

Scottish Environment LINK's [Election Manifesto](#) asks for the next Scottish Parliament to 'enshrine the right to a healthy and safe environment in a Human Rights (Scotland) Bill'. LINK members endorse the [recommendation](#) by the National Taskforce for Human Rights Leadership to include within a new human rights framework a human right to a healthy environment.

We all have basic needs which are fundamental to our humanity. Human rights law emerged to protect these needs as legal rights, at a time when civil and political rights and social, economic and cultural rights were in jeopardy. We are now at a tipping point where again our humanity is in jeopardy, this time because of environmental damage. Greta Thunberg's famous warning that 'our house is on fire' was a sharp reminder that without a healthy environment, we cannot survive. The Covid-19 crisis continues to show how our other rights cannot be enjoyed without a healthy environment. Our need for a healthy environment must therefore now be protected in law as a human right.

The human right to a healthy environment has two dimensions: substantive and procedural. The National Taskforce for Human Rights Leadership has recommended inclusion of both dimensions of the right in future human rights laws.

The substantive elements of human right to a healthy environment have been articulated by the UN Special Rapporteur on human rights and the environment and [include](#) 'the right to clean air, safe climate, access to safe water and adequate sanitation, healthy and sustainably produced food, non-toxic environments in which to live, work study and play, and a healthy biodiversity and ecosystem'. This is currently not protected by human rights laws in Scotland.

The procedural elements of the human right to a healthy environment are enshrined in the UN Economic Commission for Europe Aarhus Convention and comprise of: (i) access to environmental information; (ii) public participation in environmental decision-making; (iii) environmental and socio-cultural assessments; (iv) and access to justice in environmental matters and effective remedies.

UK's ratification of the Aarhus Convention means that Scotland is obliged to implement the procedural elements of the human right to a healthy environment. However, Scotland has not properly implemented it. The Convention's decision-making bodies have repeatedly found the Scottish legal system and judicial review in particular to be prohibitively expensive, violating the Convention's provisions on access to justice. A complaint currently under review by the Aarhus Convention's Compliance Committee alleges a further breach in relation to the lack of substantive review of environmental laws in Scottish courts.

The recognition and realisation of a human right to a healthy environment, defined according to best practice, would support and underpin other environmental objectives, enabling better decision-making for the environment, with litigation only being used as a last resort.

Given the groundswell of demands to address environmental issues, together with the attention of COP26 hosted in Glasgow, and the momentum generated by the Scottish Government's National Taskforce for Human Rights Leadership's recommendations, there is an opportunity for all parties to support a Human

Rights (Scotland) Act with the express inclusion of a human right to a healthy environment. **We therefore call on MSPs and parties to work together to ensure that this vital legislation is progressed rapidly.**

For more information, please see the [full briefing on a Human Right to a Healthy Environment](#).

This briefing has been prepared by the Environmental Rights Centre for Scotland on behalf of Scottish Environment LINK members. Scottish Environment LINK is the forum for Scotland's voluntary environment community, with 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

This response is supported by the following LINK member organisations:

Badenoch and Strathspey Conservation Group
Environmental Rights Centre for Scotland
Friends of the Earth Scotland
Keep Scotland Beautiful
RSPB Scotland
Scottish Wild Land Group
Scottish Wildlife Trust
Woodland Trust Scotland
WWF Scotland

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