

## Submission from David Pedley

Comments on the three questions raised in the consultation notice.

1. How the Parliament can raise awareness of domestic and international rights amongst the public?

Public information should be accurate. The Scottish Parliament's 'Guidance on Public Bills' says:

“1.9. The Parliament’s legislative competence is defined according to.....criteria (set out in section 29(2) [of the Scotland Act 1998]) : .....its legislation must be compatible with the European Convention on Human Rights' ('ECHR').”

This is not accurate as to the whole of the ECHR insofar as Article 13 ( 'Right to an effective remedy ..... before a national authority' ) is not included in the Scotland Act as requiring compliance by the Parliament (see sections 29(2)(d), 126(1) 'Convention rights'; Human Rights Act 1998 section 1(1)(a), (3) and Schedule 1).

2. What can be done to ensure human rights are considered when making & implementing policy?

The Scotland Act 1998 requires statements as to legislative competence to be made relating to any Bill before Parliament. Perhaps the statement could flag up possible conflicts on human rights, even if the Bill is thought to be compliant. For example, the current Planning Bill has a statement simply saying it is Human Rights compliant, whereas I have submitted to the Committee considering the Bill the suggestion that it (and the Planning etc (Scotland) Act 2006, which it amends) is in breach of Article 6 of the ECHR ( 'everyone is entitled to a fair and public hearing ..... by an independent and impartial tribunal').

3. What more could the Scottish Parliament do to ensure that international treaties are being followed in Scotland?

(a) The Parliament could presumably resolve that the statements of compliance with Human Rights (see 2 above) should also (extra-statutorily) cover Article 13 of the ECHR.

(b) The Parliament could ensure that the Scottish Public Services Ombudsman is required to take account of the ECHR in considering complaints (this does not happen at present).

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