

Equalities Human Rights and Civil Justice Committee

Written evidence – Human Rights Roundtable

Amnesty International UK, September 2026

1) Introduction

Amnesty International UK is part of the global Amnesty International movement, which has defended and promoted human rights since 1961. Amnesty is independent of governments, political parties and economic interests, and works to protect human rights for everyone, regardless of who they are or where they live. Our work combines research and evidence-gathering with campaigning, advocacy, public education and mobilisation to secure lasting change. Our approach is grounded in the principle that human rights are universal, interdependent and indivisible.

We welcome the opportunity to provide written evidence to the Scottish Parliament's Equalities, Human Rights and Civil Justice Committee and hope that our submission will assist the Committee in ensuring that human rights, equality and accountability are embedded in the development and implementation of public policy and legislation.

Our work in Scotland spans Scottish Government portfolios and Scottish Parliament committee remits. Below we have highlighted areas of our work likely to fall under the direct remit of the Equalities, Human Rights and Civil Justice Committee.

2) The Human Rights Bill

Recommendations to the Scottish Government:

- Introduce the Human Rights Bill as early as possible in Session 7.
- Take a maximalist approach to the Bill's scope by applying a compliance duty to as many rights as possible within devolved competence, including to substantive rights within CRPD, CEDAW and CERD which fall within devolved competence.
- Undertake a legislative review of Westminster legislation affecting devolved areas and consider re-enacting relevant legislation within Scottish competence.
- Commit to ensuring that all legislation introduced to the Scottish Parliament is compatible with treaty rights and international obligations, and therefore the proposed Human Rights Bill.
- Remove the exclusion of criminal proceedings from the Human Rights Bill and ensure rights protections apply within the criminal justice system.
- Provide greater detail on implementation of the right to a healthy environment.
- Include an explicit right to an effective remedy on the face of the Bill.

Recommendations to the Committee:

- As a priority, seek an update from the Scottish Government on the progress of the Human Rights Bill's development and scrutinise the Scottish Government's final approach to the Group Protection Treaties (GPTs), the right to a healthy environment and the right to an effective remedy.
- Seek regular updates from the Scottish Government to ensure that the Bill is ready for introduction in year two of this parliamentary session, in line with the First Minister's Programme for Government commitment.
- Engage with both the Scottish and UK Governments and encourage constructive discussions on resolving competence issues.

The proposed Human Rights Bill has been a particular area of focus for Amnesty. Since the First Minister's Advisory group was formed in 2018 and we have strongly urged the Scottish Government to ensure that its progress is prioritised, with draft legislation introduced to parliament as early as possible within session 7. In his Programme for Government on September 1st, the First Minister set out a timeline for the introduction of the Bill, stating that the Scottish Government aims to lay draft legislation before parliament in year 2 of the current session (2027-2028).

As the committee will be aware, the introduction of a Human Rights Bill was delayed during the last parliament, with ministers committing to advancing the Bill this session instead. The EHRCJ's predecessor committee also recommended that it be introduced early to ensure its passage in this parliament.¹

The most recent proposals for the Bill were set out in the Scottish Government's 2025 'Discussion Paper'.² In summary, they are to incorporate the following treaties into Scottish law, alongside the right to a healthy environment, thereby placing duties on public authorities to consider and/or comply with a wide range of rights, and enabling rights holders to legally challenge breaches in domestic courts:

- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of Persons with Disabilities (CRPD)
- International Convention on the Elimination of all Forms of Racial Discrimination (ICERD).

¹ March 2026, Legacy Report of the equalities, Human Rights and Civil Justice Committee: <https://www.parliament.scot/chamber-and-committees/committees/committee-reports/ehrcj/2026/3/23/ehrcjs062026r06/pdf>

² June 2025, Human Rights Bill for Scotland: Discussion paper: <https://www.gov.scot/publications/human-rights-bill-scotland-discussion-paper/>

Amnesty is strongly supportive of the proposals. There are, though, key areas in which we feel they should be strengthened:

Scope

Our primary recommendation is that the Scottish Government take a maximalist approach to the scope of the Bill within devolved competence by placing a compliance duty on as many of the rights within it as possible.

The Scottish Government's current position is that a compliance duty can be attached to some of the rights contained in ICESCR, but that the so-called 'group protection treaties' (GPTs) - CRPD, CEDAW and CERD - will only carry a procedural duty on public authorities to 'consider' these rights in decision-making processes, not to guarantee them. The rationale for this is that the Scottish Government must avoid interaction with the Equal Opportunities reservation.

It is Amnesty and other civil society organisations' position that there are substantive rights contained within the 'GPTs' that fall clearly within devolved competence and should carry a compliance duty. In February 2026 the Scottish Government presented its own analysis confirming that it had identified 16 out of the 55 GPT rights potentially capable of aligning with the proposed Compliance Duty, but that further exploration of this approach could be lengthy and complex.

Amnesty and many other organisations have raised concerns about the approach to the GPTs since detailed proposals were first set out in the Scottish Government's 2023 consultation paper. It was therefore not satisfactory to be presented with a potential solution weeks prior to the end of the parliamentary session in February 2026, while being told that further consideration would significantly delay the Bill for the second time. We are awaiting an update on the Scottish Government's chosen approach and would welcome scrutiny from the Committee on this point.

A second barrier around the scope of the Bill has been the narrowing effect of the UK Supreme Court's judgement on the UNCRC (Incorporation) (Scotland) Act. In summary, the effect of this judgment is that the Act's duties are applied to Acts of the Scottish Parliament. But they are not applied to legislation passed at Westminster which applies to devolved areas of competence, for example the Education (Scotland) Act (1980), which pre-dates devolution. It is assumed that the Human Rights Bill would be subject to the same limitations as the UNCRC Act.

It is likely that the most straightforward solution to this would be for the UK Government to commit to identifying a route that would ensure the Bill can be applied to all laws governing devolved responsibilities. The last update from the Scottish Government in October 2025 suggested that bilateral talks with the UK Government had been limited, and little progress had been made with regards to the Bill. The EHRCJ Committee can play an important role in liaising with both governments and calling for constructive engagement on the matter as a priority.

There are also steps the Scottish Government can take and should be planning for, including a legislative review to identify the most significant pieces of Westminster legislation governing devolved areas that would currently be outwith the scope of the

new Human Rights Act, and to what practical extent these laws can be re-enacted by the Scottish Parliament.

The Scottish Government must also endeavour to ensure that it does not create additional barriers to incorporation. In 2025 ministers knowingly declined to maximise the coverage of UNCRC incorporation by drafting Part 1 of the Religious Observance Bill to be outside the scope of the compatibility duty in the 2024 Act. This effect was created because Part 1 of the Religious Observance Bill was drafted to amend the Education (Scotland) Act 1980, which is a pre-devolution Act of the UK Parliament and therefore outwith the scope of the UNCRC Act following the Supreme Court's judgement. This could have been avoided by legislating through a stand-alone Act of the Scottish Parliament which would have fallen under the UNCRC Act's compatibility duty. Avoiding the amendment of UK Acts in lieu of introducing Scottish legislation will be vital to ensuring the future Human Rights Act's scope is as broad as possible.

Proceeding with Scottish Parliament legislation that would be incompatible with treaty rights - both in relation to the UNCRC Act and the Human Rights Bill must also be avoided, as is demonstrated in the below section 'exclusion of criminal proceedings' - doing so will create a conflicting legal framework for duty bearers.

Stakeholders have warned previously that this Bill cannot be developed, introduced and passed in a silo. A clear statement from the First Minister issued across portfolios reaffirming the importance of Scottish Parliament Acts acting compatibly with treaty rights and international obligations would be helpful, and this is something we would encourage the Committee to seek clarity on.

Exclusion of Criminal Proceedings

We are disappointed that criminal proceedings and the criminal justice system are to be excluded from the rights and duties in the Bill. Serious rights breaches in Scotland's criminal justice system have been repeatedly identified, including in relation to access to healthcare, food and access to justice. It is unclear how wide this 'carve out' is, but nevertheless there is a clear risk that it denies access to justice for those going through the justice system, victims of crime, families, and others. We consider this policy choice to be inconsistent with the aims of the Bill and the treaties it seeks to incorporate.

Amnesty is concerned by the utilisation of 'carve outs' in legislation. For example, as stakeholders continued to feed into the process of developing the Human Rights Bill in the last parliamentary session, legislation was being introduced to the Scottish Parliament which added further carve outs to the UNCRC (Incorporation) (Scotland) Act - the first and currently only UN treaty incorporated into domestic law in Scotland. As a result, public bodies do not have to act compatibly with the UNCRC Act when another Act of the Scottish Parliament compels them to act incompatibly. The Scottish Human Rights Commission has expressed serious concerns about this approach and the impact it will have on children and young people's access to justice.³

³ See, SHRC: Briefing to MSPs on Stage 3 Proceedings: Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill:

Right to a Healthy Environment

Amnesty views incorporation as a major opportunity to close Scotland's environmental protection and justice gaps. However, it is vital that the Human Rights Bill sets out comprehensive substantive rights, strong procedural rights, clear duties and effective remedies. If it does not, the right will become largely symbolic.

We were concerned by the lack of clarity in the Scottish Government's Discussion Paper with regards to how the right to a healthy environment will be implemented. We have encouraged the Scottish Government to set out more detail, particularly on how victims of environmental rights breaches will access justice, given that this has been identified as a systemic problem in Scotland.⁴

Given the urgency of the climate crisis, it is essential that the rights to a healthy environment and access to environmental justice within the new Human Rights Bill are immediately enforceable and are not considered to be subject to progressive realisation.

Remedies

The Scottish Government's 2023 consultation recognised that remedies should be "accessible, affordable, timely and effective", and considered whether existing Scottish remedies could be used.

However, the consultation did not propose making the right to an effective remedy itself a substantive right in the Bill and a lack of clarity remains within the Discussion Paper. It is Amnesty's position that the right to an effective remedy should be contained on the face of the Bill. An express right would require the provision of remedies that are accessible, affordable, timely and effective; rather than presuming such remedies would naturally result from the incorporation of rights.

<https://www.scottishhumanrights.com/media/3292/briefingtoparliament-policy-stage3-uncrcincorporation-2026.pdf>

⁴ UNECE, Report of the Compliance Committee on decision VII/8s of the Meeting of the Parties concerning compliance by the United Kingdom: https://unece.org/sites/default/files/2025-11/ECE.MP_.PP_.2025.66.E.pdf

3) Access to Justice

Recommendations to the Scottish Government:

- Introduce a Legal Aid Reform Bill within the first year of the Parliament which will significantly expand access to legal aid solicitors and treat legal aid as essential infrastructure for securing access to rights.
- Accompany legal aid reform with improvements to the wider legal system, as well as information and advocacy services.
- Improve support so people understand their rights and are helped to pursue legal and administrative remedies.

Recommendations to the Committee:

- Monitor and scrutinise the Scottish Government's implementation of access to justice reforms alongside development of the Human Rights Bill.
- Ensure that access to justice is considered as a cross-cutting issue in the Committee's scrutiny of equality, human rights and civil justice policy.
- Monitor the Scottish Government's Programme for Government commitment to introduce a Legal Aid Reform Bill within the first year of this parliament and scrutinise the draft legislation with the aim of ensuring that reform meaningfully expands access to legal aid and addresses the "legal aid deserts" identified by its predecessor committee

Improving access to justice is vital to the successful implementation of a new Human Rights (Scotland) Act. However, irrespective of the new legal framework, significant reform is needed.

Rights are only meaningful if people can practically enforce them and obtain an effective remedy when their rights are breached. In Scotland, access to justice remains constrained by the cost and availability of legal advice and representation, declining provision of civil legal aid - including significant 'legal aid deserts' - complex and fragmented complaints and justice processes, limited awareness of rights, and procedural barriers such as restrictive time limits for judicial review. These barriers disproportionately affect people who are already marginalised or disadvantaged, including people with disabilities, people experiencing poverty and people in rural areas.

Scotland's under-functioning civil legal aid service has been repeatedly identified as one of the most significant barriers to accessing justice. An inquiry by the EHRCJ Committee in session six of the Parliament⁵ highlighted the barriers to accessing justice caused by legal aid deserts, rates and court fees and recommended that primary legislation was required to reform the civil legal aid system.

A public consultation on a Legal Aid Reform Bill is currently being conducted by the Scottish Government, which is welcome. In the Programme for Government, the First Minister confirmed that draft legislation will be introduced within the first year of this parliament. This legislation must significantly expand access to legal aid

⁵ September 2025, Report on the Equalities, Human Rights and Civil Justice Committee inquiry into Civil Legal Assistance in Scotland: <https://www.parliament.scot/chamber-and-committees/committees/committee-reports/ehrcj/2025/9/17/ehrcjs062025r03>

solicitors and ensure legal aid is treated as essential infrastructure in ensuring access to rights. The Bill must be accompanied by improvements to information and advocacy services so that people know their rights and are supported to defend them through both legal and administrative routes.

4) Racist Intimidation, Harassment and Violence

Recommendations to the Scottish Government:

- Strengthen and urgently implement measures to prevent and respond to racist and Islamophobic intimidation, harassment and violence, including through the Hate Crime Strategy and Anti-Racism Delivery Plan.

Recommendations to the Committee:

- The Committee should seek to better understand the nature and extent of racist and Islamophobic intimidation, harassment and violence in Scotland, and monitor and scrutinise the action being taken to tackle it by including this issue within the Committee's ongoing work programme.

Racist and Islamophobic intimidation, harassment and violence in the UK is an escalating emergency.

Such activity does not happen in a vacuum. Attacks are linked to online hate amplification, political scapegoating and systemic failures to tackle institutional racism.

An Amplification of Hate

A year after racist riots erupted across England and Northern Ireland following the murder of Bebe King (aged 6), Elsie Dot Stancombe (aged 7) and Alice da Silva Aguiar (aged 9) in Southport, Amnesty found that social media platform X played a central role in the spread of false narratives and content which incited violence against Muslim and migrant communities.⁶

Our analysis⁷ of X's open-source code revealed that the platform's content ranking algorithms prioritise the type of content that can spread misinformation and hate, with deeply inadequate safeguards to prevent human rights abuses.

Since 2024, more attacks have targeted mosques across the country, including in Scotland. In 2025, two women were raped in separate racially aggravated attacks in the West Midlands and attacks were reported in connection to the Unite the Kingdom movement.

⁶ August 2025, Amnesty international: Technical Explainer on X's recommender system and the 2024 racist riots: <https://www.amnesty.org.uk/knowledge-hub/all-resources/technical-explainer-on-xs-recommender-system-and-the-2024-racist-riots/>

⁷ *ibid*

During the summer of this year, several areas of Scotland saw a marked increased racist intimidation, harassment and violence. On June 19th, a man was charged with five counts of attempted murder in Edinburgh following anti-Muslim attacks.⁸

Hate Crime Statistics

In February 2026, the Scottish Government published its first annual release of hate crime statistics since the Hate Crime and Public Order (Scotland) Act 2021 came into force. In 2024-25, the police recorded 8,538 hate crimes in Scotland. Of these, 5,299 had a race aggravator, meaning that racially aggravated incidents accounted for 62.1% of hate crimes.⁹

These figures show that racially aggravated hate crimes still make up the majority of recorded hate crime, and Black and minority ethnic people remain disproportionately represented among those targeted. We also know that hate crimes are not always reported to the police. A 2025 study showed that as many as 48% of people from Black, Asian and visible minority ethnic communities who had experienced discrimination opted not to pursue any course of action.¹⁰ This means that in reality, the full extent of racially aggravated hate crime in Scotland is not being captured.

Amnesty is preparing recommendations for devolved authorities in consultation with community organisations, which we will provide to the committee in the coming weeks.

We would encourage the committee to consider within its work programme how it can both seek to better understand the nature and level of racist intimidation, harassment and violence in Scotland, as well as provide monitoring and scrutiny of action taken to tackle it.

⁸ BBC, Man charged after suspected anti-Muslim attacks in Edinburgh, June 2026:

<https://www.bbc.co.uk/news/articles/cx2xg6lwz5jo>

⁹ Hate crimes recorded by the police in Scotland, 2024-25: <https://www.gov.scot/publications/hate-crimes-recorded-police-scotland-2024-25/pages/1/>

¹⁰ Meer, N. (2025). [UofG led survey shows that racial discrimination continues to rise in Scotland](#). University of Glasgow – University News.

5) Conversion Practices ban

Recommendation to the Scottish Government:

- Introduce a Bill to the Scottish Parliament that will comprehensively ban conversion practices in Scotland within the first year of this parliamentary term.

Recommendation to the Committee:

- Scrutinise the Scottish Government's commitment to ban conversion practices and seek assurances that legislation will be introduced early in this parliamentary session which reflects the comprehensive protections consulted on in 2024.

Conversion practices can constitute torture or cruel, inhumane and degrading treatment and have no place in society. The previous Scottish Government consulted on proposals in 2024 and the SNP committed to “introducing a ban on conversion practices within the first year of parliament if the UK Government does not bring forward UK wide legislation” in its 2026 manifesto.

In July of this year, the UK Government published a draft Conversion Practices Bill for England and Wales. Within the Northern Ireland Assembly, a private member's bill has now been introduced, containing measures that align with the legislative framework previously under consultation in Scotland. While the introduction of a Bill for England and Wales is welcome, we believe that proposals to include a carve-out for healthcare settings crosses one of the ‘red lines’ set out by Scottish ministers. We were disappointed to see no commitment to doing so in this month's Programme for Government and believe that a Scotland-specific Bill is still the right route to protecting LGBTI people from conversion practices. We urged the Scottish Government to reconsider and to bring forward its own draft legislation which mirrors the proposals previously set out in 2024, within the first year of the parliamentary session.

6) Abortion Decriminalisation

Recommendations to the Scottish Government:

- Commit within the first year of Parliament to consulting on proposals to decriminalise abortion in Scotland and legislating for full decriminalisation of abortion during this parliamentary term.

Recommendations to the Committee:

- Monitor the Scottish Government's proposed consultation on reform of abortion law and scrutinise any resulting legislation to ensure that it delivers a rights-based framework for abortion care and removes criminalisation and barriers to access.

While this policy area will fall under the direct remit of the Health, Care and Sport committee – it has strong relevance to the realisation of human rights, and we would therefore encourage the EHRCJ Committee to take a watching brief on developments.

Abortion is routine healthcare that is accessed by around one in three women in their lifetime in the UK, yet it is still treated as a criminal justice matter. Women are still required to obtain the permission of two doctors, and abortion is governed by a collection of laws, some of which date back to the 17th century.

Access to safe, legal and local abortion services underpins a wide range of fundamental human rights, including the rights to life, health and bodily autonomy. By contrast, criminalising, restricting or otherwise denying access to safe abortion services has a cascading effect on the course of people's lives, impacting their ability to enjoy the full spectrum of human rights and even their right to life.

Between 2024 and November 2025, a Scottish Government commissioned review of abortion law in Scotland was undertaken by a group of independent experts. The group – comprised of leading health and legal experts, academics and civil society representatives – concluded that abortion should be removed from the criminal justice system and treated primarily as healthcare.¹¹

Prior to the 2026 Scottish parliamentary election the Scottish Government committed to a public consultation on abortion law reform within its election manifesto. We were disappointed to see no reference to a consultation or law reform in this month's Programme for Government.

Amnesty will continue to advocate to the Scottish Government for the publication of a consultation on a new legal framework designed to fully decriminalise abortion by ending laws, policies and practices that directly or indirectly punish people for seeking, obtaining, providing or assisting with an abortion within the first year of this parliamentary session.

¹¹ Review of Abortion law in Scotland, Expert group; <https://www.gov.scot/publications/review-abortionlaw-scotland-expert-group-report/>