÓN Y OBJETIVOS DEL MINISTERIO DEL MEDIO AMBIENTE. *Créase el Ministerio del Medio Ambiente como organismo rector de la gestión del medio ambiente y de los recursos naturales renovables, encargado de impulsar una relación de respeto y armonía del hombre con la naturaleza y de definir, en los términos de la presente ley, las políticas y regulaciones a las que se sujetarán la recuperación, conservación, protección, ordenamiento, manejo, uso y aprovechamiento de los recursos naturales renovables y el medio ambiente de la Nación, a fin de asegurar el desarrollo sostenible.*

El Ministerio del Medio Ambiente formulará, junto con el Presidente de la República y garantizando la participación de la comunidad, la política nacional ambiental y de recursos naturales renovables, de manera que se garantice el derecho de todas las personas a gozar de un medio ambiente sano y se proteja el patrimonio natural y la soberanía de la Nación.

J. Costa Rica

1. Constitutional provisions

Article 50 of the Political Constitution of Costa Rica

The State will seek the greatest welfare for all the inhabitants of the country, organizing and stimulating production and the most appropriate distribution of wealth.

Everyone has the right to a healthy and ecologically balanced environment. Therefore, they are entitled to denounce acts that infringe this right and to claim compensation for the damage caused.

The State will guarantee, defend and preserve that right.

The law determines the responsibilities and penalties.

El Estado procurará el mayor bienestar a todos los habitantes del país, organizando y estimulando la producción y el más adecuado reparto de la riqueza.

Toda persona tiene derecho a un ambiente sano y ecológicamente equilibrado. Por ello, está legitimada para denunciar los actos que infrinjan ese derecho y para reclamar la reparación del daño causado.

El Estado garantizará, defenderá y preservará ese derecho.

La ley determinará las responsabilidades y las sanciones correspondientes.

Treaty provisions

Party to the San Salvador Protocol.

Legislative provisions

Environmental Organic Law, No. 7554

Article 1. Objectives

This law will seek to provide Costa Ricans and the State with the necessary instruments to achieve a healthy and ecologically balanced environment.

The State, through the application of this law, will defend and preserve that right, in search of greater welfare for all the inhabitants of the Nation. The environment is defined as the system constituted by the different natural elements that integrate it and their interactions and interrelationships with human beings.

La presente ley procurará dotar, a los costarricenses y al Estado, de los instrumentos necesarios para conseguir un ambiente sano y ecológicamente equilibrado.

El Estado, mediante la aplicación de esta ley, defenderá y preservará ese derecho, en busca de un mayor bienestar para todos los habitantes de la Nación. Se define como ambiente el sistema constituido por los diferentes elementos naturales que lo integran y sus interacciones e interrelaciones con el ser humano.

Article 2. Principles

The principles underlying this law are as follows:

a) The environment is the common patrimony of all the inhabitants of the Nation, with the exceptions established by the Political Constitution, international agreements and laws. The State and individuals must participate in its conservation and sustainable use, which are of public utility and social interest.

b) Everyone has the right to enjoy a healthy and ecologically sustainable environment in order to develop, as well as the duty to preserve it, according to article 50 of our Political Constitution.

Los principios que inspiran esta ley son los siguientes:

a) El ambiente es patrimonio común de todos los habitantes de la Nación, con las excepciones que establezcan la Constitución Política, los convenios internacionales y las leyes. El Estado y los particulares deben participar en su conservación y utilización sostenibles, que son de utilidad pública e interés social.

b) Todos tienen derecho a disfrutar de un ambiente sano y ecológicamente sostenible para desarrollarse, así como el deber de conservarlo, según el artículo 50 de nuestra Constitución Política.

K. Cuba

Constitutional provisions

Article 75 of the Constitution of the Republic of Cuba (2019)

All persons have the right to enjoy a healthy and balanced environment.

The State protects the environment and the country's natural resources. It recognizes their close connection with sustainable development of the economy and society to make human life more rational and to ensure the survival, well-being and security of current and future generations.

Todas las personas tienen derecho a disfrutar de un medio ambiente sano y equilibrado.

El Estado protege el medio ambiente y los recursos naturales del país. Reconoce su estrecha vinculación con el desarrollo sostenible de la economía y la sociedad para hacer más racional la vida humana y asegurar la supervivencia, el bienestar y la seguridad de las generaciones actuales y futuras.

Treaty provisions

N/A

Legislative provisions

Environmental Law No. 81 of 1997

Preamble

WHEREAS: It is necessary to enshrine, as an elementary right of society and citizens, the right to a healthy environment and to enjoy a healthy and productive life in harmony with nature, while human beings constitute the essential objective of sustainable development.

POR CUANTO: Es necesario consagrar como un derecho fundamental de la sociedad y los ciudadanos el derecho a un medio ambiente sano y a disfrutar de una vida saludable y productiva en armonía con la naturaleza, en tanto los seres humanos constituyen el objetivo esencial del desarrollo sostenible.

Article 4

The environmental actions for sustainable development are based on the country's economic and social development requirements and are based on the following principles:

a) The State establishes and provides the necessary means and guarantees so that the right to a healthy environment is adequately and timely protected.

Las acciones ambientales para un desarrollo sostenible se basan en los requerimientos del desarrollo económico y social del país y están fundadas en los principios siguientes:

a) el derecho a un medio ambiente sano es un derecho fundamental de todos los ciudadanos. El Estado establece y facilita los medios y garantías necesarias para que este sea protegido de manera adecuada y oportuna.

L. Dominica

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

M. Dominican Republic

Constitutional provisions

Article 67 of the Constitution of the Dominican Republic (2010)

Preventing contamination, protecting and maintaining the environment for the enjoyment of present and future generations constitute duties of the State. Consequently:

1. All people have the right, both individually and collectively, to the use and sustainable enjoyment of natural resources, to live in an environment that is healthy, ecologically balanced, and adequate for the development and preservation of the different forms of life, scenery and nature.

Constituyen deberes del Estado prevenir la contaminación, proteger y mantener el medio ambiente en provecho de las presentes y futuras generaciones. En consecuencia:

1) Toda persona tiene derecho, tanto de modo individual como colectivo, al uso y goce sostenible de los recursos naturales; a habitar en un ambiente sano, ecológicamente equilibrado y adecuado para el desarrollo y preservación de las distintas formas de vida, del paisaje y de la naturaleza;

Treaty provisions

N/A

Legislative provisions

Article 6 of Law on the Environment and Natural Resources, No. 64-00, dated August 18, 2000

The freedom of citizens in the use of natural resources is based on the right of all person to enjoy a healthy environment. The State will guarantee the participation of the communities and the inhabitants of the country in the conservation, management and sustainable use of natural and environmental resources, as well as access to truthful and timely information about the situation and the state of them.

Las acciones ambientales para un desarrollo sostenible se basan en los requerimientos del desarrollo económico y social del país y están fundadas en los principios siguientes: a) el derecho a un medio ambiente sano es un derecho fundamental de todos los ciudadanos. El Estado establece y facilita los medios y garantías necesarias para que este sea protegido de manera adecuada y oportuna.

N. Ecuador

Constitutional provisions

Constitution of Ecuador

Article 14

The right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and the good way of living (sumak kawsay), is recognised.

Environmental conservation, the protection of ecosystems, biodiversity and the integrity of the country's genetic assets, the prevention of environmental damage, and the recovery of degraded natural spaces are declared matters of public interest.

Se reconoce el derecho de la población a vivir en un ambiente sano y ecológicamente equilibrado, que garantice la sostenibilidad y el buen vivir, sumak kawsay.

Se declara de interés público la preservación del ambiente, la conservación de los ecosistemas, la biodiversidad y la integridad del patrimonio genético del país, la prevención del daño ambiental y la recuperación de los espacios naturales degradados.

Article 32

Health is a right guaranteed by the State and whose fulfilment is linked to the exercise of other rights, among which the right to water, food, education, sports, work, social security, healthy environments and others that support the good way of living.

The State shall guarantee this right by means of economic, social, cultural, educational, and environmental policies; and the permanent, timely and non-exclusive access to programmes, actions and services promoting and providing integral healthcare, sexual health, and reproductive health. The provision of healthcare services shall be governed by the principles of equity, universality, solidarity, interculturalism, quality, efficiency, effectiveness, prevention, and bioethics, with a gender and generational approach.

La salud es un derecho que garantiza el Estado, cuya realización se vincula al ejercicio de otros derechos, entre ellos el derecho al agua, la alimentación, la educación, la cultura física, el trabajo, la seguridad social, los ambientes sanos y otros que sustentan el buen vivir.

El Estado garantizará este derecho mediante políticas económicas, sociales, culturales, educativas y ambientales; y el acceso permanente, oportuno y sin exclusión a programas, acciones y servicios de promoción y atención integral de salud, salud sexual y salud reproductiva. La prestación de los servicios de salud se regirá por los principios de equidad, universalidad, solidaridad, interculturalidad, calidad, eficiencia, eficacia, precaución y bioética, con enfoque de género y generacional.

Article 66

The following rights of persons are recognised and guaranteed: [...]

27. The right to live in a healthy environment that is ecologically balanced, pollution-free and in harmony with nature.

Se reconoce y garantizará a las personas: [...]

27. El derecho a vivir en un ambiente sano, ecológicamente equilibrado, libre de contaminación y en armonía con la naturaleza.

Article 71

Nature or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes.

All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature. To enforce and interpret these rights, the principles set forth in the Constitution shall be observed, as appropriate.

The State shall give incentives to natural persons and legal entities and to communities to protect nature and to promote respect for all the elements comprising an ecosystem.

La naturaleza o Pacha Mama, donde se reproduce y realiza la vida, tiene derecho a que se respete integralmente su existencia y el mantenimiento y regeneración de sus ciclos vitales, estructura, funciones y procesos evolutivos.

Toda persona, comunidad, pueblo o nacionalidad podrá exigir a la autoridad pública el cumplimiento de los derechos de la naturaleza. Para aplicar e interpretar estos derechos se observarán los principios establecidos en la Constitución, en lo que proceda.

El Estado incentivará a las personas naturales y jurídicas, y a los colectivos, para que protejan la naturaleza, y promoverá el respeto a todos los elementos que forman un ecosistema.

Article 72

Nature has the right to be restored. This restoration shall be apart from the obligation of the State and natural persons or legal entities to compensate individuals and communities that depend on affected natural systems.

In those cases of severe or permanent environmental impact, including those caused by the exploitation of non-renewable natural resources, the State shall establish the most effective mechanisms to achieve the restoration, and shall adopt adequate measures to eliminate or mitigate harmful environmental consequences.

La naturaleza tiene derecho a la restauración. Esta restauración será independiente de la obligación que tienen el Estado y las personas naturales o jurídicas de indemnizar a los individuos y colectivos que dependen de los sistemas naturales afectados.

En los casos de impacto ambiental grave o permanente, incluidos los ocasionados por la explotación de los recursos naturales no renovables, el Estado establecerá los mecanismos más eficaces para alcanzar la restauración, y adoptará las medidas adecuadas para eliminar o mitigar las consecuencias ambientales nocivas.

Article 74

Persons, communities, peoples, and nations shall have the right to benefit from the environment and the natural wealth enabling them to enjoy the good way of living.

Environmental services shall not be subject to appropriation; their production, delivery, use and development shall be regulated by the State.

Las personas, comunidades, pueblos y nacionalidades tendrán derecho a beneficiarse del ambiente y de las riquezas naturales que les permitan el buen vivir.

Los servicios ambientales no serán susceptibles de apropiación; su producción, prestación, uso y aprovechamiento serán regulados por el Estado.

Treaty provisions

Party to the San Salvador Protocol. Party to the Escazu Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean.

Legislative provisions

Article 5 of the Organic Environmental Code

Right of the population to live in a healthy environment.

The right to live in a healthy and ecologically balanced environment includes:

- 1. The conservation, sustainable management and recovery of the natural heritage, biodiversity and all its components, with respect for the rights of nature and the collective rights of communes, communities, peoples and nationalities;*
- 2. Sustainable management of ecosystems, with special attention to fragile and threatened ecosystems such as moors, wetlands, cloud forests, dry and humid tropical forests, mangroves, and marine and marine-coastal ecosystems;*
- 3. The intangibility of the National System of Protected Areas, in the terms established in the Constitution and the law;*
- 4. The conservation, preservation and recovery of water resources, watersheds and ecological flows associated with the hydrological cycle;*
- 5. The conservation and sustainable use of soil that prevents erosion, degradation, desertification and allows its restoration;*
- 6. Comprehensive prevention, control and remediation of environmental damage;*
- 7. The obligation of any work, project or activity, in all its phases, to be subject to the environmental impact assessment procedure;*
- 8. The development and use of environmentally clean and healthy practices and technologies, as well as non-polluting, renewable, diversified and low environmental impact alternative energies;*
- 9. The use, experimentation and development of biotechnology and the commercialisation of its products, under strict biosafety rules, subject to the prohibitions established in the Constitution and other regulations in force;*
- 10. The participation, within the framework of the law, of individuals, communes, communities, peoples, nationalities and collectives in any activity or decision that may produce environmental impacts or damage;*
- 11. The adoption of public policies, administrative measures, regulations and jurisdictions that guarantee the exercise of this right; and*
- 12. The implementation of adaptation plans, programmes, actions and measures to increase resilience and reduce environmental, social and economic vulnerability to climate variability and the impacts of climate change, as well as their implementation to mitigate their causes.*

Derecho de la población a vivir en un ambiente sano. El derecho a vivir en un ambiente sano y ecológicamente equilibrado comprende:

- 1. La conservación, manejo sostenible y recuperación del patrimonio natural, la biodiversidad y todos sus componentes, con respeto a los derechos de la naturaleza y a los derechos colectivos de las comunas, comunidades, pueblos y nacionalidades;*
- 2. El manejo sostenible de los ecosistemas, con especial atención a los ecosistemas frágiles y amenazados tales como páramos, humedales, bosques nublados, bosques tropicales secos y húmedos, manglares y ecosistemas marinos y marinos-costeros;*
- 3. La intangibilidad del Sistema Nacional de Áreas Protegidas, en los términos establecidos en la Constitución y la ley;*
- 4. La conservación, preservación y recuperación de los recursos hídricos, cuencas hidrográficas y caudales ecológicos asociados al ciclo hidrológico;*
- 5. La conservación y uso sostenible del suelo que prevenga la erosión, la degradación, la desertificación y permita su restauración;*
- 6. La prevención, control y reparación integral de los daños ambientales;*
- 7. La obligación de toda obra, proyecto o actividad, en todas sus fases, de sujetarse al procedimiento de evaluación de impacto ambiental;*
- 8. El desarrollo y uso de prácticas y tecnologías ambientalmente limpias y sanas, así como de energías alternativas no contaminantes, renovables, diversificadas y de bajo impacto ambiental;*
- 9. El uso, experimentación y el desarrollo de la biotecnología y la comercialización de sus productos, bajo estrictas normas de bioseguridad, con sujeción a las prohibiciones establecidas en la Constitución y demás normativa vigente;*
- 10. La participación en el marco de la ley de las personas, comunas, comunidades, pueblos, nacionalidades y colectivos, en toda actividad o decisión que pueda producir o que produzca impactos o daños ambientales;*
- 11. La adopción de políticas públicas, medidas administrativas, normativas y jurisdiccionales que garanticen el ejercicio de este derecho; y,*
- 12. La implementación de planes, programas, acciones y medidas de adaptación para aumentar la resiliencia y reducir la vulnerabilidad ambiental, social y económica frente a la variabilidad climática y a los impactos del cambio climático, así como la implementación de los mismos para mitigar sus causas.*

O. El Salvador

Constitutional provisions

Cases 5-93/2-96/3-96/9-96/11-96/12-96:

The Constitutional Chamber of the Supreme Court concluded that although the Constitution does not expressly include the right to a healthy environment within the list of fundamental rights, it is acknowledged that the obligations established in article 117 of the Constitution provide for a content to benefit the person as part of the society, and consequently it is acknowledged that the

right to a healthy environment has a constitutional character and thus it is the State's obligation to protect people by conserving the environment.

Article 117 of the Constitution of the Republic of El Salvador interpreted by the Constitutional Court

The protection, restoration, development and use of natural resources is declared of social interest. The state will create the economic incentives and provide the technical assistance necessary for the development of suitable programs.

The protection, conservation and improvement of natural resources and the environment will be subject to special laws.

Se declara de interés social la protección, restauración, desarrollo y aprovechamiento de los recursos naturales. El Estado creará los incentivos económicos y proporcionará la asistencia técnica necesaria para el desarrollo de programas adecuados.

La protección, conservación y mejoramiento de los recursos naturales y del medio ambiente serán objeto de leyes especiales.

Treaty provisions

Party to the San Salvador Protocol.

Legislative provisions

Article 35 of the Law for the Integral Protection of Children and Adolescents, Decree No. 839 of 2009

Right to a healthy environment.

Children and teenagers have a right to a healthy environment, ecologically sustainable and adequate for their development.

The State has the duty to provide in environmental policy, permanent programmes aimed at promoting the participation of children and adolescents in the protection, conservation and enjoyment of natural resources and reduce the risks resulting from environmental hazards.

Likewise, and with the cooperation of society and families, it should implement educational programmes linked to the adequate management of solid waste, the recycling of garbage and the monitoring of the quality of the clean water supplied to its community.

Derecho a un medio ambiente sano

Las niñas, niños y adolescentes tienen derecho a gozar de un medio ambiente sano, ecológicamente sustentable y adecuado para su desarrollo.

El Estado tiene el deber de prever en la política medioambiental, programas permanentes dirigidos a promover la participación de la niña, niño y adolescente en la protección, conservación y disfrute de los recursos naturales y reducir los riesgos resultantes de los peligros ambientales.

Asimismo, y con la cooperación de la sociedad y las familias, deberá implementar programas educativos vinculados con el manejo adecuado de los residuos sólidos, el reciclaje de basuras y el monitoreo de la calidad del agua potable suministrada a su comunidad.

Article 2 of the Environmental Law, Decree No. 233 of 1988

The national environmental policy will be based on the following principles:

a) All inhabitants have the right to a healthy and ecologically balanced environment. It is the obligation of the State to protect, promote and defend this right in an active and systematic way, as requirement to ensure harmony between human beings and nature.

La política nacional del medio ambiente, se fundamentará en los siguientes principios:

a) Todos los habitantes tienen derecho a un medio ambiente sano y ecológicamente equilibrado. Es obligación del Estado tutelar, promover y defender este derecho de forma activa y sistemática, como requisito para asegurar la armonía entre los seres humanos y la naturaleza;

P. Grenada

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

Q. Guatemala

Constitutional provisions

Case 5956-2016:

“[I]t can be established that the right to a healthy environment becomes an extension of the right to life and the right to health, this is because natural resources are elements vital to human existence and their protection means that people can live more and better, because pollution in the environment causes a number of problems in the physical, mental and psychological health of people. This is derived from the fact that protection of the environment implies in parallel the protection of the person (...) Through this norm [Article 97 of the Constitution] is the right to constitutionally develop a healthy environment, derived from the personal character that the Political Constitution of the Republic of Guatemala, centred on the human being. This right is conjugated with the others that have been recognised in the Text Fundamental to conceptualise the bases of dignity. The human being needs of a natural environment free of all types of pollution, as well as artificial, to simplify their way of life and even the mechanisms that they have developed with technology for their dignification. However, it is important to take into consideration that the industry has led to damages negative to the environment and, therefore, its protection has developed as an obligation assumed by the States, to ensure the preservation of balance ecological and life.”

Article 97 of the Political Constitution of the Republic of Guatemala interpreted by the Constitutional Court

The State, the municipalities and the inhabitants of the national territory are obliged to promote social, economic and technological development that prevents environmental pollution and

maintains the ecological balance. All necessary regulations will be issued to ensure that the use and exploitation of fauna, flora, land and water, are made rationally, avoiding their predation.

El Estado, las municipalidades y los habitantes del territorio nacional están obligados a propiciar el desarrollo social, económico y tecnológico que prevenga la contaminación del ambiente y mantenga el equilibrio ecológico. Se dictarán todas las normas necesarias para garantizar que la utilización y el aprovechamiento de la fauna, de la flora, de la tierra y del agua, se realicen racionalmente, evitando su depredación.

Treaty provisions

Party to the San Salvador Protocol.

Legislative provisions

Article 11 of Decree Number 127-96 of the Guatemalan Congress that approved the San Salvador Protocol to the American Convention on Human Rights

Right to a Healthy Environment 1. Everyone has the right to live in a healthy environment and to have basic public services. 2. The States Parties shall promote the protection, preservation and improvement of the environment.

Derecho a un Medio Ambiente Sano 1. Toda persona tiene derecho a vivir en un medio ambiente sano y a contar con servicios públicos básicos. 2. Los Estados partes promoverán la protección, preservación y mejoramiento del medio ambiente.

Article 3 of the Decree 90-2000 of the Guatemalan Congress which created the Ministry of Environment and Natural Resources as the principal government agency for the protection and improvement of the environment by adding Article 29bis to Decree 114-1997.

Ministry of Environment and Natural Resources. The Ministry of Environment and Natural Resources is responsible for formulating and executing the policies related to: fulfil and enforce the regime concerning conservation, protection, sustainability and improvement of the environment and natural resources in the country and the human right to a healthy and ecologically balanced environment, and must prevent pollution of the environment, reduce environmental deterioration and loss of natural heritage.

MINISTERIO DE AMBIENTE Y RECURSOS NATURALES.

Al Ministerio de Ambiente y Recursos Naturales le corresponde formular y ejecutar las políticas relativas a su ramo: cumplir y hacer que se cumpla el régimen concerniente a la conservación, protección, sostenibilidad y mejoramiento del ambiente y los recursos naturales en el país y el derecho humano a un ambiente saludable y ecológicamente equilibrado, debiendo prevenir la contaminación del ambiente, disminuir el deterioro ambiental y la pérdida del patrimonio natural.

R. Guyana

Constitutional provisions

Article 149J of the Constitution of the Co-operative Republic of Guyana

- 1. Everyone has the right to an environment that is not harmful to his or her health or well-being.*
- 2. The State shall protect the environment, for the benefit of present and future generations, through reasonable legislative and other measures designed to-*

- a. prevent pollution and ecological degradation;
 - b. promote conservation; and
 - c. secure sustainable development and use of natural resources while promoting justifiable economic and social development.
3. It shall not be an infringement of a person's rights under paragraph (1) if, by reason only of an allergic condition or other peculiarity, the environment is harmful to that person's health or well-being.

Treaty provisions

Party to the Escazu Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean.

Legislative provisions

N/A

S. Haiti

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

Article 9 of the Decree on the Management of the Environment and the Regulation of the Conduct of Citizens for a Sustainable Development

Everyone has the right to a healthy and pleasant environment. This right is accompanied by the constitutional obligation to protect the environment.

Toute personne a droit à un environnement sain et agréable. Ce droit est assorti de l'obligation constitutionnelle de protéger l'environnement,

T. Honduras

Constitutional provisions

Article 145 of the Constitution of the Republic of Honduras (2014)

The right to the protection the individual's health is hereby recognized.

It is the duty of all individuals to participate in the promotion and preservation of individual and community health.

The State shall maintain a satisfactory environment for the protection of the community's health.

Se reconoce el derecho a la protección de la salud.

El deber de todos participar en la promoción y preservación de la salud personal y de la comunidad.

El Estado conservará el medio ambiente adecuado para proteger la salud de las personas.

Treaty provisions

Party to the San Salvador Protocol.

Legislative provisions

Article 9 of the Health Code, Act 65 of 1991

All individuals have the right to live in a healthy environment, in the way established by this Code and applicable regulations, and the correlative duty of protecting and improving the surrounding environment. THE SECRETARY is responsible for ensuring that the environmental conditions are fulfilled, for due compliance with the provisions of this Article.

Toda persona tiene el derecho a vivir en un ambiente sano, en la forma como este Código y las demás normas lo determinen, y el deber correlativo de proteger y mejorar el ambiente que lo rodea. LA SECRETARIA tiene bajo su responsabilidad velar para que se le den las condiciones ambientales, para el cumplimiento de lo dispuesto en este Artículo.

General Environmental Health Regulations

Article 5

Similarly, the objective is to ensure every individual's right to live in a healthy environment and to guarantee compliance with their on-going duty to protect and improve it.

Asimismo tiene como objetivos garantizar el derecho que tiene toda persona a vivir en un medio ambiente sano y velar por el cumplimiento del deber correlativo, protegerlo y mejorarlo.

Article 203

Violations to the Health Code in respect of environmental health and these Regulations, which are not expressly classified, shall be sanctioned at the discretion of each Health Authority; and strict compliance therewith is mandatory, always considering the established in the previous Article and as a matter of public interest, which is only the preservation, correction or creation of appropriate conditions for a healthy environment that will ensure for all habitants the control and promotion of environmental health.

Las infracciones al Código de Salud en lo correspondiente a la salud ambiental y al presente Reglamento que no estén expresamente tipificadas se sancionarán discrecionalmente por cada uno de los niveles de la Autoridad de Salud; su aplicación es de estricto cumplimiento, teniendo siempre presente lo indicado en el Artículo anterior y en el interés público en este campo, es solamente el de preservar, corregir o crear condiciones para la existencia de un medio ambiente sano que garantice a todos los habitantes el control y fomento de la salud ambiental.

U. Jamaica

Constitutional provisions

Article 13 of the Constitution of Jamaica

3. The rights and freedoms referred to in subsection (2) are as follows: (. . .)

1. the right to enjoy a healthy and productive environment free from the threat of injury or damage from environmental abuse and degradation of the ecological heritage;

Treaty provisions

N/A

Legislative provisions

N/A

V. Mexico

Constitutional provisions

Article 4 of the Constitution of the United Mexican States

Every person has a right to a healthy environment for their development and well-being. The State shall guarantee the observance of this right. The environmental harm and damage shall engender responsibility for the one who causes it in terms of the provisions of the law.

Toda persona tiene derecho a un medio ambiente sano para su desarrollo y bienestar. El Estado garantizará el respeto a este derecho. El daño y deterioro ambiental generará responsabilidad para quien lo provoque en términos de lo dispuesto por la ley.

Treaty provisions

Party to the San Salvador Protocol.

Legislative provisions

Article 1 of the General Law on Ecological Equilibrium and Environmental Protection

This constitutes a regulatory law for the provisions of the Constitution related to the preservation and restoration of ecological balance, as well as the environmental protection in the national territory and in the areas where the nation exercises its sovereignty and jurisdiction. Its provisions are of public order and interest having as an objective to encourage sustainable development and establish the bases to:

I.- Guarantee the right of all persons to live in a healthy environment suitable for their development, health and welfare;

La presente Ley es reglamentaria de las disposiciones de la Constitución Política de los Estados Unidos Mexicanos que se refieren a la preservación y restauración del equilibrio ecológico, así como a la protección al ambiente, en el territorio nacional y las zonas sobre las que la nación ejerce su soberanía y jurisdicción. Sus disposiciones son de orden público e interés social y tienen por objeto propiciar el desarrollo sustentable y establecer las bases para:

I.- Garantizar el derecho de toda persona a vivir en un medio ambiente adecuado para su desarrollo, salud y bienestar

Article 1 of the Federal Law of Environmental Responsibility

This Law regulates the environmental responsibility that arises from the damages caused to the environment, as well as the repair and compensation of said damages when required through the federal judicial processes provided for in Article 17 of the Constitution, alternative mechanisms of dispute resolution, administrative procedures and those that correspond to the commission of crimes against the environment and environmental management.

The provisions of this law constitute regulatory provisions of Article 4 of the Constitution, they are of public order and social interest and are aimed at the protection, preservation and

restoration of the environment and ecological balance, to guarantee the human rights to a healthy environment for the development and welfare of every person, and to the responsibility generated by the damage and environmental deterioration.

La presente Ley regula la responsabilidad ambiental que nace de los daños ocasionados al ambiente, así como la reparación y compensación de dichos daños cuando sea exigible a través de los procesos judiciales federales previstos por el artículo 17 constitucional, los mecanismos alternativos de solución de controversias, los procedimientos administrativos y aquellos que correspondan a la comisión de delitos contra el ambiente y la gestión ambiental.

Los preceptos de este ordenamiento son reglamentarios del artículo 4o. Constitucional, de orden público e interés social y tienen por objeto la protección, la preservación y restauración del ambiente y el equilibrio ecológico, para garantizar los derechos humanos a un medio ambiente sano para el desarrollo y bienestar de toda persona, y a la responsabilidad generada por el daño y el deterioro ambiental.

General Law for the Prevention and Comprehensive Handling of Environmental Waste

Article 1

This constitutes a regulatory law for the provisions of the Constitution related to the protection of the environment with regard to the prevention and integrated management of waste in the national territory.

Its provisions are of public order and social interest and are intended to guarantee the right of everyone to a healthy environment and promote sustainable development through the prevention of the generation of hazardous waste and its evaluation and integral management, prevent the generation of urban solid waste and special management waste; prevent the contamination of sites with this waste and carry out its remediation, as well as establishing the bases for:

La presente Ley es reglamentaria de las disposiciones de la Constitución Política de los Estados Unidos Mexicanos que se refieren a la protección al ambiente en materia de prevención y gestión integral de residuos, en el territorio nacional.

Sus disposiciones son de orden público e interés social y tienen por objeto garantizar el derecho de toda persona al medio ambiente sano y propiciar el desarrollo sustentable a través de la prevención de la generación, la valorización y la gestión integral de los residuos peligrosos, de los residuos sólidos urbanos y de manejo especial; prevenir la contaminación de sitios con estos residuos y llevar a cabo su remediación, así como establecer las bases para:

Article 2

The following principles shall be observed when formulating and applying the policy with regards to prevention, assessment and management of waste referred to in this Law, when enacting legal provisions and acts that derive from it, as well as when producing and managing the waste, as applicable:

I. The right of every person to live in an environment suitable for their development and well-being.

En la formulación y conducción de la política en materia de prevención, valorización y gestión integral de los residuos a que se refiere esta Ley, la expedición de disposiciones jurídicas y la

emisión de actos que de ella deriven, así como en la generación y manejo integral de residuos, según corresponda, se observarán los siguientes principios:

I. El derecho de toda persona a vivir en un medio ambiente adecuado para su desarrollo y bienestar.

W. Nicaragua

Constitutional provisions

Article 60 of the Political Constitution of the Republic of Nicaragua

Nicaraguans have the right to live in a healthy environment, as well as the obligation of its preservation and conservation. The supreme and universal common good, condition for all other goods, is the mother earth; it must be loved, taken care of and regenerated. The common good of the Earth and humanity asks us to understand the Earth as alive and subject to dignity. It belongs communally to all those who inhabit it and to the ecosystems as a whole. The Earth forms a unique complex identity with humanity; it is alive and behaves as a unique self-regulated system formed by physical, chemical, biological and human components, which make it conducive to the production and reproduction of life and, therefore, is our mother earth and our common home. We must protect and restore the integrity of ecosystems, with special concern for biological diversity and for all the natural processes that sustain life. The Nicaraguan nation must adopt patterns of production and consumption that guarantee the vitality and integrity of mother earth, social equity in humanity, responsible and supportive consumption and community well-being. The State of Nicaragua assumes and endorses in this Political Constitution the full text of the Universal Declaration on the Common Good of the Earth and Humanity

Los nicaragüenses tienen derecho de habitar en un ambiente saludable, así como la obligación de su preservación y conservación. El bien común supremo y universal, condición para todos los demás bienes, es la madre tierra; ésta debe ser amada, cuidada y regenerada. El bien común de la Tierra y de la humanidad nos pide que entendamos la Tierra como viva y sujeta de dignidad. Pertenece comunitariamente a todos los que la habitan y al conjunto de los ecosistemas.

La Tierra forma con la humanidad una única identidad compleja; es viva y se comporta como un único sistema autorregulado formado por componentes físicos, químicos, biológicos y humanos, que la hacen propicia a la producción y reproducción de la vida y que, por eso, es nuestra madre tierra y nuestro hogar común.

Debemos proteger y restaurar la integridad de los ecosistemas, con especial preocupación por la diversidad biológica y por todos los procesos naturales que sustentan la vida.

La nación nicaragüense debe adoptar patrones de producción y consumo que garanticen la vitalidad y la integridad de la madre tierra, la equidad social en la humanidad, el consumo responsable y solidario y el bien vivir comunitario.

El Estado de Nicaragua asume y hace suyo en esta Constitución Política el texto íntegro de la Declaración Universal del Bien Común de la Tierra y de la Humanidad.

Treaty provisions

Party to the San Salvador Protocol and the Escazu Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean.

Legislative provisions

Article 119 of the Law No. 217, General Law of the Environment and Natural Resources

All inhabitants have the right to enjoy a healthy environment, natural landscapes and the duty to contribute to their preservation. The State has the duty to guarantee the prevention of adverse environmental factors that affect the health and quality of life of the population, establishing the corresponding measures or standards.

Todos los habitantes tienen derecho a disfrutar de un ambiente sano, de los paisajes naturales y el deber de contribuir a su preservación. El Estado tiene el deber de garantizar la prevención de los factores ambientales adversos que afecten la salud y la calidad de vida de la población, estableciendo las medidas o normas correspondientes.

X. Panama

Constitutional provisions

The Constitution of the Republic of Panama does not include an explicit right to a healthy environment. However, the Constitutional Court has interpreted the Constitution as including an implicit right to a healthy environment.

Case: "Amparo de Garantías Constitucionales presentado por la Lcda. Celma Mondaca en su propio nombre y representación contra la orden de hacer contenida en la Resolución No. 02ADM/ARAP del 29 de enero de 2007 emitida por la Autoridad de los Recursos Acuáticos de Panamá":

The Supreme Court held that Article 119 of the National Constitution creates the following diffuse rights: 1) prevention of environmental pollution; 2) preservation of the ecological balance and 3) prevention of the destruction of the ecosystems. These diffuse interests affect the individual as a member of society and, thus, any person has standing to file actions seeking the safekeeping of the environment, since the environment encompasses assets that cannot be exclusively appropriated by a single person, the enjoyment of which is a right shared equally by all members of society.

The protection of the ecosystem is considered a "third generation" (solidarity/collective) right in international human rights scholarship, and also a State duty and a constitutional right. It is thus possible for individuals to invoke the constitutional mechanism to protect of this type of right (and others that fit within the concept of diffuse rights) against acts that could threaten, violate or neglect them.

Case: "La firma Rivera, Bolivas y Castañedas en su propio nombre y representación ha presentado demanda Contencios-Administrativa de Nulidad a fin de que se declare nula por ilegal la Resolución No. ag-0462-2013 del 19 de julio de 2013, dictada por la Autoridad Nacional del Ambiente (ANAM)":

By resolution No. AG-0462-2013, the Ministry of the Environment modified an article of Resolution AN-0364-2009, which declared the Mangroves in Chame Bay as a protected area, so as to reduce the protected surface area of those mangroves.

The Supreme Court held Resolution No. AG-0462-2013 to be illegal, as by reducing the surface area of the protected mangroves, the administration violated the constitutional right to a healthy environment stated in Articles 118 and 119 of the Constitution, as well as International Treaties

adhered to and ratified by Panama³, like the Ramsar Convention regarding wetlands and their international importance.

Article 118

It is the duty of the State to ensure that people live in a healthy, pollution-free environment, where air, water and food meet the requirements for the proper development of human life.

Es deber fundamental del Estado garantizar que la población viva en un ambiente sano y libre de contaminación, en donde el aire, el agua y los alimentos satisfagan los requerimientos del Desarrollo adecuado de la vida humana.

Article 119

The State and all inhabitants of the national territory have the duty to promote social and economic development that prevents environmental pollution, maintains ecological balance and avoids the destruction of ecosystems.

El Estado y todos los habitantes del territorio nacional tienen el deber de propiciar un desarrollo social y económico que prevenga la contaminación del ambiente, mantenga el equilibrio ecológico y evite la destrucción de los ecosistemas.

Treaty provisions

Party to the San Salvador Protocol and the Escazu Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean.

Legislative provisions

Article 4 of the General Law of the Environment of the Republic of Panama, Law No. 41 of July 1, 1998,

Principles and guidelines of the National Environment Policy:

1. Provide the population, as a duty, with a healthy and adequate environment for life and sustainable development.

Son principios y lineamientos de la política nacional del ambiente, los siguientes:

1. Dotar a la población, como deber del Estado, de un ambiente saludable y adecuado para la vida y el desarrollo sostenible.

Y. Paraguay

Constitutional provisions

Article 7 of the National Constitution of Paraguay (1992)

Right to a Healthy Environment: Everyone has the right to live in a healthy and ecologically balanced environment. The preservation, conservation, re-composition and the improvement of the environment, as well as its conciliation with the complete human development, constitute priority objectives of social interest. These purposes orient the legislation and the pertinent governmental policy

³ Quote: "...esta Sala es del criterio que con la disminución del territorio que comprende el área protegida de los Manglares de la Bahía de Chame, se puede estar vulnerando el Derecho Constitucional a un ambiente sano contenido en los Artículos 118 y 119 de la Constitución Política de la República de Panamá y los Tratados Internacionales suscritos y ratificados por Panamá..."

Del derecho a un ambiente saludable: Toda persona tiene derecho a habitar en un ambiente saludable y ecológicamente equilibrado.

Constituyen objetivos prioritarios de interés social la preservación, la conservación, la recomposición y el mejoramiento del ambiente, así como su conciliación con el desarrollo humano integral. Estos propósitos orientarán la legislación y la política gubernamental pertinente.

Treaty provisions

Party to the San Salvador Protocol.

Legislative provisions

Law No. 1040/97, which adopts as a national law the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social, and Cultural Rights

Article 1

The Additional Protocol to the American Convention on Human Rights in the area of Economic, Social, and Cultural Rights (Protocol of San Salvador), signed in San Salvador, El Salvador, on November 17, 1988, during the Eighteenth Session of the OAS General Assembly is approved, which text is as follows: (a literal transcription of the Convention follows).

Apruébase el Protocolo Adicional a la Convención Americana sobre Derechos Humanos en Materia de Derechos Económicos, Sociales y Culturales (Protocolo de San Salvador), suscrito en San Salvador, El Salvador, el 17 de noviembre de 1988, durante el Décimo Octavo Período de Sesiones de la Asamblea General de la OEA, cuyo texto es como sigue:

Article 11 [of the Protocol of San Salvador]

Right to a Healthy Environment:

- 1. Everyone shall have the right to live in a healthy environment and to have access to basic public services.*
- 2. The States Parties shall promote the protection, preservation, and improvement of the environment.*

Derecho a un medio ambiente sano:

- 1. Toda persona tiene derecho a vivir en un medio ambiente sano y a contar con servicios públicos básicos.*
- 2. Los Estados Partes promoverán la protección, preservación y mejoramiento del medio ambiente.*

Article 4(h) of the Law No. 5777/16: Protection of women, against all forms of violence

Protected Rights: The protection of women within the framework of this Law establishes the following rights:

h) The right to live in a safe and healthy environment;

Derechos Protegidos. La protección de la mujer en el marco de esta Ley establece los siguientes derechos:

h) El derecho a vivir en un medio ambiente seguro y saludable.

Z. Peru

Constitutional provisions

Article 2.22 of the Political Constitution of Peru (1993)

All persons have the right to: [...] Peace, calmness, the enjoyment of leisure and free time, as well as the right to enjoy a balanced and adequate environment for the development of their lives.

Toda persona tiene derecho: [...] A la paz, a la tranquilidad, al disfrute del tiempo libre y al descanso, así como a gozar de un ambiente equilibrado y adecuado al desarrollo de su vida.

Treaty provisions

Party to the San Salvador Protocol.

Legislative provisions

Preliminary Article I of the General Law on the Environment – Law No. 28611 of 2005

Preliminary Article I: All persons have the inalienable right to live in a healthy, balanced and adequate environment for the full development of life, and have the duty to contribute to an effective environmental administration and to protect the environment, as well as its components, particularly ensuring the health of persons individually and collectively, the conservation of biological diversity, the sustainable enjoyment of natural resources and the sustainable development of the country.

Del derecho y deber fundamental

Toda persona tiene el derecho irrenunciable a vivir en un ambiente saludable, equilibrado y adecuado para el pleno desarrollo de la vida, y el deber de contribuir a una efectiva gestión ambiental y de proteger el ambiente, así como sus componentes, asegurando particularmente la salud de las personas en forma individual y colectiva, la conservación de la diversidad biológica, el aprovechamiento sostenible de los recursos naturales y el desarrollo sostenible del país.

Article 49 of the Framework Law for the Creation of Private Investment – Legislative Decree No. 757 of 1991

The State promotes the rational equilibrium between socio-economic development, the conservation of the environment and the sustainable use of natural resources, guaranteeing due legal security to investors through the establishment of clear environmental protection norms.

In consequence, the State promotes the participation of companies and private institutions in the activities aimed at the protection of the environment and the reduction of environmental contamination.

El Estado estimula el equilibrio racional entre el desarrollo socio-económico, la conservación del ambiente y el uso sostenido de los recursos naturales, garantizando la debida seguridad jurídica a los inversionistas mediante el establecimiento de normas claras de protección del medio ambiente.

En consecuencia, el Estado promueve la participación de empresas o instituciones privadas en las actividades destinadas a la protección del medio ambiente y la reducción de la contaminación ambiental.

AA. Saint Kitts and Nevis

Constitutional provisions

N/A

Treaty provisions

Party to the Escazu Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean.

Legislative provisions

N/A

BB. Santa Lucia

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

CC. Saint Vincent and the Grenadines

Constitutional provisions

N/A

Treaty provisions

Party to the Escazu Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean.

Legislative provisions

N/A

DD. Suriname

Constitutional provisions

N/A

Treaty provisions

Party to the San Salvador Protocol.

Legislative provisions

N/A

EE. Trinidad and Tobago

Constitutional provisions

N/A

Treaty provisions

N/A

Legislative provisions

N/A

FF. Uruguay

Constitutional provisions

N/A

Treaty provisions

Party to the San Salvador Protocol and the Escazu Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean.

Legislative provisions

Law No. 17,283

Article 2

The inhabitants of the Republic have the right to be protected in the enjoyment of a healthy and balanced environment.

Los habitantes de la República tienen el derecho a ser protegidos en el goce de un ambiente sano y equilibrado.

Article 4

It is a fundamental duty of the State and of the public entities in general, to foster a model of environmentally sustainable development, protecting the environment and, if it were deteriorated, to restore it or demand that it be restored.

Es deber fundamental del Estado y de las entidades públicas en general, propiciar un modelo de desarrollo ambientalmente sostenible, protegiendo el ambiente y, si éste fuere deteriorado, recuperarlo o exigir que sea recuperado.

GG. Venezuela

Constitutional provisions

Article 127 of the Constitution of the Bolivarian Republic of Venezuela

Every person has the individual and collective right to a safe, healthy and ecologically stable environment.

Toda persona tiene derecho individual y colectivamente a disfrutar de una vida y de un ambiente seguro, sano y ecológicamente equilibrado.

Treaty provisions

N/A

Legislative provisions

Organic Law on the Environment, Law No. 5,833 of 2006

Article 1

The purpose of this Law is to establish the provisions and the guiding principles for the management of the environment, within the framework of sustainable development as a fundamental right and duty of the State and of society, in order to contribute to safety and to the maximum welfare of the population. and to sustain the planet, in the interest of humanity.

In the same way, it establishes the norms that develop the guarantees and constitutional rights to a safe, healthy and ecologically balanced environment.

Esta Ley tiene por objeto establecer las disposiciones y los principios rectores para la gestión del ambiente, en el marco del desarrollo sustentable como derecho y deber fundamental del Estado y de la sociedad, para contribuir a la seguridad y al logro del máximo bienestar de la población y al sostenimiento del planeta, en interés de la humanidad.

De igual forma, establece las normas que desarrollan las garantías y derechos constitucionales a un ambiente seguro, sano y ecológicamente equilibrado.

Article 4

The management of the environment includes: (. . .)

4. Citizen participation: It is a duty and a right of all citizens active and leading participation in the management of the environment.

5. Effective guardianship: Everyone has the right to demand fast and effective actions before the administration and the courts of justice, in defense of environmental rights.

6. Environmental education: The conservation of a healthy, safe and ecologically balanced environment must be a citizen value, incorporated into formal and non-formal education.

7. Limitation to individual rights: environmental rights prevail over economic and social rights, limiting them in the terms established in the Constitution of the Bolivarian Republic of Venezuela and special laws.

La gestión del ambiente comprende: (. . .)

4. Participación ciudadana: Es un deber y un derecho de todos los ciudadanos la participación activa y protagónica en la gestión del ambiente.

5. Tutela efectiva: Toda persona tiene derecho a exigir acciones rápidas y efectivas ante la administración y los tribunales de justicia, en defensa de los derechos ambientales.

6. Educación ambiental: La conservación de un ambiente sano, seguro y ecológicamente equilibrado debe ser un valor ciudadano, incorporado en la educación formal y no formal.

7. Limitación a los derechos individuales: los derechos ambientales prevalecen sobre los derechos económicos y sociales, limitándolos en los términos establecidos en la Constitución de la República Bolivariana de Venezuela y las leyes especiales.