

Children and young people's consultation: Human Rights Bill for Scotland

This booklet is for you if you have some experience of thinking about human rights. It covers some of the more technical questions in the full consultation.

Introduction

Who we are and what we do

The Scottish Government has committed to introduce a new Human Rights Bill during this parliamentary session (this means before the next Scottish Parliament election in 2026). The Scottish Government's Human Rights Bill Team is working on the recommendations of the National Taskforce for Human Rights Leadership to develop the policy behind the Bill.

What is this booklet about?

The Scottish Government wants to make a new law about **human rights**.

Human rights are based on things like dignity, fairness and respect. Everyone is born with human rights and they cannot be taken away.

The Scottish Government has some ideas for this new law. They want to know what children and young people think about these ideas to help them write a **bill**. A bill is an idea for a new law. It is written down so the politicians in the Scottish Parliament can talk about what changes might be needed before it can be made into a law.

This booklet talks about some of the Scottish Government's ideas and has some questions to think about. It is split into three parts:

- **Part 1: A world of rights** – this looks at what rights the Scottish Government thinks should be in the new Human Rights Bill. It also looks at what the Scottish Parliament can and cannot make laws about (known as the powers of the Scottish Parliament) as this affects what the Bill will look like.
- **Part 2: Following the law** – this looks at who the Scottish Government thinks should need to follow the new law and what they'll need to do.
- **Part 3: What happens when rights aren't respected?** – this part looks at what the Scottish Government thinks people should be able to do if they feel their rights haven't been met and what help they might need.

The Scottish Government has [spoken with some children and young people already](#) – their views helped them when they were coming up with ideas for the Bill.

Share your views!

The Scottish Government wants to know what you think about their ideas for the Human Rights Bill. You don't need to answer all the questions if you don't want to. If you feel these questions are a bit tricky then you might want to take a look at [this booklet](#) instead. This asks you about your hopes and ideas for the new Human Rights Bill. What you say is important. It will help the Scottish Government decide what to write in the Bill.

Share your views before **12 noon on 5th October 2023**

There are lots of ways that you can share your ideas. You could write down your answers to the questions, draw a picture, record a video, write a poem or other ideas you might have!

Send an email to this address: HumanRightsOffice@gov.scot

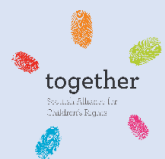
Write to the Scottish Government at this address:

**Human Rights Strategy and Legislation Unit
Directorate for Equality, Inclusion and Human Rights
Scottish Government
Area 3H North
Victoria Quay
Edinburgh
EH6 6QQ**

You can share your ideas in any language. You can tell Scottish Government what you think by video in British Sign Language. If you need help with anything in this booklet or if you want it in a different language or format send an email to this address - HumanRightsOffice@gov.scot



Meet Rosa the researcher. She was created by the team at Together and is here to help you answer the ten questions from Scottish Government that are in this booklet. You will find her after each of the questions, giving a helping hand with some things to think about and some activity ideas.



Part 1: A World of Rights

What rights will be in the new Human Rights Bill?

The Scottish Government wants to make sure everyone in Scotland has their human rights protected and that everyone is treated fairly.

Countries can promise to respect people's human rights by signing special agreements (called 'treaties'). One way they can keep their promises is by changing their laws and making sure everyone's human rights are protected.

The new Human Rights Bill plans to take four of the special agreements and make them part of the law in Scotland where possible. This is sometimes called '**incorporation**'.

The four special agreements set out:

- Economic, social and cultural rights (these are things like the right to food, the right to housing and the right to health)
- Rights for **women and girls**
- Rights for **disabled people**
- Rights of **Black, Brown and minority ethnic people**

The Scottish Government also wants to include some rights that aren't written down in their own special agreements - like the right to a **healthy environment**. Children, young people and other people have said these rights are really important. The Scottish Government also wants to make sure rights are protected for particular groups of people like [LGBTI people](#) and **older people**.

Is there anything that can't go in the new Human Rights Bill?

The Scottish Government needs to think about what rights should be brought into the law in Scotland and how they should be written down. This is a bit complicated in Scotland because of devolution.

Devolution means that some laws are made in Scotland (such as most laws about houses, schools and hospitals) and other laws are made in the UK Parliament (such as laws about refugees and the army). The four special agreements cover lots of different things. The Scottish Parliament can make laws about some of these things but some of them are things only the UK Parliament can make laws

about. The Scottish Government will need to be careful that the Bill is written in a way that stays within Scotland's powers.

There are also some UK laws about human rights and equality. Equality means making sure everyone is treated fairly and has the same chance to enjoy a great life. These laws are for all parts of the UK, including Scotland. The Scottish Government isn't allowed to change these laws or how they affect people's lives. They will need to be careful about this when writing the new Bill.

What will the rights look like in the Bill?

How the rights will be written down in the Bill depends on whether the Scottish Government uses the language of the special agreements or uses different language – like they would have to do for any rights which don't come from a special agreement. The Scottish Government wants to try and make sure the Bill provides strong protections for everyone – but also that it is clear and easy for people to follow and works within Scotland's powers.

Rights that come from the special agreements

The Scottish Government wants to take the full wording of the four special agreements and put these directly into the law in Scotland. The special agreements sometimes include the same right but written in a slightly different way. For example, all four of them talk about the right to education but some go into more detail than others. The Scottish Government will need to think about how they can best be set out in one law. They have two ideas:

- Ask judges to think about “human dignity” when making decisions;
- Ask judges to think about what international experts have said about human rights.

Thinking about human dignity

“Human dignity” is about being respected and treated fairly. [You can find out more about human dignity here](#) and think about what it means to you.



1. What do you think about the Scottish Government's plan for judges to think about human dignity when making decisions about human rights? Why?

Rosa's helping hand – things to think about...



- Do you think “human dignity” is an important thing for judges to think about when making decisions about human rights? Why?
- What other things do you think it might be important for judges to think about?

ACTIVITY: Sketch-a-judge – you might find this activity helps you to answer question 1.

Listening to international experts

The rights in each of the special agreements are looked after by groups of experts who work for the United Nations. The **United Nations** is a place where all countries meet up and make decisions about how to make the world better. These experts have studied human rights for a long time. Sometimes these experts write their ideas on what countries could be doing to protect human rights. These ideas can help keep the rules up to date as some of the agreements were written a long time ago – even before the internet! The Scottish Government would like judges to think about these ideas when they are thinking about the rights in the Bill.



2. What do you think about allowing for judges to think about suggestions from United Nations human rights experts?

Rosa's helping hand – things to think about...



- Should judges in Scotland be made to listen to what international experts have said, or should they be allowed to not listen?
- Should what the experts say be compulsory (like going to school) or a recommendation (like eating 5 pieces of fruit and veg a day)?

The right to a healthy environment

The Scottish Government needs to decide how the [right to a healthy environment](#) should be written down in the Bill. They think this right should include things like clean air and safe climate. They also think this should include actions such as awareness-raising and allowing people to take part in decision-making.



3. What do you think about the Scottish Government's ideas for what should be included in the [right to a healthy environment](#)?

Rosa's helping hand - things to think about...

- What things do you think should be included in the **right to a healthy environment**?
- How do these link to other rights like the right to health?

ACTIVITY: Shopping trolley – you might find this activity helps you to answer question 3.



The rights of LGBTI people and older people

The Scottish Government also needs to decide how they want to protect rights so everyone can benefit from them – in particular groups that need special protection like **LGBTI people** and **older people**. They also need to decide how the Bill can help make sure that people have a say in decisions that affect their rights.



4. What do you think about the Scottish Government's plan for protecting rights so everyone can benefit from them, including LGBTI and older people?

Rosa's helping hand - things to think about...



HEAR ME OUT



- What difference do you hope the Bill will make for **LGBTI** and **older people**?

ACTIVITY: Creating a fair world (Minecraft) – you might find this activity helps you to answer question 4.

The Right to have a say and be heard

Children have a right to be heard and taken seriously when decisions are made that will affect them. This right is written down in the United Nations Convention on the Rights of the Child. The Scottish Government wants to make sure that the right to have a say is included in the Bill – for children and everyone else.



5. What do you think the Scottish Government should do to make sure children and young people's views are heard and taken seriously?

Part 2: Following the law

Who would have to follow the new law?

The Scottish Government would have to follow the new law. Other public authorities would also have to follow it. Public authorities are organisations like schools, hospitals, courts, local councils and the police. They make decisions that affect you. Sometimes these people pay other organisations (like companies or charities) to do work for them. If possible, the Scottish Government wants the new law to apply to these organisations too.

What would these people have to do?

Two duties

A law can tell people that they **have to do** certain things. It can also tell them that they **cannot do** certain things. These instructions are known as “duties”. The Scottish Government thinks there should be two main types of duty in the Human Rights Bill:

- A duty to **think about** human rights when making decisions. This is about the steps or actions people should take when making a decision. It focuses on the effort people put in and doing their best, rather than the final result. In other words it’s about the *journey*.
- A duty to **follow** human rights. This is about the final result respecting human rights. In other words, it’s about the *destination*.

An example might help you think about the difference between the two duties. Imagine you are getting the train from Glasgow to Dundee. You will need to look at the timetable, book tickets and arrive at the station on time to catch your train. These are a bit like “**think about**” duties as they’re all about the steps you should take along the way. There might be delays which mean you don’t get to Dundee on time but at least you’ve done everything you can to try and make sure your journey runs smoothly. If you hadn’t checked the timetable or booked tickets then you wouldn’t have done your best and you wouldn’t have followed the duty. The duty to “**follow**” would be that you actually had to arrive in Dundee despite any delays. That’s the final destination!

The Scottish Government wants to make sure the new Bill is strong but also that it is clear and easy for people to follow and works within Scotland’s powers. Given that some of the special agreements include similar rights but written down in slightly different ways, the Scottish Government is worried that having the same type of duty for each version of these rights could be confusing for people trying to follow the law. And because of devolution, the Scottish Government has to be careful about the kind of duties they put in the Bill for rights which are to do with equalities (these rights that are about making sure people are treated fairly, including women, girls, disabled people and people who experience racism). Because of this, the Scottish Government’s plan is that some rights will have both duties but others will only have the duty to *think about* human rights.

Duty to <u>think about</u> human rights	Duty to <u>think about</u> human rights AND follow human rights
Rights of women and girls	Economic, social and cultural rights
Rights of disabled people	Right to a healthy environment
Rights of Black, Brown and minority ethnic people	



6. What do you think about the Scottish Government’s plans for the two duties in the Bill?

Rosa’s helping hand – things to think about...



- How might a “duty to think about” human rights be helpful? Can you think about any problems with this?
- How might a “duty to follow” human rights be helpful? Can you think about any problems with this?
- What do you think about the idea to have different types of duty for different rights? What things are important for Scottish Government to think about when making difficult decisions like this?

ACTIVITY: Architects Assemble - you might find this activity helps you to answer question 6.

Minimum core obligations and progressive realisation

Economic, social and cultural rights are about making sure everyone has a good quality of life. They include things like the right to food, the right to housing and the right to health. There are two important rules for these types of rights. These rules are set out in one of the special agreements and by the group of experts who work for the United Nations. The Scottish Government needs to decide how to include these two rules in the new Bill:

- **Minimum core obligations** – this rule says that there are certain things a country *must do* to protect these rights no matter how much money it has. It's about making sure that absolutely everyone has a basic level of protection for their rights. For example, the minimum core for the right to education could be making sure every child can go to primary school.
- **Progressive realisation** – this rule says that once countries have made sure there's a basic level of protection, they should work towards making things even better over time. For example, for education this could mean building more schools or giving teachers more training.

An example might help you think about the difference between these two rules. Imagine you are making pizzas with a group of friends. Everyone wants to make the best pizza but you have limited time and ingredients. **Minimum core obligations** are the basic things everyone should have to have a fair chance at making their pizza – for example everyone should have at least some dough, tomatoes and cheese so they can make a margherita pizza.

Progressive realisation is about making the pizza better over time. You might not have all the toppings straight away but it's about working together to make it better over time. In the same way, governments have a duty to start with the basics for everyone and then work towards making things even better. This is what Scottish Government wants to do for economic, social and cultural rights and the right to a healthy environment in the Bill.



7. What do you think of the Scottish Government’s plan to ask public authorities to provide a basic level of protection (i.e. minimum core obligations) and to work towards making things better over time (i.e. progressive realisation)?

Rosa’s helping hand – things to think about...



- What do you think Scottish Government should do to help it decide what should be done straight away (minimum core obligations) and what should happen more slowly over time (progressive realisation)?
- What sort of things do **you** think should happen:
 - straight away
 - more slowly over time?

ACTIVITY: Pizzeria! – you might find this activity helps you to answer question 7.

Human Rights Scheme

The Scottish Government would like to create a ‘Human Rights Scheme’. This is a big plan that could include all the things the Scottish Government has done and is going to do to make sure people’s human rights are better protected. The plan would include things like how Scottish Government makes sure everyone knows about human rights, how money is spent to improve human rights, how people are helped to complain if they think their rights aren’t being respected and what Scotland is doing to improve human rights for different groups of people. The Scottish Government would have to tell everyone how it is getting on with protecting human rights.



8. What do you think of the Scottish Government’s plans for a Human Rights Scheme?

Rosa's helping hand – things to think about...

- What needs to happen in Scotland to turn it into a rights respecting world? Should the government include these ideas in their plan?
- When do you think these things should happen?



ACTIVITY: [Minecraft mission](#) – you might find this activity helps you to answer question 8.



Part 3: What happens if rights aren't respected?

Some human rights are already covered by laws in Scotland but others aren't. This can sometimes make it difficult for people, including children and young people, to have their rights respected. It can also make it difficult to challenge things if something goes wrong. The new human rights law could help to change things by making these rights part of the law and making sure people pay attention to them.

If a public authority doesn't respect your rights or think about them when making decisions, then you should be able to complain and have something done about it. Public authorities are organisations like schools, health services, local councils and the police.

The Scottish Government's idea is that if a public authority doesn't respect your rights, they must put things right in answer to your complaint. If they don't put things right, the Scottish Government's idea is that you would be able to complain to someone whose job it is to investigate (sometimes called an Ombudsman). Some cases might need a judge to decide whether your rights have been respected and how things should be put right if they weren't.

The Scottish Government wants to make it easier for people to get advice and support with these complaints.



9. If you don't think your rights have been respected and you wanted to talk to someone who helps with complaints, what help and support do you think you'd need? Who would you want this help and support from?

Rosa's helping hand – things to think about...

- What sort of things do you think the person who deals with complaints should be able to do to help make things better?

ACTIVITY: [The Solutions Tree](#) – you might find this you to answer question 9.





10. Is there anything else you want to say about the Scottish Government's ideas for the Bill and about how your rights and the rights of other children and young people should be respected?

What we do with your information

Handling your response

If you use the **consultation hub** to give your response, you can choose how you want it to be handled. The Scottish Government will ask you some information about you using an 'About me' page. You can let the Scottish Government know if you agree to your response to be published, or if you want it to be kept confidential. If you give permission, your response will be made public on this website <http://consult.gov.scot>, but don't worry, the Scottish Government will never share any of your name and contact details. You'll also get a copy of your response by email if you use the website.

If you can't respond using the website, there are other ways to give your opinion.

If you respond by email or post, please put a note on it to let the Scottish Government know if you are happy for it to be published or if you would like it to be kept confidential. Unfortunately, the Scottish Government won't be able to send you a copy of your response.

You can find more information about on the Scottish Government's Human Rights Policy web page here <https://www.gov.scot/policies/human-rights>

Freedom of Information laws

The Scottish Government has to follow a law called the Freedom of Information (Scotland) Act 2002. This means that if someone asks for information about the responses to this consultation, the Scottish Government has to consider giving it to them.

Keeping your information safe

The Scottish Government wants to make sure that your personal information is handled carefully. You can read the Scottish Government's privacy policy to find out how they do that here [Privacy –gov.scot \(www.gov.scot\)](http://www.gov.scot/privacy)

After the consultation is closed

The Scottish Government will look at all the responses along with other information and evidence and use them to help them make decisions. The Scottish Government will publish a report on what they have learned from the responses. Some responses may show that the Scottish Government needs to make new policies or review existing ones. They can also help the Scottish Government decide between different options or make sure new laws are good before they are used.

Consultation is an important part of making new policies. It lets the Scottish Government hear what you think and learn from your expertise. You can find all the Scottish Government's consultations on this website <http://consult.gov.scot>.

Making a complaint

If you have any problems or you're not happy with the Scottish Government's service, please tell them. They will want to work with you to fix it. You can learn how to make a complaint by visiting the Scottish Government website here [Make a complaint -gov.scot \(www.gov.scot\)](http://www.gov.scot)