



# Establishing The Legal Right to a Healthy Environment in the UK: A Roadmap



The latest [Environmental Rights Recognition Project](#) (ERRP) briefing paper explores the growing support for a right to a healthy environment, provides a summary of the different dimensions that the right can contain, highlights global examples of the right in action, considers how the right can be implemented in the UK, and sets out conclusions and recommendations. As environmental crises worsen and with a general election due in the UK in 2024, the paper discusses how to re-imagine UK law to introduce the right. It expands on ERRP's May 2022 [briefing paper](#), which explored the academic arguments that support recognising a right to a healthy environment.

## Public support for a right to a healthy environment

Evidence of a growing movement for the recognition of the right includes:

- The UN General Assembly [recognised the right to a healthy environment](#) in July 2022.
- The Council of Europe [adopted a recommendation](#) in September 2022 calling on each Council of Europe Member State (including the UK) “to reflect on the nature, content and implications” of the right to a healthy environment and to “actively consider recognising at the national level this right as a human right”.
- In the UK, the [Clean Air \(Human Rights\) Bill](#) containing a right to clear air was introduced into the House of Lords as a Private Members’ Bill in May 2022, and a draft [Environmental Rights Bill](#) containing a right to a healthy environment was launched by a group of environmental NGOs in June 2023. In September 2023, the [Liberal Democrats passed a motion](#) at their party conference endorsing the recognition of the right.

## Understanding the right to a healthy environment

Traditional human rights were developed before we understood the importance of the environment to our welfare and to that of future generations. The right to a health environment is based on the idea that each person has a human right to an environment that meets certain standards, and where an act or omission causes the environment to fall below those standards, it will constitute an interference with each affected person’s human rights.

The right can contain an individual-rights dimension (substantive and procedural rights exercisable by individuals), a collective-rights dimension (where rights are granted to future generations, for example), and a rights-of-nature dimension (where non-human components of the environment are recognised as having rights).

## Global examples of the right to a healthy environment

The UK is lagging behind. The right can and does work in practice; it has been recognised in some form in more than 155 states worldwide.

The paper considers three countries where the right has been recognised – South Africa, Colombia, and Norway – and through those examples shows how a right to a healthy environment:

- helps contribute to better decision-making by public bodies;
- can help push governments to set better environmental policies; and
- leads to an evolution of court approaches rather than a fundamental change in constitutional arrangements.

## The draft Environmental Rights Bill and recognising the right to a healthy environment in the UK

Through the Council of Europe Committee of Ministers, the UK has agreed and is now subject to a recommendation that it should “actively consider recognising at the national level this right as a human right”. The [draft Environmental Rights Bill published in June 2023](#) by a group of environmental NGOs represents one route for the UK to recognise the right to a healthy environment at the national level.

The draft Environmental Rights Bill is a detailed proposal for a right to a healthy environment in the UK, which takes the UN Aarhus Convention as its starting point. It proposes: a right to a healthy environment for everyone in the UK; an obligation on public authorities to respect that right; greater protection for environmental defenders; increased access to environmental information; increased public participation in environmental decision-making; a duty on public authorities to secure access to justice in environmental matters; changes to judicial approaches to environmental issues.

ERRP supports the draft Environmental Rights Bill. However, the paper also identifies a number of areas not explicitly addressed within the bill which merit further consideration.

## Conclusions and recommendations

Now is the time to begin the process of implementing the right to a healthy environment here in the UK. As such, as set out in more detail in the paper, we make the following recommendations:

- Each political party in the UK should **adopt a pledge in their 2024 general election manifesto** to seek the recognition of the right to a healthy environment.
- As part of that pledge, each party should **commit to the commissioning of a report and recommendations on the implementation of the right to a healthy environment**. That report could be **produced by the Law Commission** with input from the Office for Environmental Protection.
- The **referral to the Law Commission should take the draft Environmental Rights Bill as its starting point**. But it should also provide for exploration of international examples and go beyond the draft Bill, which is mainly focused on procedural rights.