



Reconsideration Stage Proceedings: United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill

Scottish Parliamentary Briefing

Introduction

Amnesty welcomes the reconsideration of the UNCRC (Incorporation) (Scotland) Bill. The Bill will make a wider range of children's human rights binding in Scots law, something children and young people have spent over a decade campaigning for. Passing the Bill will be a milestone on Scotland's journey to ensuring more people can access their human rights, and we call on MSPs to pass the Bill.

The scope of this Bill has necessarily been narrowed after the Supreme Court ruling, however its passage will be a vital step towards better realising a range of rights by adding to existing protections, and there are further steps the Scottish Government can take to bring more rights within scope of the Bill.

Next Steps

In light of the amended Bill and its reduced scope Amnesty, alongside Together and other civil society organisations are calling on the Scottish Government to take specific actions to ensure the Bill is as far reaching as possible in Scotland including by:

Setting out a clear timetable for legislative review

Civil society organisations called for the Scottish Government to set out a timescale in which it would conduct a review of legislation to identify Acts of the UK Parliament (and amendments to Acts of the UK Parliament) that are within devolved areas and impact on children's rights, and to commit to taking the necessary steps to bring such legislation within the scope of the UNCRC Bill. The Scottish Government confirmed that it will commission a review during evidence to the Equalities, Human Rights and Civil Justice Committee, which is welcome. However Amnesty would welcome a commitment on the timeline for the review and how children and young people, civil society, and Parliament will be kept notified of its progress.

Commit to using specific legislative opportunities to expand the scope of the UNCRC Bill

The Scottish Government should also commit to using upcoming legislative opportunities to bring provisions of priority UK Acts identified in the above legislative review into Scots law. The Cabinet Secretary said it would first be necessary to conclude the legislative review and that 'bespoke' bills may be the most efficient means of achieving the above objective. We would welcome more detail on why the approach of using 'bespoke' bills is preferable to using forthcoming legislation.

Commit to minimising future Scottish Parliament amendments to UK Acts

The Scottish Government must ensure that future legislation falls within the scope of the UNCRC Bill by minimising the approach whereby Acts of the Scottish Parliament are used to

amend UK Acts (as this would fall outwith scope of the amended UNCRC Bill). Instead, the focus should be on bringing forward 'standalone' Acts of the Scottish Parliament.

Commit to the continuation of the UNCRC Implementation Programme

The three-year UNCRC Implementation Programme is set to conclude in March 2024. We echo Together's calls for the programme to be extended. It is vital that public authorities are supported to embed a children's human rights approach across their work, and that children and young people know how to name and claim their rights.

Conclusion

In 2021 MSPs unanimously passed the UNCRC (Incorporation) (Scotland) Bill and made a commitment to children and young people in Scotland that their rights would become binding law. MSPs must now ensure that commitment is fulfilled by passing the Bill at reconsideration stage. Children cannot wait any longer.

The Scottish Government must also take forward the learning from this legislative process into 2024 as it prepares to introduce a new Human Rights Bill for Scotland which will incorporate further UN treaties. All of the calls above should also be applied in relation to that legislation to ensure it is effective in making as many rights as possible, for as many people as possible, binding and justiciable in Scotland.