

A HUMAN RIGHTS MANIFESTO:

Amnesty International UK's proposals for the next UK government



SCOTLAND BRIEFING

The UK will head to the polls for the first general election since 2019 on 4 July. Over the last four and a half years, the UK government has rolled back human rights protections, often in contradiction to the UK's obligations under international law. The impact of this has been felt directly and indirectly by communities across Scotland. The scapegoating of minorities has fostered an environment of fear and hostility that impacts people in every nation and region of the UK. Meanwhile, UK laws have compromised the ability of Scottish public bodies to meet their human rights obligations and undermined the foundations of the devolution settlements.

The next UK government must be elected on a mandate that is ambitious and progressive in how it sees the protection of rights across the UK. Amnesty International UK's [Human Rights Manifesto](#) covers a broad range of issues across domestic and foreign affairs. This briefing, which highlights proposals that are particularly relevant to Scotland, is designed to be read in conjunction with the manifesto.

The promotion and protection of rights in the UK

The next UK government should **protect and expand the rights of people in the UK**. It should:

- **Champion the UK's membership of the European Convention on Human Rights.**
- **Commit to removing legislation and provisions that undermine or disapply the Human Rights Act, including the Illegal Migration and Safety of Rwanda Acts.**

The UK's membership of the European Convention on Human Rights (ECHR) has become the subject of increasing political pressure. The ECHR is embedded as a key pillar of devolution: convention rights are part of the fabric of Scotland's legislation, case law and the law-making process of the Scottish parliament. The next UK government must unequivocally champion the UK's membership of the ECHR.

It should also protect the Human Rights Act, which has come under sustained attack via its piecemeal disapplication in other legislation.

- **Make economic and social rights a reality backed up in law and policy by incorporating the International Covenant on Economic, Social and Cultural Rights.**

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is fundamental to the creation of a more just society that respects and protects human dignity. Full incorporation of the ICESCR would institute a fundamental shift in the country's approach to these rights and secure them for the long term. The Scottish government has committed to incorporating ICESCR into Scots law, a plan supported by Amnesty International UK. Incorporation at a UK level would ensure Scots enjoy

▶ legal protections for the full range of treaty rights across both devolved and reserved competencies.

• **Support the further protection of rights in law across the UK, including the incorporation of economic, social and cultural rights in Wales, Scotland and Northern Ireland by working with devolved administrations and engaging constructively in discussions around competence.**

The Scottish government has well-advanced plans to introduce a Human Rights Bill, which will incorporate the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities.

The bill is expected to be introduced to the Scottish parliament later this year, following the passing of the UNCRC (Incorporation) (Scotland) Act, which was heavily amended and narrowed in scope after the UK government referred it to the Supreme Court. Constructive engagement between the UK and devolved governments can avoid future court battles over competence and allow all governments to focus instead on strengthening the protection of rights of citizens across the UK.

• **Introduce a Racial Equality Bill that recognises and addresses institutional racism.**

Amnesty International UK is calling for legislation to tackle the institutional racism that riddles our society and public bodies. We believe racism continues to impact on the respect, fulfilment and protection of human rights for racialised communities across the UK. The human rights impacted are wide ranging, including civil and political as well as economic, social and cultural rights.

It is vital that a Racial Equality Bill undoes the damage of denying the existence of institutional racism and set out a bold action plan to tackle these injustices, ensuring any violations of human rights are independently investigated in a timely manner and that racialised communities are provided with adequate access to remedy and redress.

Rights, safety and choice for all women and girls

The next UK government should **protect and strengthen the rights of all women and girls**. It should:

- **Put women's human rights at the centre of international relations and work with partners to hold all state and non-state level perpetrators to account for violations.**
- **Prioritise protection for women and girls and their dependents fleeing conflict and persecution.**
- **Strengthen the UK's ability to end domestic violence against all women and girls by ratifying all provisions of the Istanbul Convention on violence against women and domestic violence.**

The next UK government should use all the means at its disposal in multilateral and bilateral relations to protect the rights of women and girls. It should lead by example by restoring the overseas aid budget, prioritising access to sexual and reproductive health services and providing sustainable funding directly to women human rights defenders and their organisations.

After 10 years, the UK finally ratified the Istanbul Convention, which entered into force on 1 November 2022. Regrettably, the current government applied a reservation to Article 59 on residence status, meaning that migrant victims will continue to be discriminated against when they seek support to escape domestic violence. The next UK government should urgently withdraw the reservation and be held accountable for the full implementation of the convention.

▶ Protect and promote the rights of all LGBTI+ people

The next UK government should seek to **remove discrimination in law and practice**. It should:

- **Reform the Gender Recognition Act.**
- **Introduce a comprehensive ban on ‘conversion therapy’.**
- **Tackle the toxic narrative that wrongly pits women’s rights against trans people’s rights.**

In 2022, the Scottish parliament passed the Gender Recognition Reform (Scotland) Bill, only for it to be blocked by the UK government. The bill would have brought the administrative system for legal gender recognition in Scotland into line with international human rights standards for trans men and women. Amnesty International UK supports the bill passed by the Scottish parliament and opposes the Section 35 action taken by the UK government to block it. The next UK government must reform the Gender Recognition Act for the whole of the UK in line with international best practice by removing intrusive and humiliating requirements and move from a medicalised to an administrative process.

We also support the Scottish government’s intention to introduce a comprehensive ban on ‘conversion therapy’ practices. We have called for the next UK government to prioritise introducing a ban but want to see the UK and Scottish governments working together constructively towards the best course of action to ensure that all LGBTI+ people have the strongest legal protection against so-called conversion practices.

An immigration system compliant with international law

The next UK government should ensure **the UK’s immigration system respects the UK’s international obligations and promotes equality, justice and human dignity**. It should:

- **Ensure safe and fair decisions are made in good time on all asylum claims and access to adequate legal, housing and financial support is provided.**
- **Create safe routes for people to be able to avoid or reduce their dependence on people smugglers, human traffickers and dangerous journeys.**
- **Repeal legislation that does not comply with international human rights law, including the Illegal Migration Act and provisions of the Nationality and Borders Act 2022 that are incompatible with the 1951 UN Refugee Convention, the 1950 European Convention on Human Rights and the 2005 Council of Europe Convention on Action against Trafficking in Human Beings.**

Although asylum and immigration are reserved, the Scottish government is responsible for devolved matters, including asylum seekers’ access to everyday rights such as healthcare and education. It has implemented positive rights-based policy in partnership with the Convention of Scottish Local Authorities aimed at mitigating the UK government’s ‘No Recourse to Public Funds’ policy. The Illegal Migration Act legislated directly in devolved areas, including anti-trafficking and child law, and prevents the Scottish government from meeting its positive obligations under the European Convention on Human Rights and the European Convention Against Trafficking to provide support to victims of trafficking.

UK wide immigration law and policy has a profound impact on communities across Scotland, as well as on the Scottish government and public bodies’ ability to uphold human rights law and standards. The next UK government should ensure the UK’s immigration system respects the UK’s international obligations and promotes equality, justice and human dignity.

▶ End over-policing of racialised communities

The next UK government should **ensure we all live in safer communities**. It should:

- **Scrap the Prevent strategy to comply with the UK's international legal obligations.**

The UK's Prevent strategy violates some of our most fundamental rights. Efforts by institutions and individuals to comply with Prevent are leading to violations of people's rights to freedom of expression, freedom of thought, conscience and religion, freedom of peaceful assembly, and critically, the right to equality and non-discrimination – with a disproportionate impact on Muslim and neurodiverse people.

Prevent is implemented in Scotland through devolved institutions and public bodies. Amnesty International UK has called on the Scottish government to make changes where possible to mitigate against human rights breaches by ensuring data on referrals is disaggregated by ethnicity and religion and that every individual referred to Prevent is informed it has happened and how they can challenge the referral. However, only the UK government can abolish the Prevent duty under counter-terrorism law.

Global leadership and revitalised diplomacy for human rights

The next UK government should **champion human rights around the world**. It should:

- **Adopt a principled foreign policy that acknowledges and responds to human rights violations in a consistent manner.**
- **Support international justice and accountability mechanisms for crimes under international law, including by increasing financial and diplomatic support to the International Criminal Court and ensuring the enforcement of any arrest warrants issued by the court in the Israel/Palestine case.**
- **Ban the importation of products arising from activities that are a grave breach of international law.**
- **Ensure the UK's exports of arms and security equipment is responsible, with a clear focus on strengthening international treaties and regulations.**
- **Work to abolish the death penalty around the world, including by rallying behind the UN's call to end its use at the 79th session of the UN General Assembly**

Amnesty International has been warning for more than a decade of a persistent deterioration of respect for human rights and the rule of law around the world. Recent years have seen new, renewed and protracted conflicts that have led to appalling civilian suffering, including Russia's invasion of Ukraine and a devastating escalation of the decades-long crisis in Israel and Gaza. For decades, major powers including the UK have flouted international law with impunity and shielded their allies from accountability. People across the UK, including in Scotland, want to see a UK government that promotes human rights-respecting societies and champions meaningful justice and accountability for those who disregard international law and commit war crimes.

Find out more

After a long period of regression on human rights protections in the UK, the 2024 general election is an opportunity for candidates and parties to affirm their commitment to ensuring the country changes direction and becomes a firm champion for human rights. If you have any questions or require further information about the issues raised in this briefing, please email neil.cowan@amnesty.org.uk