



A Human Rights Bill for Scotland: Consultation

The right to a healthy environment

1. Do you agree or disagree with our proposed basis for defining the environment?

Response: Agree.

2. If you disagree please explain why.
3. What are your views on the proposed formulation of the substantive and procedural aspects of the right to a healthy environment?

Substantive aspects - should be understood as including:

- clean air
- safe and sufficient water
- non-toxic environments (in which to live, work, study and play)
- healthy ecosystems and biodiversity
- safe climate.

Procedural aspects - should be understood as including:

- awareness-raising,
- promoting education and capacity building
- access to information
- public participation in decision-making
- ensuring effective, affordable and timely remedies
- suitable policies, planning and action

Response: The proposed formulation of the right to a healthy environment into 2 sections covering different elements is appropriate, however, it is important to keep equity in mind while laying out the details.

In the substantive aspect, the right to clean air should explicitly include both indoor and outdoor environments to ensure appropriate air quality. The non-toxic

environments should also ensure specific aspects of sanitation and waste management and pollution prevention and control measures.

- 4. Do you agree or disagree with our proposed approach to the protection of healthy and sustainable food as part of the incorporation of the right to adequate food in ICESCR, rather than inclusion as a substantive aspect of the right to a healthy environment? Please give reasons for your answer.**

Response: Disagree.

The right to healthy and sustainable food should be a part of the right to a healthy environment. This is to provide clarity that while food security is ensured, it is not at the cost of environmental harm or biodiversity loss. Agriculture is responsible for more than [one-third of greenhouse gases](#) globally, air pollution, and rapid biodiversity decline. [In Scotland](#), 80% of the land is used for agricultural purposes whilst only 12.5% is forested. Animal-intensive agriculture also strains available water. As global heating increases it is projected that there will be a [30% increase in irrigation requirements](#) by 2050 in Scotland. As safe and sufficient water is included as a substantive aspect of the right to a healthy environment, it would make sense to consider healthy and sustainable food as a part of it. Whilst we acknowledge the argument that human rights are interdependent, interrelated and indivisible, we believe there is a chance that the planetary health aspects of food production and consumption might get diluted. We therefore believe that healthy and sustainable food should be a part of the right to a healthy environment.

- 5. Do you agree or disagree with our proposed approach to including safe and sufficient water as a substantive aspect of the right to a healthy environment? Please give reasons for your answer.**

Response: Agree.

The United Nations human right states access to safe and sufficient water is a basic human right. With the rapidly progressing climate crisis, the risk of water scarcity is increasing globally. [In Scotland](#), this threat is projected to significantly increase in the summer months in the next 25 years due to lower levels of rainfall, increased evaporation rates and higher absorption by plants and crops. Further, as the volume of water reduces in rivers and lakes the pollutants will be more concentrated, which means the water quality may become inappropriate for recreational activities, as a habitat for aquatic animals and plants, and would require more intensive treatment for human usage. As such,, the provision of safe and sufficient water as a substantive aspect of the right to a healthy environment is important.

- 6. Are there any other substantive or procedural elements you think should be understood as aspects of the right?**

Response: Yes. There could be 2 additions to the procedural elements.

The first is a mandate for monitoring and evaluation of the actions being implemented and assessing their effectiveness. This would ensure transparency and accountability in the other procedural elements.

The second is adding an element of increasing research that is specific to impacts and interventions related to the substantive elements, which would be useful in evidence-based policymaking.