

What is access to justice?

Access to justice ensures that **the public can challenge environmental decisions, acts or omissions in a court of law.**

It allows us to **stand up for nature** and defend our right to a healthy environment by holding polluters and public bodies to account.

Access to legal justice is one of the three pillars of the international treaty called the **Aarhus Convention**.

Access to justice is important to ensure that laws can be enforced.

How does it affect me?

There are barriers to justice that prevent people from taking legal action if environmental laws are broken.

Our legal system is **complex, intimidating**, and **unaffordable**. It can cost tens or hundreds of thousands of pounds to take an environmental case to court.

If you take a case to court and lose, you are liable to pay your opponent's legal fees. It is difficult to get legal aid for many environmental cases.



The three pillars of the Aarhus Convention are:

1. Access to information
2. Public participation in decision-making
3. Access to justice in environmental matters

What is the Scottish Government doing?

Not enough. Scotland is in breach of Article 9(4) of the Aarhus Convention, which requires access to justice to be 'not prohibitively expensive.' The Aarhus Convention's ruling body made six recommendations for Scotland to meet by 1 October 2024.

However, the government has only made minor changes and has failed to fully comply with any of the recommendations by the deadline.

The **Aarhus Convention** is short for the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

What needs to happen now?

Since 2021, the Scottish Government have said they would improve access to justice by introducing a Scottish Human Rights Bill and reforming legal aid.

This is important for upholding all our human rights including the right to a clean, healthy and sustainable environment.

They have now said that they will not introduce these reforms before the next election in 2026.

This is not good enough.

The Scottish Government must urgently remove all financial barriers to access to justice so that all of us can uphold our environmental rights in a court of law.

We all have the right to

ACCESS JUSTICE



[ERCS | Aarhus Convention](#)



[Human Rights Consortium Scotland](#)

What can I do if I have a concern?

Contact our Rights Officer to talk more at rights@ercs.scot

Contact our free legal advice service at www.ercs.scot/get-advice

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

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