



The Scottish Parliament  
Pàrlamaid na h-Alba

Shirley-Anne Somerville MSP  
Cabinet Secretary for Social Justice

Equalities, Human Rights and Civil Justice  
Committee  
T2.60

*Via email only*

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9 May 2023

Dear Cabinet Secretary,

### **UNCRC (Incorporation) (Scotland) Bill**

The Committee welcomed the letter of 16 March 2023 from former Minister for Children and Young People, Ms Haughey providing an update on progress on the amendments to the Bill and its planning for the parliamentary Reconsideration Stage.

In the letter, Ms Haughey explained that the Scottish Government were engaging with the UK Government on amendments with a focus on how the compatibility duty can apply when a public authority is acting under powers conferred by a UK Act in a devolved area.

The letter states that a revised set of amendments were shared with the UK Government on 9 March and had requested they advise “within the next few weeks” if they had any “new and material concerns” about these. The letter further states that the Scottish Government hopes to be able to progress to Reconsideration Stage ahead of summer recess.

While the Committee appreciates that this is a complex matter and one on which the Scottish Government has been awaiting a response from UK Ministers, it would welcome a further update, if available, on the likely timetable for Reconsideration Stage.

During the course of its current inquiry, several witnesses have expressed concern to Members about the lack of progress on the Bill. On 6 December, Ian Duddy of the SHRC said “we want to see clarity from the Scottish

Government about the Bill and its introduction. We hope that it will lodge the announced amendments as soon as possible”.


On 25 April 2023 JustRight Scotland said “The UNCRC is a very helpful instrument, if it comes to be incorporated. I encourage you all to move things along on that, because, once it comes into force, it will provide an extra layer of protection in devolved areas.” And on 2 May 2023, the Children’s Commissioner, responded “yes” to a Member’s question asking the Scottish Government if it should publish a timetable for Reconsideration.

Other witnesses have told us that it is crucial the UNCRC is incorporated as soon as practicably possible to enable it to provide additional protections for children who are currently living within the asylum system.

Members have already agreed that any further scrutiny required may be prioritised as far as possible within the Committee’s current work programme.

We look forward to hearing from you in early course.

Yours sincerely,

A handwritten signature in black ink that reads "Kaukab Stewart". The signature is written in a cursive style and is positioned above a faint, dotted rectangular box.

Kaukab Stewart  
Convener  
Equalities, Human Rights and Civil Justice Committee