



T: 0300 244 4000
E: scottish.ministers@gov.scot

Katie Hagmann MSP
Convener
Equalities, Human Rights and Civil Justice
Committee

Email: EHRCJ.committee@parliament.scot

28 October 2026

Dear Katie,

HUMAN RIGHTS BILL - RIGHT TO A HEALTHY ENVIRONMENT

I have today answered a Government Initiated Question setting out the Scottish Government's decision not to include the right to a healthy environment in the proposed Human Rights Bill. I am writing to update the Committee on this. The Government Initiated Question can be found here: [Written question and answer: S7W-04530 | Scottish Parliament Website](#).

I want to emphasise at the outset that Ministers have taken this decision within an evolving policy, political and legal context. We were elected on a manifesto commitment to bring forward a Human Rights Bill and have recommitted to this in the recent Programme for Government. Our intention is to bring this Bill in Year 2. It is vital the new human rights framework must be clear, coherent and effective in practice. While the other rights proposed for incorporation are drawn from established international human rights treaties and are supported by well-developed legal frameworks and guidance, the right to a healthy environment does not have an equivalent treaty basis or established body of interpretive guidance. We are concerned that, at this stage, inclusion of the right to a healthy environment could create uncertainty or unintended delays in decision-making, potentially affecting the delivery of vital initiatives needed to meet Scotland's net zero ambitions. Given the developing nature of the right and the uncertainty surrounding how it would interact with our domestic framework, including the absence of an established international framework to help define its scope and content, we do not consider that the necessary level of clarity can be achieved at this time.

We continue to support the principle of a right to a clean, healthy and sustainable environment and recognise the important role environmental human rights can play in protecting both people and the environment. We will therefore continue to engage with, and monitor developments relating to, the right through the Council of Europe and other international institutions, ensuring that Scotland's approach remains informed by emerging international law and practice. Scotland already benefits from significant environmental

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



protections through domestic human rights law, environmental legislation, and our wider policy and regulatory framework. The Bill will build on these protections by incorporating economic, social and cultural rights into domestic law, reinforcing rights that are closely connected to environmental conditions.

In the meantime, we are assessing how existing and planned government activity may contribute to the advancement of the substantive elements of the right. The Programme for Government includes a range of commitments relevant to these elements, covering climate change and resilience, biodiversity and nature restoration, air pollution, water quality and availability, sustainable food production, and pollution and waste. Across these areas, our approach combines long-term environmental objectives with targeted action. It supports investment in environmental protection and improvement, climate action, pollution reduction, sustainable resource management, and measures designed to protect human health and wellbeing. We will continue to assess how current and future policy and legislative activity can contribute further to advancing these substantive elements and identify opportunities to strengthen progress over time.

I recognise that this news will be disappointing to stakeholders, particularly those who have championed environmental rights. I will be looking to engage with them in the coming weeks to explain the decision and discuss how we work together in the coming period on our shared commitment to advance environmental rights across Scotland's policy and practice.

I hope this is helpful to the Committee. Should the Committee require any further information, I would be pleased to provide it. I have copied this letter to the Climate Action Committee, for their interests.

Yours sincerely,

SIMITA KUMAR

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE
We invest in people Silver

