



Humanist Society Scotland

Response to: Equalities and Human Rights Committee Inquiry on Human Rights and the Scottish Parliament

General Comments

Humanist Society Scotland welcome the opportunity to input into the Qualities and Human Rights Committee Inquiry. Humanist core values and principles include support for universal equality and respect for Human Rights among individuals¹.

Humanist Society Scotland is a signatory to the recent Scotland Declaration on Human Rights. Underlying this declaration is four key principles we believe should underpin decisions regarding Human Rights by the Scottish Parliament:

- No going back
- Progression
- Transparency
- Participation

We believe that in all debates, legislation and all committee deliberations have consideration of Human Rights embedded within it during normal business of the Parliament. It should not be seen as sufficient that this committee exists for other committees or general consideration in chamber debates to ignore how legislation of policy affects individual's human rights. **It is important therefore that this inquiry not focus solely on the work of the committee but how Human Rights are considered across the Parliament's work.**

¹ [Amsterdam Declaration 2002](#), International Humanist and Ethical Union: "Humanism is ethical. It affirms the worth, dignity and autonomy of the individual and the right of every human being to the greatest possible freedom compatible with the rights of others."

UN Treaties

Humanist Society Scotland support the full incorporation of United Nations (UN) treaties on rights into Scots law. We welcome work taken by the Scottish Government and the Parliament to consider the treaties and how they can be better observed in Scotland, however there is still much to be done to see full incorporation of rights.

In particular we highlight Parliament and Scottish Government² support for the principles of the United Nations Convention on the Rights of the Child without committing to full incorporation of the convention into law. Humanist Society believe that in order to see realisation of this commitment to Children's and Young People's rights it must be followed through by action by government and parliamentarians by ensuring full incorporation. This move is supported by young people themselves as shown by the *Right Here, Right Now* campaign of the Scottish Youth Parliament who are also calling for full incorporation of UNCRC³.

Continued failure by parliament and government to commit and take forward incorporation of the UNCRC into Scots law simply highlights the willingness to talk a good game on Children and Young People's rights while in reality shying away from taking the meaningful action that would result by full incorporation.

Humanist Society Scotland have for some time been highlighting the specific case regarding incompatibility of the current practice in Scottish Schools regarding failure to provide opt out of Religious Observance to young people and the rights in UNCRC. The UN Committee of the Right of the Child was very clear that this current practice is incompatible saying in 2016:

“In Scotland, children do not have right to withdraw from collective worship without parental permission. The Committee recommends that the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.”

This change to respect young people's rights and bring it into line with the UNCRC is publicly supported by a wide range of groups including the Scottish

² [Scottish Government](#) state they will use “UNCRC as a framework to ensure that we consider children's rights whenever we take decisions, and to help guarantee every child a good start in life with a safe, healthy and happy childhood.”

³ [Scottish Youth Parliament](#), Right Here Right Now

Youth Parliament, LGBT Youth Scotland, Scottish Alliance for Children's Rights, Scottish Council for Voluntary Organisations⁴.

We have also seen responses to the Scottish Government's recent consultation on Religious Observance by EHRC and EIS who also have called for full right to opt out to respect young people's beliefs in line with UNCRC.

Despite this wide support for change to policy with regard to Religious Observance to bring Scotland in line with rights enshrined in UNCRC; no action to fully respect Children and Young People's choice on the matter has been taken to date. **This one example shows that the current approach of the Government towards UN Treaties is to ignore or refuse to make changes that are deemed too difficult despite a wider commitment to furthering Human Rights in Scotland.**

We also recommend the committee use the opportunity of Universal Periodic Review (UPR) process to scrutinise the Scottish Governments reporting on each treaty. This would allow for the committee to consider areas where the Government's response fell short of the UN recommendations.

Human Rights & Assisted Dying

Humanists respect the autonomy of the person and are in favour of the right to choose to end one's own life, subject to appropriate qualifications and safeguards.

We understand that assisted dying is a difficult issue but a mature society should be able to discuss difficult issues honestly and openly. We believe the current law which outlaws assisted dying in Scotland, results in people having to suffer against their wishes. Figures released by *Dignity in Dying* show that one person every eight days is travelling to Switzerland from the UK in order to end their own life. However this is restricted to individuals who are well enough and can afford to. We believe other people who may wish to access this are having their European Convention rights impacted by not being able to access the same option at home (such as Article 3, 6, 14 as well as others).

We believe that the committee should review the law and the issues surrounding assisted dying through the lens of Human Rights. This should consider how those individuals at the end of their life Human Rights are impacted under the current restrictions against assisted dying in Scotland.

⁴ [Joint call to Scottish Government to respect youth choice on religion and belief in schools](#)

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