



Our voices ■ Our choices



All our rights are linked: environmental and disabled people's rights

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Overview

- **Scotland's environmental problems & impacts**
- **The human right to a healthy environment**
- **The UNC on the rights of persons with disabilities**
- **3 Case Studies**
- **ERCS free advice service**

Scotland's 'substantive' environmental problems...Place and people

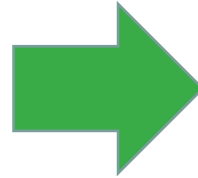
- **Air, water & noise pollution**
- **Proximity to derelict land**
- **Environmental quality**
- **Access to greenspace & nature**
- **Health & wellbeing**
- **Children, elderly, people with health problems**
- **Vulnerability to severe weather events**

Distributional environmental injustice

Access to 'procedures' for decision-making...

Holding public bodies to account

- !! Marginalised groups + poverty**
- !! Participation in local decision-making**
- !! Awareness of rights**
- !! Access to justice – 'prohibitively expensive'**



- !! Poor enforcement of planning and nature conservation law**
- !! No credible threat of legal challenge**
- !! Environment & nature destruction**
- !! Climate emergency**

Procedural environmental injustice

The human right to a healthy environment

Recommendation 2:

“Include the **right to a healthy environment** with **substantive and procedural elements** in the statutory framework.”

- **Climate & nature emergencies**
- **Just and green post-Covid recovery**

The human right to a healthy environment

Substantive

“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 healthy biodiversity and ecosystems”

Not yet part of Scots law

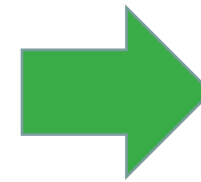
Procedural

- 1. Access to information**
- 2. Public participation**
- 3. Access to justice and effective remedies**

Not fully implemented in Scots law

The UN Convention on the Rights of Persons with Disabilities

- **A 9: Accessibility**
- **A 10: Right to life**
- **A 19: Independence & inclusion**
- **A 25: Right to health**
- **A 13: Access to justice**
- **A 29/30: Right to participate**



**Social model
of disability**

Disabled people's experiences

Substantive

- **Safe climate?**
- **Healthy biodiversity and ecosystems?**
- **Healthy and sustainable food?**

Not yet part of Scots law

Procedural

- 1. Access to information?**
- 2. Public participation?**
- 3. Access to justice and effective remedies?**

Not fully implemented in Scots law

Disabled people's experiences – case studies

- **Plastic straws**
- **Recycling**
- **Active travel – Shared Spaces**

How the human right to a healthy environment can advance the rights of disabled people

- **'Substantive' environmental problems**
- **Disproportionate impact on disabled people**

- **Systemic barriers to 'procedural' rights**
- **Socially just responses to the climate and nature emergencies**
- **Access to justice reforms -> enforcement and remedies**

Human rights with 'teeth'!

- 1. Define the substantive elements of the human right to a healthy environment**
- 2. Justiciable rights enforceable against state and non-state actors**
- 3. Affordable access to justice before a court**
- 4. Effective remedies**

Free legal advice - your rights for health and justice
<https://www.ercs.scot/get-advice/>

- **Exercise our existing rights**
- **Environmental law: land-use planning, climate change, pollution control, environmental health, nature conservation...**
- **Concerns – access to information, public bodies, unwanted development, road building, greenspace, pollution...**



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