

Civil Society Working Group on Incorporation

2026 Scottish Parliamentary Election Manifesto

Recommendations

Introduce a Human Rights Bill strengthening rights protections through the incorporation of international treaties. Ensure that the strongest possible protections are in place within the Bill and are fully enforceable.

Implement the UNCRC Act to full effect by bringing more legislation within scope of the Act and resourcing further work on implementation and capacity building across government and public bodies.

Urgently address the well documented barriers to accessing justice for rights breaches faced by people in Scotland, including by guaranteeing access to advice and representation, reforming legal aid and resourcing complaint handling and regulatory bodies.

About the Civil Society Working Group on Incorporation

The Civil Society Working Group on Incorporation (CSWG) was established in 2019 by Amnesty International and the Human Rights Consortium Scotland. The CSWG represents organisations that campaign for people in Scotland to have their human rights respected, protected and fulfilled in line with international standards.

Introduction

Scotland needs a strong and clear framework for protecting fundamental rights, ensuring that national legislation aligns with internationally recognised standards of dignity, equality, and justice. Incorporation of international treaties into Scots law will provide a framework that promotes social inclusion, reduces discrimination, and supports access to essential services such as education and healthcare.

Beyond legal compliance, embedding rights into law, policy and practice in Scotland contributes to social stability, economic development, environmental sustainability and stronger democratic governance, while creating effective mechanisms for accountability and redress when rights are violated.

Poverty, inequality and broken public services are systemic failures, and while certain policy choices can improve outcomes, these challenges ultimately require a systemic answer. A Human Rights Bill for Scotland is a vital part of the change we need to build a fair society. The next Scottish Government must prioritise the introduction of a Bill, alongside action on strengthening the UNCRC Act and urgently addressing the well documented barriers people face accessing justice when their rights are breached.

Scottish Human Rights Bill

1. Introduce a Human Rights Bill strengthening rights protections through the incorporation of international treaties
 - Ensure that the strongest possible protections are in place within the Bill and are fully enforceable, including through the inclusion of the right to an effective remedy on the face of the legislation.
 - Seek a clear agreement with the UK Government to expand the Bill's scope and address the challenges presented following the UK Supreme Court's 2023 ruling on the UNCRC Act. CSWG members have called on the Scottish and UK Governments to take a maximalist approach to incorporation of international rights treaties within the devolution settlement.
 - Undertake a review of existing laws covering the rights being incorporated through the Bill and identify where provisions can be restated or amended by the Scottish Parliament to allow the broadest possible protection of rights within devolved competence.

The introduction of a Scottish Human Rights Bill that would incorporate four international rights treaties and the right to a healthy environment was a 2021 manifesto commitment of the current Scottish Government. The Scottish Labour Party, the Scottish Greens and the Scottish Liberal

Democrats also made manifesto commitments to incorporate international rights treaties in 2021. The proposal of the current Scottish Government is to introduce legislation incorporating the following four international treaties, alongside the right to a healthy environment:

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

When the introduction of the Scottish Human Rights Bill was paused in 2024, it was a profound disappointment to those who contributed to its development and whose lives it was designed to improve.

One of the reasons given by the Scottish Government for pausing the Bill was the Supreme Court's UNCRC judgment. This judgement held that the duties imposed by the Bill could not extend to UK legislation, even in devolved areas. As a result, its scope was narrowed.

If the same approach is taken to the Scottish Human Rights Bill, significant pieces of legislation affecting the rights contained in the relevant treaties will not be covered. Resolution should be sought in talks with the UK Government – and CSWG members have called on UK ministers to engage positively and take a maximalist approach to facilitating incorporation in Scotland.

However, further action can still be taken in Scotland to ensure the Human Rights Bill becomes a strong, transformative law.

Various options are set out and discussed in [research](#) by Professor Aileen McHarg. One clear and achievable step is for the Scottish Government to launch a legislative review of laws related to incorporated rights. This is about preparation and progress: ensuring that, where necessary, these laws can be consolidated and re-enacted as Acts of the Scottish Parliament. Doing so will bring them within the scope of the Scottish Human Rights Bill, guaranteeing that the rights they protect are fully enforceable in Scotland. This is a proactive measure that demonstrates commitment to embedding human rights at the heart of our legal system.

The challenges facing the Scottish Human Rights Bill are far from insurmountable, they require leadership and political will. The rights failures being experienced in Scotland – from child poverty to homelessness, to a backlog of people waiting to access vital healthcare, and breaches of access to environmental justice – can be tackled if those in power refuse to simply preside over a future of decline.

Incorporation isn't just a legal exercise—it is a commitment to building a Scotland where human rights are real, enforceable, and enduring. By embedding these protections into law, we lay the foundation for a fairer, more equal society—one where the rights of current and future generations are safeguarded, not as aspirations, but as guarantees. This is how we turn principles into progress and promises into lasting change.

We believe the next Scottish Government, and indeed every member of the Scottish Parliament elected in May 2026, has a duty to ensure the Scottish Human Rights Bill becomes law.

2. Implement the UNCRC (Incorporation) (Scotland) Act to full effect and resource further work on implementation and capacity building across government and public bodies.

- Maximise the coverage of the UNCRC Incorporation (Scotland) Act by conducting a legislative review with the aim of bringing UK legislation governing devolved areas into scope of the Act. Ensure future legislation is passed in a way that means the UNCRC applies, avoiding carve outs and Acts of Scottish Parliament that simply amend UK Acts.
- Reach an agreement with the UK Government on the applicability of the UNCRC Act, ensuring a maximalist approach to implementation of the Act and protection of children's rights.
- Continue to build and resource work being done on children's rights culture and implementation of the UNCRC Act in Scotland.

In 2024 the first UN rights treaty incorporated in Scotland took effect, representing a milestone for children's human rights. The incorporation of the UNCRC is already encouraging cultural change, however the Supreme Court ruling and resulting amendments to the UNCRC (Incorporation) (Scotland) Act have created significant barriers to accessing rights within devolved competence.

Learning from and strengthening the implementation of the UNCRC Act provides a crucial blueprint for delivery of the Scottish Human Rights Bill. However, there are growing concerns about the approach being taken to the Act's scope by the Scottish Government. For example, numerous bills have been introduced which are drafted in a way that continues to leave key provisions outwith the scope of the UNCRC Act, weakening the promise made to Scotland's children and creating gaps in protection and accountability.

The addition of further carve outs to the duty on public authorities to act in compliance with the UNCRC in the Religious Observance Bill also cannot be said to represent a maximalist approach to incorporation. The next Scottish government must explore alternative mechanisms to ensure that the effect of incorporation is not diluted.

Access to Justice

3. Address the multiple barriers people in Scotland face when trying to access justice for rights breaches

- Guarantee that individuals can access the information, advice, representation, and independent advocacy required to enforce their rights.
- Carry out long term reform of Scotland's legal aid system to create a modern, accessible, and fully funded service that upholds the right to justice.
- Properly resource complaint handling bodies in terms of both financing and expertise.

Access to justice ensures that human rights are not just promises on paper but real protections in people's lives. However, right now people in Scotland often face insurmountable barriers to remedy when their rights are breached. Reform is urgently needed across the Scottish criminal, civil and administrative justice system, supported by a strong and well-funded legal aid public service, to ensure legal protections work as they should.

Access to justice is a fundamental requirement for a rights- respecting nation like Scotland and various recommendations have been made to the Scottish Government and Scottish Parliament in recent years. Some of these can be found in resources such as this [report](#) by the Human Rights Consortium Scotland, JustRight Scotland and others, and this [paper](#) by the Scottish Human Rights Commission.

From a lack of awareness of how human rights apply to their circumstances, to being dismissed by public bodies when raising concerns – the obstacles people face when their rights have been breached are well documented. Information, advice, representation and independent advocacy are vital for those people, but are too often inaccessible.

The Scottish legal aid system has been underfunded for many years, and the next Scottish Government must commit to ensuring that the system is fully resourced and equipped to meet demand. A review of legal aid rates and court fees should be carried out in consultation with relevant professional bodies to support the rebuilding of the legal aid sector within Scotland.

Administrative mechanisms are often the first stop for people experiencing a rights breach, and if they work effectively can enable an effective remedy, although judicial routes should always remain available. However administrative mechanisms and complaint handling bodies such as tribunals, and regulators do not currently have processes designed to thoroughly scrutinise economic, social, cultural and environmental rights. This means that the organisations designed to uphold accountability can become just another barrier to accessing justice.

Conclusion

Against a deeply concerning global backdrop of regression on human rights, the next Scottish Government and Parliament have the opportunity, and indeed the responsibility, to reset the direction of travel in Scotland. Now is not the time to quietly retreat from ambitions for a fair and equal society, but to back human rights as the answer to the challenges facing Scotland as we enter the next Parliament.

