**Statement by the Scottish Human Rights Commisson**

**And on behalf of the Equality and Human Rights Commission and the Northern Ireland Human Rights Commission**

**Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes report mission to the United Kingdom of Great Britain and Northern Ireland**

**THE 36TH SESSION OF THE HUMAN RIGHTS COUNCIL**

**13 September 2017**

**Agenda item 3** (A/HRC/36/41/Add.2)

Mr President,

The UK NHRIs welcome the country report of the Special Rapporteur on human rights and hazardous substances and wastes. In particular his encouragement to the U.K. government to fulfil its duty to prevent and control exposure to pollution and toxic chemicals. The report highlights the poor air quality in many cities in the UK. While levels of certain pollutants have fallen since the 1970s, grave impacts on the most vulnerable persist, and progress on some of the worst types of air pollutants has stalled in recent years. UK cities regularly fail to meet EU standards for air quality. Air pollution is a public health concern and children, the elderly and those with lung complaints such as asthma are especially at risk.

The UK NHRIs consider that gaps and inadequacies in existing frameworks for protection against toxic and hazardous waste must be confronted on a human rights basis, particularly as there is a high level of uncertainty about the future application of European Union regulatory law in this area after the UK leaves the European Union. It is also important that the UK Government ensures that domestic legislation adequately addresses the toxic impacts of UK businesses abroad.

Another concerning factor is the potential negative human rights impact of the UK’s closer cooperation with the United States in the area of energy. As the Special Rapporteur has made clear the rights that are often impacted by pollution and contamination are not recognized by the US while they are by the UK. The UK Government and devolved nations must be clear that Brexit is not an opening for deregulation and regression from human rights standards and guarantee their ongoing protection.

Devolution has created the opportunity for more democratic decision making about public health and environmental issues. For example the Scottish Government has a moratorium on fracking, which is allowing for informed decision-making and meaningful public participation. However, greater policy coherence and public participation in decision making should be a feature all across the UK.

The UK NHRIs urge the UK Government and devolved governments to meet their obligations and ensure that a rights based approach is given to pollution and other toxic threats to the health and wellbeing of today’s and future generations.

Today, we know far more about the interrelation between pollution and health, food, water, and adequate housing than we did as a society a generation ago. It is paramount that strong monitoring mechanisms, greater public participation and better routes for access to justice for victims reflect that knowledge.

Thank you Mr President