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Agenda 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written submission by the Scotland: Scottish Human Rights Commission*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Scotland: Scottish Human Rights Commission**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with “A”-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

Submission by the Scotland: Scottish Human Rights Commission

SHRC Statement

Agenda item 3. ID with SR on hazardous wastes

Ms President,

The Scottish Human Rights Commission welcomes the report of the Special Rapporteur and acknowledges the Special Rapporteur mission to highlight people's exposure to toxic substances and their direct implications on our human rights. This interrelation extends to the right to life, to the highest attainable standard of health, to safe water and food, to adequate housing, and to a right to a healthy environment.

Today, we have reached a global scientific consensus on the critical state of the environment and its consequences for human lives and the future of life on Earth. The previous five assessments of the Intergovernmental Panel on Climate Change have provided evidence of the scope of the climate crisis and its most significant threats. The current COVID-19 pandemic has also reminded us of the sometimes invisible, but frequent links between vector borne zoonotic diseases and the devastating impacts on the realisation of human rights across the planet.

SHRC agrees with the Secretary-General of the United Nations that we need 'build back better' to avoid further environmental disaster and ensure a just and equitable recovery in a post pandemic world. A key step to build back better is the global recognition that everyone has a human right to enjoy a safe, clean, healthy and sustainable environment.

We also note that the implementation of the 2030 Agenda for Sustainable Development requires a greater interdependency between development, the

protection of the environment and human rights. It is therefore crucial to ensure greater accountability in the SDG process, as well encouraging governments to agree an explicit reference to human rights at the end of the 26th COP climate summit, which will take place in Glasgow next year. SHRC is working with the global network of NHRIs and other partners to put human rights and climate justice into the COP agenda.

Significant steps have been taken in Scotland in relation to climate change. This includes a Climate Change Act, which obliges ministers to consider climate justice principles when laying the climate change plan before the Scottish Parliament; a cross-party parliamentary motion on Climate Justice in 2012; a Climate Justice fund from 2012 to 2017 aimed to tackle the effects of climate change in Tanzania, Malawi, Zambia and Rwanda; and finally, the explicit recognition of climate justice in the Government Proposal & Policy for a Low Carbon Scotland 2013-2027. However, SHRC thinks this is not enough and continuously reminds both Government and Parliament that we can do more and faster.

As Scotland's NHRI, we have been an active participant in those changes and worked with the national and the international community to promote responses to climate change using a human rights-based approach, particularly focusing on climate justice. We have scrutinised legislation recommending human rights based changes to strengthen accountability and public participation. We have emphasised climate justice and contributed to improve the national debate and the creation of spaces for discussion that support this aim, including parliamentary action on climate justice. Internationally, we led and drafted the St. Julian's Declaration on Climate Justice within the Commonwealth Forum of National Human Rights Institutions, which lays out the commitment of NHRIs to address human rights issues generated and affected by climate change. All of this served to consolidated climate justice in Scotland's policy framework.

We have recommended for a long period of time the incorporation of all international human rights treaties in Scots law. In 2019, the First Minister of Scotland set up a National Taskforce for Human Rights Leadership with the purpose of strengthening the current statutory framework for human rights and bringing internationally recognised human rights into domestic law, including a right to a healthy environment. As Scotland moves forward to incorporate this human right into legislation, the Commission calls on the international community to urgently recognise the right to a safe, clean, healthy and sustainable environment.

We, therefore, support the call made by the 200+ international civil society organisations, social movements, local communities and Indigenous Peoples for a global recognition of the right to a healthy environment and the need for a global approach to global environmental crisis.

Thank you, Ms President.

A handwritten signature in black ink, appearing to read 'Judith Robertson', with a stylized flourish at the end.

Judith Robertson
Chair
Scottish Human Rights Commission