



Human Rights Day Debate - Tuesday 10th December 2024

“Pathways to Global Human Rights: Towards a Stronger Human Rights Culture in Scotland”

Briefing for MSPs

About Together (Scottish Alliance for Children’s Rights)

Together (Scottish Alliance for Children’s Rights) is an alliance that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) and other international human rights treaties across Scotland. We have over 600 members ranging from large international and national non-governmental organisations (NGOs) through to small volunteer-led after school clubs and interested professionals. The views expressed in this submission are based on wide consultation with our members but may not necessarily reflect the specific views of every one of our member organisations.

Summary

This briefing is to support MSPs preparing for the [Human Rights Day Debate](#) on 10th December 2024. We urge MSPs to reflect on **three key priorities**:

- 1. Recognise children’s rights as human rights:** prioritise the implementation of the *UNCRC (Incorporation) (Scotland) Act 2024* and address urgent gaps in rights protections as highlighted by children’s lived experience.
- 2. Resolve constitutional barriers to human rights progress:** urge the Scottish Government to work with UK Government to amend the Scotland Act 1998 to enable comprehensive human rights protections across all devolved areas, not solely Acts of the Scottish Parliament;
- 3. Bring back the Human Rights Bill for Scotland:** advocate for the reintroduction of the Bill at the earliest opportunity, ensuring protections for children whose rights are most at risk.

Recognise children’s rights as human rights

The United Nations Convention on the Rights of the Child (UNCRC) sets out the rights of every person under the age of 18. The *UNCRC (Incorporation) (Scotland) Act 2024*, passed unanimously by MSPs almost exactly one year ago, is a landmark step towards embedding these rights across Scotland. Its implementation must remain a priority.

Together’s [State of Children’s Rights Report 2024](#) captures the lived experiences of 220 babies, children and young people through their own words, artwork and other forms of expression. Published to mark last week’s anniversary, it highlights areas of progress but also significant gaps – particularly for disabled children, young carers, children living in poverty and many more children whose rights are at risk. The report explores their experiences at home, at nursery and

school, in their local communities, online and in Scotland more broadly. Each chapter concludes with actionable recommendations for taking a children's human rights approach in practice, grounded in children's lived experiences and aligned with UN Committee guidance on children's rights. We hope the report will provide inspiration and motivation to everyone in Scotland as to the extra steps we can all take to embed a children's rights approach in everything we do.

Question: Together's [2024 State of Children's Rights Report](#) shares children's experiences and stories about their lives in Scotland, highlighting both progress and areas needing attention. What steps is the Scottish Government taking to build on this progress and deliver the revolution in children's rights, promised by the First Minister when passing the *UNCRC (Incorporation) (Scotland) Act 2024*?

Resolve constitutional barriers to human rights progress

Constitutional challenges mean that essential children's rights protections stemming from the *UNCRC (Incorporation) (Scotland) Act 2024* depend on whether laws were passed before or after devolution. For example, while the UNCRC Act applies to newer legislation, it does not cover vital child protection and welfare duties in the Children (Scotland) Act 1995. Amending Section 28(7) of the Scotland Act to allow for incorporation of international human rights standards across all areas of devolved competence would provide a long-term solution.

Question: What progress has the Scottish Government made in engaging with the UK Government to overcome constitutional barriers and ensure consistent human rights protections apply across all devolved legislation?

Bring back the Human Rights Bill for Scotland

The delayed Scottish Human Rights Bill represents a significant missed opportunity to enhance protections for children, particularly for those whose rights are most at risk. The Bill proposes to incorporate the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of Discrimination against Women (CEDAW); the Convention on the Elimination of All Forms of Racial Discrimination (CERD); and the Convention on the Rights of Persons with Disabilities (CRPD) as well as the right to a healthy environment. The delay to the Bill has been attributed to the constitutional barriers outlined above and the risk of fragmented protections. Both issues must be addressed together as a matter of priority to ensure comprehensive and consistent rights protections.

Children and young people, including Together's [Rights Detectives](#), were closely involved in work to develop the Bill and were deeply disappointed to learn it had been postponed.

Reintroducing the Bill alongside undertaking work with the UK Government to amend Section 28(7) of the Scotland Act is critical for advancing a robust human rights framework. We look forward to cross-party commitment to this work as a matter of priority.

Question: Given the urgency of the climate crisis and the cost of living crisis, both of which Together's Human Rights Detectives have identified as key concerns for children, will the Scottish Government commit to giving the Human Rights Bill the same urgency, ensuring it includes strong protections for those most at risk and the right to a healthy environment?

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