Environmental Rights Centre for Scotland
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John Swinney MSP
First Minister of Scotland
Scottish Government
Via email only

Cc:
Gillian Martin MSP, Cabinet Secretary for Climate Action and Rural Affairs
Shirley-Anne Somerville MSP, Cabinet Secretary for Social Justice and Housing
Simita Kumar MSP, Minister for Equalities and International Development

21 October 2026

Dear First Minister,

The right to a healthy environment in Scotland's Human Rights Bill

We write as a coalition of over 100 environmental, human rights, health, faith, union and community organisations to urge you to stand by your government's commitment to incorporate the universal human right to a clean, healthy and sustainable environment (RtHE) in Scotland's forthcoming Human Rights Bill.

We welcomed the news in your 2026-31 Programme for Government to introduce a Bill in year 2, but our understanding is that incorporating the RtHE is at risk.

We last wrote to you in July 2024 urging you to mitigate any concerns that the right might be weakened or diluted, and how it is integral to meeting your four priorities for Scotland. It is deeply worrying that we are, again, faced with uncertainty on its inclusion.

Recognition of the RtHE was a key recommendation of the National Taskforce for Human Rights Leadership Report (2021) and has been consistently supported by a broad range of civil society organisations and others. As the Cabinet Secretary for Social Justice wrote in 2023, recognising the right 'sends an important signal of solidarity to the global community in support of the international rule of law', as well as demonstrating Scotland's leadership role on international climate justice.

We support the Government's intention to incorporate the International Covenant on Economic, Social and Cultural Rights with a compliance duty. As acknowledged in the Government's Discussion Paper (July 2025), the RtHE is 'indivisible from other fundamental human rights which depend on it'. Last September, the UN Committee on Economic, Social and Cultural Rights (ESCR) was unequivocal in General Comment no. 27: that we can only advance ESCR by, 'placing the human dignity of present and future generations, along with

environmental justice at the centre … respecting ecological limits and the finite nature of natural resources,' and that, 'without regard for the earth's environmental limits, it is impossible to achieve the equal realisation of Covenant rights for all'.

The Government's Discussion Paper raises questions about the strength, scope and coverage of duty attached to the RtHE. In terms of scope and coverage, the limits of devolved competence apply equally to every right in the Bill, and the UNCRC Act 2024 shows that incorporation within those limits still has impact. Although it will be limiting, this should not be used as an excuse to omit the RtHE.

In terms of strength, as Gillian Martin, Cabinet Secretary for Climate Action and Rural Affairs, said in her ministerial address at the SEPA 30th anniversary reception at Scottish Parliament, at its best environmental regulation does not stand in the way of economic progress but supports it and challenges businesses who seek to profit from environmental harm. The Scottish Government's self-described 'cautious, evidence-led approach' to considering unconventional oil and gas in 2019 is a great example of environmental democracy - showing how government can respond effectively to communities' concerns, preventing environmentally risky activity while encouraging safer activities. The RtHE does not threaten but strengthens this approach.

The Cabinet Secretary in her address also acknowledged that challenges to the environment are increasingly complex, requiring partnership across science, local government, health and business. Incorporating the RtHE with a compliance duty along with the ESCR is imperative if we are to have a cross-cutting human rights framework. This would shift how budgetary and strategic decisions are made to tackle the systemic causes of food and energy insecurity and health inequalities, as well as meeting Scotland's legal biodiversity and net zero targets.

166 out of 193 UN Member States now legally recognise the right, which the UN sees as a critical tool for holding public bodies and big polluters to account. As outlined by the UN Special Rapporteurs in their letter to the Committee of Ministers of the Council of Europe on 12 October, 28 out of 48 States among the Council of Europe expressly recognise this right in their constitutions or national legislation (see also R2HE Toolkit by NYU Law).

We understand that the Welsh Government's expert Legislative Options Working Group reported in March 2026 for a Human Rights (Wales) Act including the right to a healthy environment. Recognition of RtHE in Scotland will be a powerful demonstration, internationally and in the UK, of Scotland's commitment to tackling the triple planetary crisis of climate breakdown, biodiversity loss, and pollution. To renege on this is untenable after witnessing Scotland's climate changing in recent years including severe heat, wildfires, floods and storms, and the consequent impacts on vulnerable individuals and communities.

We all agree that Scotland's environment is our greatest national asset, on which our economy and society depends. We have a duty to protect it for the next generation, and this stewardship

requires foresight and collective action. To build a climate resilient and prosperous Scotland, we must have the right to a clean, healthy and sustainable environment at the core of decision-making, not as an afterthought.

We therefore urge you to engage with us on this matter and incorporate an enforceable right to a healthy environment in a Scottish Human Rights Bill. In the spirit of constructive dialogue, we would welcome the opportunity to meet with Ministers and discuss these matters further.

Yours sincerely,

Dr. Shivali Fifield, Chief Officer, Environmental Rights Centre for Scotland

Prof. David Boyd, former UN Special Rapporteur on the human right to a clean, healthy and sustainable environment

Action to Protect Rural Scotland (Dr. Kat Jones, Director)
ASH Scotland (Sheila Duffy, Chief Executive)
Amnesty International UK (Elizabeth Thomson, Scotland Advocacy Manager)
Archaeology Scotland (Dr. Gavin MacGregor, Chief Executive)
Asthma + Lung UK (Joseph Carter, Head of Devolved Nations)
Badenoch & Strathspey Conservation Group (Gus Jones, Convener)
BEMIS (Charlotte Thomas, Race Equality and Human Rights Officer)
Bright Green Nature (Mark Holmes, Chief Executive)
Buglife Scotland (Craig Macadam, Co-Leader and Director of Conservation)
Chartered Institute of Ecology and Environmental Management (David Reeves, Head of Policy)
Children's Parliament (Dr. Louise Hill, Director)
Civil Rights First (Dionne McCabe, Chief Executive Officer)
Clan ChildLaw (Katy Nisbet, Head of Legal Policy)
Clean Heat Edinburgh Forum (David Somervell, Trustee)
Circular Communities Scotland (Matt Lewis, Interim Lead)
Common Weal (Dr. Craig Dalzell, Head of Policy & Research)
Community Transport Association (David Kelly, Scotland Director)
Community Energy Scotland (Rona MacKay, Director - People & Communities)
Community Land Scotland (Dr. Josh Doble, Director of Policy & Advocacy)
Council of Ethnic Minority Voluntary Organisations (CEMVO) Scotland (Abiola Durodola, Environmental Projects Coordinator)
Dandelion Solidarity (Daniel KWOK, Director)
DG Voice (Kim Dams, Chief Executive)
Disability Equality Scotland (Lucy Mulvagh, Chief Executive Officer)
Earth In Common (Evie Murray, Chief Executive)
ECCAN - Edinburgh's Climate Hub (Mark Dowey, Hub Manager)
Edinburgh Community Food (Brenda Black, Chief Executive Officer)
Engender (Catherine Murphy, Executive Director)

Equality Network (Christopher Clannachan, Policy Manager)
Faldonside Eco LLP (Jamie Blackport, Director)
Felix Scotland (Jon Molyneux, Public Affairs Lead)
Food Train (Rosie McLuskie, Chief Executive)
Forth Valley Rape Crisis Centre (Angela Barron, Chief Executive Officer)
Friends of the Earth Scotland (Caroline Rance, Head of Campaigns)
Froglife Trust (Kathy Wormald, Chief Executive)
Get Glasgow Moving (Ellie Harrison, Chair)
Glasgow Climate Action Hub (Colin Vincent, Hub Manager)
Global Justice Now (Jane Herbstritt, Scottish Activism and Campaigns Coordinator)
The Haven in Stonehaven (Natalie Jurdeczka, Manager)
Highland Good Food Partnership (Charlotte Steel, Chief Executive)
Human Rights Consortium Scotland (Charlie McMillan, Director)
Inclusion Scotland (Heather Fisken, Chief Executive)
Independent Food Aid Network (Sabine Goodwin, Director)
InspirAlba (Ailsa Clark, Executive Director)
John Muir Trust (David Balharry, Chief Executive)
JUSTICE (Zoe Bantleman, Legal Director)
Just Fair (Jess McQuail, Director)
Justice & Peace Scotland (Andrew Smith, Campaigns & Communications Officer)
Living Rent (Ruth Gilbert, Chair)
Marine Conservation Society (Clare Trotman, Head of Policy & Advocacy)
Medact Scotland (Dr. Lesley Morrison, Coordinator)
Midlothian Climate Action Hub (Abigail Wardlaw, Hub Manager)
NASUWT: The Teachers' Union (Mike Corbett, National Official - Scotland)
Northeast Mountain Trust (David Windle, Chair)
Nourish Scotland (Simon Kenton-Lake, Senior Officer)
Open Seas (Phil Taylor, Director)
One Parent Families Scotland (Satwat Rehman, Chief Executive)
Outside the Box (Angela Ross, Director)
Oxfam Scotland (Katherine May, Head)
Parents for Future Scotland (Claire Larkin, Chief Executive Officer)
Peoples Health Movement Scotland (Dr. Tony Robertson, Steering Group member)
Planning Democracy (Clare Symonds, Chair)
Poverty Alliance (Peter Kelly, Chief Executive)
Quakers in Scotland (Pleasaunce Perry, Clerk)
Ramblers Scotland (Brendan Paddy, Director)
Raptor Persecution UK (Dr. Ruth Tingay, Director)
Reach Advocacy Ltd (Derek McCabe, Chief Executive Officer)
The Refillery (Kelly Wright, Director)
Renfrewshire Climate Action Network (Mike Callaghan, Manager)

REVIVE Coalition (Max Wiszniewski, Head of Campaigns)
Rhyze Mushrooms CIC (Lauren Waterman, co-op member)
River Almond Action Group (Ruth Plevin, Secretary)
Royal College of Physicians Edinburgh (Prof. Jill Belch, Chair, College Advisory Forum on the Environment)
RSPB Scotland (Aedán Smith, Head of Policy & Advocacy)
Rural Social Enterprise Hub (Ailsa Clark, Executive Director)
Save Our Shores Leith (Dr. Jim Jarvie, Member and Co-founder)
Scotland's International Development Alliance (Frances Guy, Chief Executive)
Scotland Rewilding Alliance (Dr. Karen Blackport, Co-Convener)
Scottish Council for Voluntary Organisations (Anna Fowlie, Chief Executive)
Scottish Child Law Centre (Jamie Speirs, Principal Solicitor)
Scottish Commission for People with Learning Disabilities (Bruce Adamson, Chief Executive)
Scottish Communities Climate Action Network (Craig Dunn, Lead)
Scottish Wildlife Trust (Jo Pike, Chief Executive)
Scottish Community Alliance (Elizabeth Docherty, Director)
Scottish Contemporary Art Network (Lydia Honeybone, Programme Development Lead)
Scottish Crofting Federation (Donna Smith, Chief Executive)
Scottish Environment LINK (Dan Paris, Director of Policy & Engagement)
Scottish Independent Advocacy Alliance (Suzanne Swinton, Chief Executive)
Scottish Food Coalition (Prof. Wendy Russell, Chair)
Scottish Rural Action (Artemis Pana, National Coordinator)
Scottish Wild Beaver Group (Nicole Baxter, Project Coordinator)
Scottish Wild Land Group (Beryl Leatherland, Co-Convener)
Seham & Najma (Sadia Sikandar, Chief Executive)
Soil Association Scotland (David McKay, Co-Director)
Stop Climate Chaos Scotland (Fraser Sutherland, Coalition Manager)
Surfers Against Sewage (Henry Swithinbank, Policy & Advocacy Lead)
SURF - Scotland's Urban Regeneration Forum (Euan Leitch, Chief Executive)
Together: Scottish Alliance for Children's Rights (Juliet Harris, Director)
Trees for Life (Steve Micklewright, Chief Executive)
UNISON (Aberdeen universities branch) (Owen Cox, Branch Chairperson)
Venture (Jo Kerr, Chief Executive)
Water Witness International (Lexi Parfitt, Executive Director - Public & Political Engagement)
Wellbeing Economy Alliance Scotland (Lisa Hough-Stewart, Director)
Wildfish (Nick Underdown, Scotland Director)
Wild Justice (Dr. Ruth Tingay and Chris Packham, Co-Directors; Bob Elliot, Chief Executive)
Woodland Trust Scotland (Alastair Seaman, Director)
Worker Support Centre (Caroline Robinson, Executive Director)
WWF Scotland (Lang Banks, Director)
Young Sea Changers (Alan Munro, Director)