

Karen Adam MSP
Convener of the Equalities, Human Rights and Civil
Justice Committee

ehrcj.committee@parliament.scot

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Dear Karen,

HUMAN RIGHTS BILL – PROGRAMME FOR GOVERNMENT 2024/25

I am writing to you following publication today of the Scottish Government's Programme for Government 2024/25 (PfG), in relation to next steps for the Human Rights Bill. I know that the Committee has an ongoing interest in development of the Bill, and has given consideration to matters that relate closely to Bill policy including on the concept of Minimum Core Obligations (MCOs).

In relation to the Human Rights Bill, the 2024/25 PfG outlines our commitments to strengthening the implementation of human rights and to advancing proposals around extended rights protection. This includes legislation to incorporate international treaties into Scots law. However, the Human Rights Bill does not form part of the Year 4 legislative programme.

After careful reflection, we have decided to undertake additional work to develop the Human Rights Bill. I want to assure you of the Government's determination to use the remainder of this Parliamentary session to further develop and strengthen the Human Rights Bill with the intention of taking forward such a Bill in the next Parliamentary session.

This decision has not been taken lightly, and reflects detailed deliberation on what is undoubtedly a complex and far-ranging piece of legislation. In preparing for its introduction this Session it has become clear to me that the constraints on the devolution settlement – highlighted by the Supreme Court decision in the 2021 UNCRC Bill reference – limit how far a new Bill can go in practice to advance rights realisation through treaty incorporation. The corresponding reduction in scope of a new Human Rights Bill, along with the added complexity that this would entail for duty bearers and rights holders, has led us to decide to continue to develop Bill proposals to resolve these challenges. We have also heard a number of stakeholders' concerns that our proposed approach to the incorporation of the

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treaties protecting disabled people, women and those who experience racism, does not go far enough. This period will therefore also provide us with an opportunity to consider our proposals here further. More positively, for the first time in 14 years we now have an opportunity to engage constructively with a new UK Government and to try and address these issues together. Scottish Ministers will engage with the Secretary of State for Scotland and stakeholders on this matter.

The Scottish Government remains firmly committed to the rights incorporation agenda and the role it can play in advancing this government's priority missions of tackling child poverty, building excellent public services and tackling climate change. This is something we are already seeing through the incorporation of children's rights through the recent commencement of the UNCRC (Incorporation) (Scotland) Act 2024. Implementation of that Act's obligations will help inform our approach to future incorporation legislation and resolving the issues I have outlined will strengthen proposals for rights holders. This will help to lay the groundwork for future legislation that is well understood and effectively implemented. As we undertake this further work we will work closely with civil society and public bodies to test and refine proposals to ensure that we can deliver impactful legislation that brings meaningful and lasting change.

Outwith the Bill, the Scottish Government will continue to take steps to further embed a human rights culture across public services. This will include working closely with stakeholders to advance the implementation of human rights ahead of legislating, in a way that aligns with and complements our wider work to embed equality and human rights so that it is mainstreamed in public services.

I will continue to keep the Committee updated on the work I have outlined as it develops and would be happy to engage further.

Yours sincerely,

SHIRLEY-ANNE SOMERVILLE

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