



Sent by email

27 September 2022

Dear First Minister

Human Rights Incorporation Bill

We strongly support the Scottish Government's commitment to introduce a new human rights framework for Scotland that will incorporate four more international human rights treaties and the right to a healthy environment. Bringing our international human rights closer to home where they will drive a human rights culture and empower individuals and communities is the next step in Scotland's progressive human rights journey. We wholeheartedly support the Scottish Government's ambition to be world leading on human rights.

Furthermore, we welcomed Ministers' unequivocal and vocal opposition to the UK Bill of Rights Bill. As organisations actively involved in the efforts to stop this Rights Removal Bill, we greatly welcome that it has been shelved by the new Prime Minister. We recognise that the threat to our human rights legal protections is not over, and we continue to work closely with UK wide organisations to challenge any other such backwards steps.

We are writing in response to the announced delay in Scotland's plans for progressive human rights law. The National Taskforce on Human Rights Leadership recommendations for a new Scottish Human Rights Incorporation Bill were published in March 2021, and the consultation was then expected a year later in Spring 2022. However, the intention now is to publish the consultation sometime in 2023 - this is a significant and regrettable delay. We are writing because this delay is unhelpful for the momentum of active support and anticipation of the Bill across civil society, and because it raises serious concerns about the lack of priority that the development of this new law is being given by Ministers.

We emphasise that this Bill is an appropriate response to some of the key challenges facing Scotland. Regressive UK law such as the Nationality and Borders Act has threatened the universality of human rights and made it more difficult to hold

the Government to account. The climate crisis is already impacting our environment and communities, now and for future generations. Our experience during COVID-19 highlighted and exacerbated the inequalities and gaps in realisation of our human rights, and many in our communities are struggling to recover. The cost of living crisis will see the basic requirements that people need to live a dignified life put beyond the reach of many, and the impact will be acutely felt by women, disabled people, and by people who experience racial discrimination. Now is not the time to downgrade efforts to embed human rights into decision-making in Scotland.

We very much appreciate that this is a complex and challenging Bill, and that it affects almost every part of Government. We want the Bill to be as strong and effective as possible and we do not want to see a consultation paper that is rushed and in any way, incomplete or unhelpful.

However, given the importance, scale and complexity of this task, it is very clear that there needs to be increased capacity, resource and expertise to develop the consultation and the Bill. Furthermore, during the delay to the consultation, it is important that plans for full implementation of this new framework are not stalled or put off. Instead, this period up to passing of the Bill should be used effectively to prepare for the culture, policy and practice change that this new law demands.

We therefore ask, and seek your response and assurance, that:

- The Scottish Government Equality, Inclusion and Human Rights Directorate, and specifically the Human Rights Bill team within it, will be given increased, sufficient and sustained capacity to develop and deliver an excellent consultation paper and Bill, and work for its full implementation. This additional capacity should not come at the expense of other important work to embed and mainstream human rights and equality.
- Every division within the Scottish Government will have a nominated person who is responsible for contributing to the development and delivery of this Bill – human rights are too big and foundational to sit within one department alone.
- The Cabinet Secretary will work with senior leaders in all Scottish public authorities to prepare plans for the capacity building, evidence gathering and changes in policy and practice that this new law will require of them, and provide additional resource to them to do so.
- The Scottish Government will engage often, in-depth and transparently with: civil society experts; academic and international experts on human rights law and its implementation; regulatory bodies; legal sector; the executive and advisory boards. The expertise to develop and deliver this Bill well does not reside solely within the Government – we urge the Government to seek out and make the most of the expertise of others.
- The Scottish Government will make use of the period of time before consultation publication to understand and include the changes needed to make justice and remedy genuinely accessible and achievable by individuals and groups, the changes needed to deliver systemic change, and to

significant increase human rights education and understanding, as fully part of this new legal framework.

- The Scottish Government will take seriously, and respond specifically, to the advice of the three Human Rights Bill Lived Experience Boards, and will continue to engage and work with people with lived experience of rights infringements as the bill develops.
- The Government does not hesitate to bring forward additional legislation that will support the realisation of the human rights bill for Scotland for the most marginalised groups of people.
- The UNCRC Incorporation (Scotland) Bill amendments are introduced as soon as possible with a view to meeting Scottish Government's stated aim to have the bill passed by Parliament by the end of this calendar year.

We assure you of our continued and active support to see this new, enhanced human rights framework delivered and implemented fully to make human rights for all a reality in Scotland.

We look forward to hearing from you.

Yours sincerely,

Naomi McAuliffe, Amnesty International

Pete Ritchie, Nourish Scotland

Andy Sirrel, JustRight Scotland

Charlie McMillan, Scottish Commission for People with Learning Disabilities

Cat Murphy, Engender

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

Danny Boyle, BEMIS

Clare MacGillivray, Making Rights Real

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

Suzanne Swinton, Scottish Independent Advocacy Alliance

Tim Hopkins, Equality Network

Scottish Environment LINK – Governance Group

Moira Tasker, Inclusion Scotland

Alison Watson, Shelter Scotland

Shivali Fifield, Environmental Rights Centre for Scotland

Mhairi Snowden, Human Rights Consortium Scotland