



10 July 2023

Dear Cabinet Secretary for Social Justice Shirley-Anne Somerville,

Human Rights Bill and UNCRC (Incorporation) (Scotland) Bill

We welcome the recent publication of the consultation on A Human Rights Bill for Scotland and the renewed commitment by the First Minister to introducing world-leading human rights legislation within this parliamentary session.

As you know, we strongly welcome the Scottish Government's plans to bring more of our international human rights, and the right to a healthy environment, into Scots law. This is important, ambitious, challenging, and would be a very significant step forwards for human rights in Scotland.

Over the public consultation period, we will be engaging with our members, networks, and people with experience of human rights infringements in their daily lives around the Scottish Government's proposals and the consultation questions. We want to ensure that it is as effective as possible in building a legal framework that enables people to name and claim their human rights; provides a foundation for law and policy based on all our rights; and helps to drive a human rights culture. We will therefore respond to the consultation in full in due course.

However, we write to raise our significant concern that whilst we engage on this wider human rights bill, we are still waiting for the UNCRC (Incorporation) (Scotland) Bill to be amended and commenced. Commitments to progress human rights ring increasingly hollow when there has to date, been a lack of Scottish Government progress around steps being taken to amend the UNCRC Bill.

We refer to letters we exchanged with the then Minister for Equalities and Older People Christina McKelvie. In these letters, we emphasised the importance of the UNCRC Incorporation Scotland Bill being made law. In the Minister's letter of January 2023, she stated:

“The Scottish Government remains absolutely committed to incorporating the United Nations Convention on the Rights of the Child into Scots law, as far as possible within devolved competence. Our intention is to bring the Bill back to Parliament for Reconsideration Stage.

“Preparations for that are well underway and include engagement with the UK Government to try to assess whether they are broadly content that the amendments bring the Bill within legislative competence and to reduce the risk of another referral to the Supreme Court.

“We will lodge the motion to reconsider the Bill and publish the amendments to the Bill as soon as possible but cannot yet confirm a timetable.”

Given these clear assurances that the amendments to the Bill would be forthcoming 'as soon as possible,' we are dismayed that, as the Scottish Parliament enters Summer Recess, the Reconsideration process has not yet begun.

We welcome the Cabinet Secretary's clarity in her statement on 27 June 2023, that the reconsideration process begins with the Parliament considering the admissibility of the proposed amendments. The Scottish Government will then lodge a motion for the Scottish Parliament to formally begin to consider amendments to the Bill. We note that arrangements are now being made to begin this process and the intention is to present amendments 'as soon as possible' after recess.

We must emphasize that the wider Human Rights Bill significantly builds upon the approach and lessons learned from the UNCRC Bill and its development. Proceeding with the wider Human Rights Bill without taking meaningful action to amend the UNCRC Bill would be regrettable. **Therefore, we urge the Scottish Government to begin the Reconsideration process immediately so that, if the proposed amendments are deemed admissible, a motion can be lodged on the Parliament's first day back after the Summer Recess.**

We also ask for much greater transparency at every stage. This includes publishing proposed amendments to the UNCRC (Incorporation) (Scotland) Bill before the end of the Human Rights Bill consultation period, which is October 5th, 2023.

We agree that it is very important that the Bill is within devolved competence. We recognise that this means that amendments may reduce the scope of the UNCRC Bill to only include Acts of the Scottish Parliament.

We urge the Cabinet Secretary to commit to the audit across UK Acts in devolved areas that impact upon children's rights and to provide a timetable for this audit being carried out.

Given the significant delay to get to this point, it is incumbent on the Scottish Government to proceed with the audit with haste, and to be open and transparent about the timescale for doing so.

Every year of childhood is precious. We urge you to now progress the UNCRC Bill without any further delay and with transparency – Scotland's children and young people deserve no less.

Yours sincerely,

Danny Boyle, BEMIS Scotland

Oonagh Brown, Scottish Commission for People with Learning Disabilities (SCLD)

Dr. Rebecca Crowther, Equality Network

Shivali Fifield, Environmental Rights Centre for Scotland (ERCS)

Juliet Harris, Together Scotland

Colin Lee, CEMVO Scotland

Clare MacGillivray, Making Rights Real

Cathy McCulloch, Children's Parliament

Katy Nisbet, Clan Childlaw

Sara Redmond, the Health and Social Care Alliance Scotland (the ALLIANCE)

Lindsey Reynolds, Amnesty International

Pete Ritchie, Nourish Scotland

Mhairi Snowden, Human Rights Consortium Scotland

Suzanne Swinton, Scottish Independent Advocacy Alliance (SIAA)

Alison Watson, Shelter Scotland

Jim Elder Woodward, Inclusion Scotland