



March 9<sup>th</sup> 2023

Dear Ms Forbes,

We are writing to you as a candidate in the Scottish National Party leadership contest and potential nominee as Scotland's next First Minister, regarding the Scottish Government's commitment to amend and commence the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill and to introduce a new Human Rights Incorporation Bill for Scotland.

The legal framework which protects all of our rights in Scotland and the United Kingdom is not something to be taken for granted. These rights were hard-won. It is welcome that while we have seen threats and regression on core rights protections such as from the UK Bill of Rights Bill, the Scottish Government has not only defended existing protections, but started the work to strengthen them. Scotland's next First Minister must continue that work.

In 2021 The National Taskforce for Human Rights Leadership made 30 recommendations, all of which were accepted by the Scottish Government. These included introducing an enhanced legal framework which will strengthen protection for economic, social, cultural and environmental rights for all of us, and particularly for groups who face most barriers to these. This ambitious plan for a Scottish Human Rights Incorporation Bill gained overwhelming support from across civil society and communities, recognising that incorporating our international human rights into Scots law was the most important step we could take to making sure they were protected for all in Scotland.

**We welcome Scottish Ministers' repeated assurances that the Bill will be introduced in this parliamentary session.** We note that the SNP's 2021 Scottish parliamentary election manifesto set out that the Bill would incorporate four UN treaties: the Convention on the Elimination of all forms of Racial Discrimination, the

Convention on the Rights of Persons with Disabilities (UNCRPD), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and the International Covenant on Economic, Social and Cultural Rights; as well as incorporate the right to a healthy environment. The 2022-23 Programme for Government has stated again the commitment for the Bill to be introduced within this parliamentary session.

In October 2021 Cabinet Secretary Shona Robison MSP spoke at an event hosted by the Human Rights Consortium Scotland reiterating that she remained committed to introducing the Bill this parliamentary session. We were reassured by the Cabinet Secretary who, while acknowledging the implications of the Supreme Court's judgment on the UNCRC Bill, confirmed that nothing about it fundamentally changed the Scottish Government's approach to the Human Rights Incorporation Bill.

Significant resource - not just from government, but civil society and rights holders including children and young people - has already gone into the development of this new, strengthened human rights framework for Scotland. For example, a Scottish Government Human Rights Bill Governance and Engagement Advisory Board was established to provide advice to the team writing the Bill, as well as Lived Experience Boards which have been meeting since February 2022 to discuss specific aspects of the Bill. Hundreds of individuals and groups have engaged in discussions around this Bill, repeatedly calling for it to be passed and implemented well.

We know that people in Scotland are living with rights infringements every day, including endemic pollution, and that those infringements have been exacerbated to a deeply concerning level by austerity, impacts of COVID-19 measures, and the cost of living crisis. A strong legal framework and statutory underpinning of all of our rights will improve the way decisions, budgets and priorities are made. Scotland's Human Rights Bill will be a vital tool in making sure that our fundamental human rights do not remain out of reach for some, but are guaranteed for all. This is surely the hallmark of a socially just country.

**We are therefore writing to you today to firstly, highlight the significant level of support and engagement for a Scottish Human Rights Incorporation Bill. We also write to ask for you to reiterate the Scottish Government's previous commitment to introducing the Bill within this parliamentary session.**

We would also like to also raise our concern that it has been almost two years since the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill passed. Two years is a long time in the life of a child, and many children and young people, and all of our organisations, are eagerly awaiting the commencement of this Bill. In the meantime, children and young people continue to live with lesser protection for their rights. This Bill is the most important step that Scotland can take to improve the lives of children and young people **-we ask for your public commitment and reassurance that everything possible will be done to amend and commence this as soon as possible.**

We hope you can give your full support to progressing this work as a priority.

Yours sincerely,

Naomi McAuliffe, Amnesty International

Charlie McMillan, Scottish Commission for People with Learning Disabilities

Mhairi Snowden, Human Rights Consortium Scotland

Shivali Fifield, Environmental Rights Centre for Scotland

Dr Rebecca Crowther, policy coordinator, Equality Network

Danny Boyle, Senior Parliamentary and Policy Officer, BEMIS

Katy Nisbet, Head of Legal Policy, Clan childlaw

Juliet Harris Director, Together (Scottish Alliance for Children's Rights)

Clare MacGillivray, Making Rights Real

Cat Murphy, Engender

Sabrina Galella, JustRight Scotland

Suzanne Swinton, Scottish Independent Advocacy Alliance

Alison Watson, Director, Shelter Scotland

Dr Deborah Long, Scottish Environment LINK

Sara Redmond, Chief Officer of Development, Health and Social Alliance Scotland  
(the ALLIANCE)