

# What is the human right to a healthy environment?

In July 2022, the **United Nations General Assembly** declared access to a clean, healthy and sustainable environment as a **universal human right**,<sup>1</sup> and that environmental damage has negative implications for the effective enjoyment of all human rights, for present and future generations.

This is the first new, standalone universal right recognised in seventy years.

## Is this needed in Scotland?

**Yes.** Humanity is facing a triple planetary crisis: climate breakdown, biodiversity loss and increasing pollution of our air, land and water.

Scotland must urgently tackle its own environmental problems and the unfair impact on areas of high disadvantage and marginalised groups.

## Can I exercise the right in Scotland?

**Not yet.** The good news is that the Scottish Government has agreed to include the right to a healthy environment in a new Human Rights (Scotland) Act they want to pass before 2026. This means that the Scottish Government, local authorities, and other public bodies would have legal obligations to protect and uphold our right to a healthy environment.



Over a 100 countries include the right to a healthy environment in their constitutions because it is necessary for the fulfillment of the right to life, health, food, water, culture and development.

## What does the right include?

**The right includes substantive and procedural parts.** The substantive part creates standalone rights:

- Clean air
- A 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
- Healthy biodiversity and ecosystems.

The procedural part is how we can exercise our right and it has three features:

- access to information
- participation in decision-making
- access to legal justice.

This is already protected under the UN international treaty called the Aarhus Convention,<sup>2</sup> but Scotland is not compliant and must improve access to legal justice.<sup>3</sup>

We all have the right to  
**A CLEAN,  
HEALTHY AND  
SUSTAINABLE  
ENVIRONMENT**

### Get involved

The Scottish Government will be consulting on the Human Rights (Scotland) Bill this year. ERCS will provide tips on how you can respond to the consultation to demand an enforceable right to a healthy environment.

In the meantime –  
[Sign our petition calling for an enforceable human right to a healthy environment](#)

## Will I be able to uphold the right?

**Hopefully!** The right to a healthy environment will only work if it is **enforceable**. This means substantive features must be defined to the highest standards and that we can access and afford to uphold our right in court if necessary.

## More information

For more information read our [Advocacy Manifesto](#).

## What can I do about an environmental problem?

Contact our Rights Officer to talk more at [rights@ercs.scot](mailto:rights@ercs.scot)

Contact our free legal advice service at [www.ercs.scot/get-advice](http://www.ercs.scot/get-advice)

Call our office on **0131 358 0038** or freephone on **0800 861 1738**

<sup>1</sup> UNEP (July 2022) [In historic move, UN declares healthy environment a human right](#)

<sup>2</sup> United Nations Economic Commission for Europe (1998) [Convention on access to information, public participation in decision-making and access to justice in environmental matters](#)

<sup>3</sup> ERCS (July 2022) [Evaluation of Scotland's action plan in access to environmental justice](#)