



The human right to a healthy environment

What it is and why it matters

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Overview

- Scotland's environmental problems and impacts
- Interdependence between human rights and environmental law obligations
- The substantive and procedural elements to a safe, clean, healthy and sustainable environment
- What next...an enforceable human right to a healthy environment

Scotland's 'substantive' environmental problems...

Places

- Air, water & noise pollution
- Proximity to derelict land
- Environmental quality
- Environment -> health inequalities
- Absence of greenspace/ goods

People

- Children, older people, people with health problems
- Worse for marginalised groups
- Vulnerability to severe weather events

Distributional environmental injustice

Interdependence between environmental law & human rights obligations

- A healthy environment underpins the right to life
- ICESCR: adequate standard of living (incl. food, improvement of living conditions)
- ICESCR: right to the highest attainable standard of physical and mental health
- Evidence of disproportionate impact on disabled people and people with long term health problems – Yes!
- Evidence of gendered and racialised impact of environmental burdens...mostly invisible

Air pollution



Ella Adoo-Kissi-Debrah, died aged nine in 2013 – air pollution ‘made a material contribution to her death’ (Inquest, 2020).

Water pollution

Sewage gathered at an overflow pipe that leads to the River Almond in West Lothian

(River Almond Action Group, 2021)



Access to greenspace & COVID-19

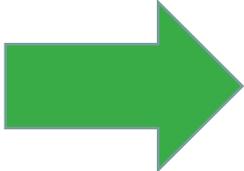
- Access to greenspace and nature is essential for population health and wellbeing
- LA spend on parks – 41% less and worse in most deprived councils
- Socio-economic (incl. hsg tenure), age, gender, racial inequalities



Inaccessible derelict greenspace in North Glasgow (S Fifield, 2018)

Scotland's environmental 'procedural' problems...

Participation in decision-making and holding public bodies & polluters to account

- Equality groups + poverty
 - Less participation in local decision-making
 - Less awareness of rights
 - Access to justice – 'prohibitively expensive'
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- 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

Substantive

1. Clean air
2. Safe climate
3. Access to safe water and sanitation
4. Healthy and sustainable food
5. Non-toxic environments to live, work, study and play
6. 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

Human rights obligations

- **The enjoyment of a safe, clean, healthy and sustainable environment**
- **For all of us**
- **Now and for future generations**

