



# Human rights in Scotland



**The Human Rights Act 1998 is a robust foundation to our human rights protections in Scotland.**

## The Scotland Act 1998

In Scotland, the European Convention on Human Rights is given effect through the Human Rights Act 1998 and the Scotland Act 1998. This means that all laws made in the Scottish Parliament must comply with the European Convention on Human Rights. Any laws made in the Scottish Parliament which are incompatible with the European Convention on Human Rights would have no legal effect.

Recent attempts to undermine the Human Rights Act have caused concern throughout the UK, but particularly in Scotland. It is unclear what impact changes to the Human Rights Act would have on the Scottish Parliament and Scotland's devolution settlement. This risks significant confusion, complexity and uncertainty for the Scottish Government, Parliament, public bodies, courts, and tribunals. In turn, this will impact the ability of people to know, understand, claim, and enforce their human rights.

## Growing human rights focus

There is a growing focus on human rights in Scotland and a commitment to progressively build upon the foundations of the Human Rights Act and the rights outlined in the European Convention on Human Rights. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was passed unanimously by the Scottish Parliament in 2021.

Activity is also underway to incorporate four more international human rights treaties into Scots law, which would embed our full range of economic, social, and cultural rights alongside the civil and political rights contained in the European Convention on Human Rights. This would enhance human rights for marginalised groups including women, disabled people, and minority ethnic communities.

The four UN treaties are:

- The International Covenant on Economic, Social and Cultural Rights (ICESCR)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- The Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- The Convention on the Rights of Persons with Disabilities (CRPD)

The Scottish Government will consult on this new Human Rights (Scotland) Bill in 2023.

## Human rights in practice

There are positive examples of organisations in Scotland working to make human rights real.

### Human Rights Town App

The Scottish Commission for People with Learning Disabilities (SCLD) developed **Human Rights Town** – an app to empower people with learning disabilities to recognise and realise their rights. People with learning disabilities are not always able to realise their human rights, and in some cases, people's most fundamental rights such as the rights to life, can be compromised.

## #MyOwnFrontDoor

ENABLE Scotland, are campaigning to uphold the human rights of all adults who have a learning disability in Scotland to live in the home of their choice, in the community they like, close to the people they love by 2023. **#MyOwnFrontDoor** seeks to challenge the human rights emergency of people with learning disabilities who are forced to live far from their families or in hospital.

## The Scottish Sensory Hub

The **Scottish Sensory Hub** is a platform for people living with sensory loss. It places human rights principles at its heart and advocates for the provision of accessible, inclusive communication. The Hub has advocated for 'BSL for All', provided training on vision loss, deafness, and inclusive communication, and worked on transport accessibility and access to democracy for people with sensory loss.

## Further reading and resources

**Read our explainer which sets out the key protections provided by the Human Rights Act 1998, and why they are so important for health and social care.**

Sign up to our human rights mailing list to keep up to date on our work on human rights, including opportunities to get involved. Email [gillian.mcelroy@alliance-scotland.org.uk](mailto:gillian.mcelroy@alliance-scotland.org.uk) to register.

