



Human Rights Consortium Scotland



First Minister Humza Yousaf MSP

St Andrews House

Regent Road

Edinburgh EH1 3DG

11 December 2023

Dear First Minister

On the 75th anniversary of the Universal Declaration of Human Rights, and the 25th anniversary of the Declaration on Human Rights Defenders, we write as organisations that work with communities across Scotland, to reiterate our firm commitment to human rights being better protected, respected and realised for all in Scotland. The Universal Declaration of Human Rights states that *'every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by*

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teaching and education to promote respect for these rights and freedoms, and by progressive measures, national and international, to secure their universal and effective recognition and observance’.

Every day, people in Scotland experience significant breaches of their fundamental rights. Many people live in deep poverty with violation of their right to an adequate standard of living. Many people live without adequate housing, with increasing numbers in temporary accommodation over a long period of time. Many people live with breaches of their right to education, to social security, to participation in employment and their communities, and to healthcare services. We know that many groups face particular barriers to their rights and experience inequality and discrimination, including people from minority ethnic communities, disabled people including people with learning disabilities, older people, people affected by drug and alcohol use, women, LGBTQ+ people, and Care Experienced people.

We therefore urge the Scottish Government to continue to take progressive measures to make all of our human rights a reality for all of us in Scotland.

We strongly welcome the Scottish Parliament’s reconsideration and passing of the UNCRC (Incorporation) (Scotland) Bill. We recognise that devolved constraints have meant that the scope of the UNCRC Bill have had to be narrowed somewhat. However, we also welcome that this Bill nonetheless significantly enhances children’s rights legal protections, and will lead to important improvements in how we care for the wellbeing and protect the dignity of all children in Scotland.

Furthermore, we commend the commitment of the Scottish Government to introduction of a Human Rights Bill for Scotland in 2024. It is time to put all our rights in law for everyone so that people are empowered to name and claim their rights, so that public bodies must set human rights priorities, and so that no one is left behind. There is overwhelming support for this Bill from across Scottish civil society organisations, as the best way to make all our rights a reality for all.

We write to also highlight three chief concerns related to this Bill:

1. The Bill that is introduced must be as strong as possible, and go as far as possible, within the devolution settlement. Many of our organisations emphasised concerns as part of the recent public consultation, about the Bill proposals needing to be improved before its introduction. These include, but are not limited to, enforceable rights for disabled people, an inclusive equality provision, improved access to remedy, stronger Human Rights Institutions, and timescales being included in the Bill. The Bill needs to take a maximalist approach to group rights treaties, and place effective duties on Government and public bodies. **We ask for assurance that these concerns will be listened to and will shape the Bill.**
2. We emphasise that this Bill must not only be passed but must also lead to progressive and positive change. We all have these international human rights now, and so there is no need to wait until the Bill is passed to take action to better protect and fulfil them. **We urge the Scottish Government to work directly with leaders in public authorities to raise their awareness**

of the Bill and to begin steps towards its implementation. We note that there have been Implementation Work Groups set up by Government, and that a capacity building plan will be developed which is aligned to work to build capacity in relation to UNCRC Bill implementation, reform the operation of the Public Sector Equality Duty in Scotland, and further embed equality and human rights across government and public services. We ask for the First Minister's assurance that sufficient resource and attention will be given to implementation preparation in 2024 across Government.

3. We recognise that there is significant complexity around ensuring that this Bill does not affect the functioning of UK Parliament legislation, and that the scope is likely to be less than many of us had hoped. **We therefore urge the Scottish Government to take steps to broaden its scope as far as possible.** Specifically we ask the Scottish Government to set out a clear timetable for legislative review to identify Acts of the UK Parliament (and amendments to Acts of the UK Parliament) that are within devolved powers and impact on human rights, and commit to taking the necessary steps to bring such legislation within the scope of the UNCRC and wider Human Rights Bill; to commit to using specific legislative opportunities to expand the scope of the UNCRC and Human Rights Bill; and to commit to minimising future Scottish Parliament amendments to UK Acts. We continue to press the UK Government to incorporate all of our rights at a UK level, but until that is on the cards, we ask the Scottish Government to take these steps to ensure the broadest coverage possible for our human rights within Scotland.

We recognise that the Scottish Human Rights Bill will impact across most, if not all, areas of policy and practice. It will underpin and shape all decisions made by Government and by public authorities. We therefore highlight the importance of cross-Government working and agreement to make sure that this Bill is as effective as possible when it is introduced, passed and implemented. For this reason, we have copied this letter to all Cabinet Secretaries, and ask for their full support and engagement with this Bill.

We want Scotland to be a country where human rights are not just words on paper, or even in law, but are a tangible reality that ensure that all of us can live lives of dignity. We assure you again of our support for any and all steps towards making this happen.

Yours sincerely,

Mhairi Snowden, Director, Human Rights Consortium Scotland

Shivali Fifield, Chief Officer, Environmental Rights Centre for Scotland

Clare MacGillivray, Director, Making Rights Real

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

Barbara Bolton, Legal Director & Partner, JustRight Scotland

Juliet Harris, Director, Together: Scottish Alliance for Children's Rights
Elizabeth Thomson, Advocacy Manager – Scotland, Amnesty International
Tim Hopkins, Director, The Equality Network
Dr Jim Elder Woodward, Convenor, Inclusion Scotland
Fraser Haldane, Acting Chairperson, People First (Scotland)
Anna Fowlie, CEO, SCVO
Donald MacAskill, CEO, Scottish Care
Louise Hunter, CEO, Who Cares? Scotland
Suzanne Swinton, CEO, Scottish Independent Advocacy Alliance
Pete Ritchie, Director, Nourish Scotland
Fiona Rutherford, Chief Executive, JUSTICE
Sabir Zazai, Chief Executive, Scottish Refugee Council
Charlie MacMillan, Chief Executive, Scottish Commission for People with Learning Disabilities
Rob McDowall, Chair, Welfare Scotland
Daniel Tsz Kin Kwok, Director, The Hong Kong Scots
Margueritte Hunter Blair, Chief Executive, Play Scotland
Lynn Williams, Development Co-ordinator, TSI Scotland Network
Rhiannon Harrison, Service Manager, Circles Advocacy
Fraser Sutherland, CEO, Humanist Society Scotland
Marsha Scott, CEO, Scottish Women's Aid
Gareth Morgan, Chair of Trustees, The Paristamen Charity
Danny Boyle, Senior Parliamentary and Policy Officer, BEMIS Scotland
Satwat Rehman, CEO, One Parent Families Scotland
Michelle Carruthers MBE, Chief Executive, Food Train
Pinar Aksu, Human Rights and Advocacy Coordinator, Maryhill Integration Network
Agnes Tolmie, Chair, Scottish Women's Convention
Beth Cadger, National Co-Coordinator, Article 12 in Scotland

Helen Glass, Senior Development Worker, Include Me

Karen McIntyre, CEO, Bridges Programmes

Sam Smith, C-Change Scotland

Dr Mhairi Crawford, Chief Executive, LGBT Youth Scotland

Aaliya Seyal, CEO, Legal Services Agency

David Kelly, Director for Scotland, Community Transport Association

Jess McQuail, Director, Just Fair

Maureen O'Neill, Director, Faith in Older People

Kabie Brook, Chairperson, Autism Rights Group Highland

Anna Ritchie Allan, Executive Director, Close the Gap

Fiona Ballantyne, Chairperson, Scottish Community Development Network

Louise Wilson, CEO, Outside the Box

Lorraine McGrath, CEO, Simon Community Scotland

Katherine Crawford, CEO, Age Scotland

Mark O'Donnell, Interim CEO, Scottish Recovery Consortium

Heather Hall, Chief Executive, The Usual Place

Dinah Aitken, Director of Development and External Affairs, Salvesen Mindroom Centre

Maria Jose Pavez Larrea, Co-General Manager and Policy Officer, Grampian Regional Equality Council

Arlene Astley, Operations and Development Manager, Advocard

Heidi Tweedie, Social Movement & Enterprise Lead, Moray Wellbeing Hub CIC

Pauline Lunn, Director, In Control Scotland

Shelley Gray, Head of Policy and Communications, Corra Foundation

Aileen Morton, Senior Policy and Advocacy Officer, Hospice UK

Agnieszka Morrison, Policy Officer, FENIKS

Lyn Pornaro, Chief Executive Officer, Disability Equality Scotland

Peter Kelly, Director, Poverty Alliance

James Adams, Director, RNIB Scotland

Copied to:

Deputy First Minister and Cabinet Secretary for Finance

Cabinet Secretary for NHS Recovery, Health and Social Care

Cabinet Secretary for Education and Skills

Cabinet Secretary for Transport, Net Zero and Just Transition

Cabinet Secretary for Wellbeing Economy, Fair Work and Energy

Cabinet Secretary for Rural Affairs, Land Reform and Islands

Cabinet Secretary for Constitution, External Affairs and Culture

Cabinet Secretary for Social Justice

Cabinet Secretary for Justice and Home Affairs