Official Report
Aithisg Oifigeil

Equalities, Human Rights and Civil Justice Committee

Comataidh nan Co-ionannachdan, Còraichean Daonna agus Ceartas Catharra

Thursday 17 September 2026

Session 7

The Scottish Parliament
Pàrlamaid na h-Alba

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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
4th Meeting 2026, Session 7

CONVENER

*Katie Hagmann (Carrick, Cumnock and Doon Valley) (SNP)

DEPUTY CONVENER

*Meghan Gallacher (Central Scotland and Lothians West) (Con)

COMMITTEE MEMBERS

*Holly Bruce (Glasgow Southside) (Green)
*Amanda Lindsay (Central Scot and Lothians West) (Reform)
*Fulton MacGregor (Coatbridge and Chryston) (SNP)
*Carol Mochan (South Scotland) (Lab)
*Collette Stevenson (East Kilbride) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Lorraine Barrie (Making Rights Real)
Jennifer Cannon (Scottish Human Rights Commission)
Juliet Harris (Together (Scottish Alliance for Children's Rights))
Charlie McMillan (Human Rights Consortium Scotland)
Cat Murphy (Engender)
Kate Nevens (Edinburgh and Lothians East) (Green)
Jan Savage (Scottish Human Rights Commission)

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Thursday 17 September 2026

[The Convener opened the meeting at 09:33]

Decision on Taking Business in Private

The Convener (Katie Hagmann): Good morning, everyone, and welcome to the fourth meeting in 2026 of the Equalities, Human Rights and Civil Justice Committee. We have received no apologies. I welcome Kate Nevens MSP to the meeting.

Agenda item 1 is a decision on taking business in private. Are members content to take in private item 4, which is a review of the evidence that we will hear this morning?

Members *indicated agreement*.

Human Rights (Overview)

09:34

The Convener: Agenda item 2 is the third of our three round-table evidence sessions to explore key issues within the committee's remit. Today, we will focus on issues relating to human rights.

Before we move to questions, I invite members and witnesses to introduce themselves briefly. I will begin, and we will then move around the table, going to my right.

I am convener of the committee. I am also new to the Parliament this session, as the member representing the constituency of Carrick, Cumnock and Doon Valley.

Juliet Harris (Together (Scottish Alliance for Children's Rights)): I am the director of Together (Scottish Alliance for Children's Rights), which is a membership organisation of more than 600 members working to fulfil children's rights across Scotland.

Holly Bruce (Glasgow Southside) (Green): I am the new MSP for Glasgow Southside constituency, and the Green group spokesperson on social justice.

Cat Murphy (Engender): I am Catherine—or Cat—Murphy. I am the executive director of Engender, a leading feminist policy and advocacy organisation that has worked in Scotland for more than 30 years.

Kate Nevens (Edinburgh and Lothians East) (Green): I am an Edinburgh and Lothians East region MSP, and the Green Party spokesperson on equalities and international development.

Carol Mochan (South Scotland) (Lab): I am a South Scotland MSP. This is my second parliamentary session; I was a member of the health committee in the previous session, and I am a member of this committee in this one.

Jennifer Cannon (Scottish Human Rights Commission): I am the head of legal and policy at the Scottish Human Rights Commission, which is the national human rights institution for Scotland.

Jan Savage (Scottish Human Rights Commission): I am the executive director of the Scottish Human Rights Commission.

Amanda Lindsay (Central Scotland and Lothians West) (Reform): I am a Central Scotland and Lothians West MSP.

Lorraine Barrie (Making Rights Real): I am the interim director of Making Rights Real, which is a grass-roots human rights organisation that supports communities to name and claim their rights.

Collette Stevenson (East Kilbride) (SNP): I am the MSP for East Kilbride.

Charlie McMillan (Human Rights Consortium Scotland): I am the director of the Human Rights Consortium Scotland. We, too, are a membership organisation, with approximately 500 members, individual human rights defenders and civil society organisations. It is a pleasure to be here.

The Convener: Thank you, everyone. You are all very welcome.

We have Fulton MacGregor online. Fulton, will you introduce yourself, please? [*Interruption*.] Can you hear us okay, Fulton? We will just check the technology.

Do you want to introduce yourself briefly, Fulton?

Fulton MacGregor (Coatbridge and Chryston) (SNP): Sorry, convener—I was just waiting to be unmuted. I am the MSP for Coatbridge and Chryston and, as you can see, I am joining remotely today.

The Convener: Perfect—thank you very much.

As I have said, you are all very welcome to this round-table discussion. I refer members to paper 1 for some broad themes that we might want to touch on this morning, but I will start off with a general question for everyone.

You will all be aware that the programme for government announced that a human rights bill will be introduced in year 2 of the parliamentary session, to protect and enhance everyone's rights. It would be really helpful to hear your point of view, and the perspective of your members, on what that might mean to you and what it will look like to your organisation.

If no one has a burning desire to answer, I will just start on the left and work my way round the table. I apologise, Charlie, but I will bring you in first, if that is okay.

Charlie McMillan: That is absolutely fine—thank you very much.

We are absolutely delighted that the Scottish Government has committed to introducing a human rights bill, although we are disappointed that it will not happen until year 2 of the session. We understand that significant work has to be done on the detail of the bill and what is required in that respect, and that the Government faces a few challenges in proceeding with it, but there is an urgency here. Unfortunately, the bill was subject to a two-year delay in the previous parliamentary session. I should also point out that getting this human rights bill has been an eight-year struggle and campaign for us.

The bill is urgently required for Scotland, because we believe that, for rights to have real meaning for people, they need to be enshrined and incorporated in Scots law. People need to have redress; they need to be able to stand up for and claim their rights; and they need to be convinced that the Scottish public sector will respect, protect and fulfil their rights, which is not happening at the moment for many groups. We are very supportive of the introduction of a human rights bill.

We work closely with the Scottish Government, although my organisation is independent of Government, which is really important for a leader in civil society to be able to say. We need to be able to be a critical friend. We work very closely with the rest of civil society. A significant amount of work has been done over the past eight years to prepare for the bill and it is now time for it to become a reality. We are delighted to have this evidence session, because the committee has a central role in holding the Government to account and delivering what is clearly necessary for Scotland.

The Convener: You said that people's rights are not being held up right now. Are there any specific areas that you wanted to talk about? We can also come back to this later.

Charlie McMillan: There are a number of areas. There is a serious chilling effect in human rights at the moment. We see human rights regression across Scotland, and it is mainly targeted at marginalised communities. People from black and minority ethnic communities, the LGBTI community, children, women, people who are trying to access health services or education, people with learning disabilities and disabled people all have evidence of their rights not being realised. That is not an exhaustive list, unfortunately—and it is unfortunate for us, too, because much of that hurt and pain ends up in my organisation's inboxes when people feel that there is no right to redress and there are no ways to address those human rights infringements.

I am sure that my colleagues here would agree that the chilling effect that we are experiencing at the moment is, as I often say, like going back to the 1980s and the experiences of that time. A culture of fear and prejudice is growing again in Scotland, and the Scottish social attitudes survey shows that that is happening.

We need to get alongside those marginalised communities and hear their stories. When I say "marginalised communities", I am also talking about women—half the population. It is almost the protected characteristics that lead to the othering—the bad othering—that is happening in our society. Human rights is definitely a way to address that.

Amanda Lindsay: Thank you for coming in today. You have talked about the polarisation of the debate and you mentioned women. Your organisation says that a new human rights bill should provide additional protections for LGBT people. Do you want the bill to introduce gender identity as a new legal category? If so, how would you define it?

Charlie McMillan: That is not the purpose of the bill, which is about enshrining everybody's human rights in law. All people in Scotland have human rights. They have the right to all the rights that are outlined in the seven treaties that we have signed up to through the United Nations, and we must work to realise those rights. We are talking about a bill that could make a huge difference in terms of poverty, discrimination, the experience of all women and the experience of everyone else. It is really important that we keep reminding ourselves that this is about everyone in Scotland. It is about everyone who experiences challenges in having their rights protected and fulfilled.

Amanda Lindsay: I do not dispute what you are saying, but there is a document on your website that states that the Equality Act 2010 includes gender identity, when the protected characteristic is actually gender reassignment. I just wondered whether you are going to correct that statement and what legal checking is applied to the material that you publish.

Charlie McMillan: I am happy to. Unfortunately, we are a tiny organisation. If that is incorrect, we will sort that and make sure that it is clear that gender reassignment is the protected characteristic. I apologise, but we are such a small organisation and we have been working for over eight years, so keeping up to date with all the information that we have produced is a challenge.

The Convener: Thank you for that introduction, Charlie. I am sure that we will come back to those points.

09:45

Lorraine Barrie: One of Making Rights Real's core aims is to amplify the voices of people who are furthest from the table and those who are experiencing human rights violations. We have highlighted issues previously at this committee, at Parliament and with the UN, about the legacy of the tinker experiment in Scotland and the campaign for reparations, which featured in the legacy report of the previous committee back in March.

We also want to raise Gypsy Travellers' rights to culturally appropriate housing and the implementation of the Gypsy Traveller accommodation plan. We want to talk about social housing and the failures of contracts and service delivery, which feeds into the themes of implementation and accountability that are overarching ones that will come across in all the evidence that I give today. We are concerned about breaches of rights to accessible healthcare in the Highlands, the rights of unpaid carers, and access to justice. We want to raise all those issues.

In previous years, Making Rights Real and organisations represented around this table have carried out lots of work on the human rights bill, carrying out consultation events and feeding in expertise. We held a consultation event in October 2023 and published a people's response to the human rights bill consultation.

It is encouraging that the Parliament is not starting from scratch. A lot of expertise and views have been gathered, and it is clear that the people of Scotland want the human rights bill to enshrine their rights. Someone who attended our consultation said:

"This Bill overall has the potential to transform the lives of people experiencing human rights breaches."

Someone else said:

"'Good' access to justice would mean that people have a quiet life. By that I mean that there would not be stress, worry, anxiety or shame about claiming your rights. No shame about things that are outwith your control—like living on a low income or living with mould. There would be systems, structures in place for a quick and effective and affordable remedy".

Another person said:

"We're not asking for the moon. We just want sensible and reasonable prevention and access to justice when things go wrong."

Those are the voices of people who want the human rights bill in Scotland, and we hope that the committee will do everything possible to make that a reality during this parliamentary session.

The Convener: That is really helpful. You touched on a range of issues from housing to unpaid carers. Access to justice is a key theme that has come up in our other round-table evidence sessions. Being able to hear those voices from people you have spoken to directly is helpful.

On the human rights bill, is there a particular focus that you would like the committee to delve into? There is a slight danger that, by trying to cover everything, we are not able to solidify what we are trying to do with the human rights bill. It is a concern for some that the human rights bill, quite rightly, will cover all areas of our lives. It would be helpful to hear a summary of that, if you can. Do you have any advice for the committee on how we should take that forward and how to remain focused on the task at hand?

Lorraine Barrie: There is a lot to say in answer to that question. Embedding human rights-based approaches and human rights-based budgeting in your work has the potential to embed human rights in people's lives and to be transformational. At the moment, there are many rights that people are not able to access due to the dearth of solicitors and the difficulty in accessing legal aid. The human rights bill would make rights directly enforceable, and a wider range of people would be able to enforce their rights.

We have reams of evidence on that issue. I have been assisting people trying to access lawyers, and it is almost never a case of people not being able to access lawyers; it is about access to law centre provision and citizens' advice provision.

Access to justice is at the heart of realising people's rights both now and in the future, and some serious solutions need to come about so that people are actually able to enforce their rights and have a route to remedy themselves. That is the key issue.

Holly Bruce: Thank you so much for coming along. I was keen for you to be involved in the discussion, especially given your work on Gypsy Travellers. In my constituency in Glasgow, we have a huge Roma community, and they have been doing a lot of human rights-based work on housing with relevant organisations such as Shelter. In your report, you explained exactly what they have done with the lived experienced research, which shows that 70 per cent of Roma folk in Glasgow Southside are not utilising their human rights based on the standard of living—many of them live in inadequate housing. Are you seeing that in your organisation? How can committee members involve the lived experience of people in our constituencies, across Scotland, to make the human rights bill the best it can be?

Lorraine Barrie: Making Rights Real does not work with Roma communities directly. Our casework and participation work are solely with Scottish Gypsy Travellers, as they would define themselves. I worked closely with the Roma community for many years in the south side of Glasgow, and there are many organisations with lots of expertise, including Roma human rights defenders and young Roma women, who are really at the forefront of this fight for human rights in relation to housing.

We have done a lot of work on Gypsy Travellers' substandard housing, and I really wanted to bring the voices of those people to today's meeting. It is an additional but separate issue to the tinker experiment, because substandard housing is a legacy of the ongoing issue of the tinker experiment—it is not a historical matter. However, there is a wider housing human rights abuse in relation to how Gypsy Travellers are living in Scotland at the moment.

We work with four sites, and we have had to support residents to make reports to the housing regulator for three of those. The housing regulator found serious concerns in relation to those three sites, and, in relation to one of them—Bobbin Mill, which is also a tinker experiment site—the regulator's engagement report, published in April this year, said that Perth and Kinross Council did not know when minimum site standards could be met. There has been talk of refurbishment and housing improvement on that site for many years. The community has been engaged and there have been numerous consultation events—it has been a saga—and they are still sitting in damp and mouldy housing. It is a very difficult matter, and it is affecting people's quality of life. We sent a report to the UN Committee on Economic, Social and Cultural Rights on the suitability of the accommodation and the fact that it breaches human rights. It also breaches domestic legislation and does not meet site standards.

The people we work with are often human rights monitors in their own communities, because they are the experts on what is really going on. Double Dykes community in Perth has done surveys and submitted a participatory action report, providing evidence of the poor standards. Its second report found evidence that the standard had not improved, and it tried to engage with duty bearers to make things better. Bobbin Mill did its own survey and found similar bad outputs.

We have recently started working with another community, which I will not name, that was delayed in decant accommodation for four years. There was a huge range of issues for individuals on the site, including trauma and damage, and the primary reason for the delay was a collapse in a commercial contract through a bankruptcy. That implementation gap is another issue that I want to draw out, because that was work done through the Gypsy Traveller accommodation fund. It was an investment to improve human rights, and people's rights have been violated in the spending of that money, so where is the scrutiny and where is the accountability, and what can this committee and the Parliament do about that? This should be a good news story; it should be all about how well the money has been spent and how improved the lives of the community and the young people are, but it has now become another case on which we are supporting people to try to find lawyers and stand up for their rights.

With every community that we work with, there is not just one issue—there are a lot. Everyone has individual circumstances, and the issues are intersectional. They could be issues for older

people, women and children or people with disabilities—they affect people across the board.

A second point on housing is about our work with Cables Wynd house, where the residents group has done a lot of work on human rights monitoring. I might bring that in later.

Whether they are about Gypsy Traveller accommodation or social housing, we are seeing rights breaches across the board.

The Convener: Thank you—that gives us a good base to go from.

Jan Savage: On the programme for government and the status of the human rights bill, the Scottish Human Rights Commission is pleased to see that commitment, albeit that it is for year 2. Our view is that that might not be a bad thing, because it will give Parliament and all of us an opportunity to get to grips with the questions of what the bill needs to look like, what it will do and what the issues of scope are. Those are complex things to consider, so it is critical that we spend the next 12 months getting to grips with all those things.

The international system requires and encourages us to incorporate human rights treaties into domestic law, and it encourages national human rights institutions such as the SHRC to progress with that. We are in an unusual position in Scotland in that we are a subnational state, so it is not so easy to incorporate human rights treaties into Scots law. However, we have done it, and we are on that journey. You will hear later from Juliet Harris about the experience in Scotland so far of incorporating a human rights treaty into Scots law within the limits of devolved competence and about the impact that that is having on the ground.

This year, we would challenge the committee to ensure that the Scottish Government is being up front about the status of the bill as proposed. The SHRC wants to be part of that and to be a supportive and critical friend to the committee in that process. Charlie McMillan and Lorraine Barrie mentioned that more than a decade of homework is available on the model of incorporating human rights treaties into Scots law. There have been a lot of developments through the legal system in the intervening time. The committee should support scrutiny of the huge question of what is possible so that everyone is clear about the starting point for year 2. Our concern is that, if we do not get clarity or work through some of the difficult conversations in this year, year 2 could become year 3 and year 3 could become year 4—we must not allow that to happen.

Part of the challenge with the bill is making it real to people. Essentially, it seeks to do two things. One is to create safeguards for people who have rights protected in treaties. For the International Covenant on Economic, Social and Cultural Rights, that means all of us, and then there are group treaties for specific groups. Those safeguards are to ensure that there are additional protections when things go wrong.

Ultimately, we hope that that does not happen as often as it does currently, and the way to ensure that that is the case is to change how Scotland does things. That means taking a human rights-based approach to all our public administration. That is sometimes the boring part of the bill. In the previous session, the Parliament got quite excited—the commission did, too—about models of incorporation, which treaties were involved and so on, but looking at the other parts of the programme for government and given the scale of public service reform that is on the agenda over this coming session, we see an opportunity to get this right so that Scotland stops thinking about a human rights-based approach as something that happens after the fact and thinks of it as just how we do things.

The Scottish Government team that is looking at the bill is also looking at mainstreaming. Essentially, that is one and the same thing. The bill is a way to require duty bearers in public authorities to take a human rights-based approach. Mainstreaming is how we are going to get there. I think that the language and how we talk about the bill in Parliament need to adjust, too.

10:00

A final reflection is that we should all focus less on the complexities of the treaties. They are complicated, and the models of incorporation will be, too, so deep legal analysis will be required to move that forward, but the bill is about the impact that it will have on people's lives in delivering a better standard of living for absolutely everybody in Scotland. We need to bake that into how we do things in Scotland, so that it becomes protected, regardless of the political persuasions of parties of government, and the bill gives us a real chance to do that. It is a once-in-a-generation opportunity to make that work.

That said, the bill will not be a panacea that will solve every human rights issue that is experienced in Scotland, so the committee and institutions such as the commission must continue to have a focus on particular groups and human rights violations. I will pause there.

The Convener: Thank you. Three members have questions, and I have some of my own. We have invited the minister to give evidence, and those are some of the questions that we will want to ask about what happens in the next 12 months.

It would be very easy to say, “Oh, we don’t need to worry about that,” but there is a huge amount of work that needs to be done before we get to year 2.

Amanda Lindsay: Thank you for coming in. You must forgive my ignorance as I learn about all the different bodies that are involved in this area. Last night, I attended the Equality and Human Rights Commission reception that was kindly hosted by Carol Mochan. Given that Scotland already has the Equality and Human Rights Commission, the courts, ombudsmen, sector-specific regulators and so on, what specific function does the Scottish Human Rights Commission perform that none of the other bodies performs? What measurable benefit does that produce for the ordinary Scottish person?

Jan Savage: I am happy to answer that. The Scottish Human Rights Commission and the Equality and Human Rights Commission are two distinct bodies. The Equality and Human Rights Commission is the equalities regulator for the whole of the United Kingdom—that is, England, Wales and Scotland—and it regulates the Equality Act 2010. Separately from that, countries that are signed up to the UN are required to have a national human rights institution. The national human rights institution for England and Wales is also the Equality and Human Rights Commission, and, for Scotland, it is the Scottish Human Rights Commission. The SHRC was established by an act of the Scottish Parliament in 2006, at the same time as the Equality and Human Rights Commission was established by an act of the Westminster Parliament to deliver both functions.

Our members and chair met the chair and members of the Equality and Human Rights Commission yesterday afternoon, just up the road on the Royal Mile. We pulled together and signed a brand-new strategic framework agreement, because we had a memorandum of understanding that was out of date. Many people ask the question that you have just asked, which is, “What is the difference between your organisations and how do you work together?” That new strategic framework agreement has been signed—we will send the committee copies of that.

With regard to your question about what tangible value the commission provides to the people of Scotland, the SHRC has a programme of work to spotlight human rights concerns in Scotland. A list of those is included in the committee’s papers. It is not within the mandate of the Equality and Human Rights Commission to do that work in Scotland. I hope that that answers the question.

Amanda Lindsay: Thank you for that answer, which was very interesting. What happens when you have a disagreement with the EHRC? I am thinking of the judicial review on the trans prisoner guidance, on which I believe your organisation was at odds with the EHRC. Could you say something about that, please?

Jan Savage: You ask how we handle disagreements. I would not describe them as disagreements. We simply have two different mandates. The Equality and Human Rights Commission has the equalities overlay of its assessment of an issue, whereas the SHRC can take a purely human rights assessment of that. That is what happened in the case of the intervention to which you referred.

It is absolutely right that the court has access to both those perspectives, even when—as they do on occasion—they differ slightly, as that enables the court to make the best decision. In my time, I do not think that there has been any disagreement between the institutions on any policy or legal matter. Again, the strategic framework provides us with a framework through which to manage that. It is in no one’s interest for that to be the case, and we would seek to avoid it. I would not describe it as disagreement; there is just a slightly different role.

The Convener: I do not know whether you are able to, but if you are able to share the agreement between the two organisations, that might be helpful for the committee. It is important that we understand and have a deep knowledge of the roles of each organisation.

I would also like to thank you, because I was invited to an informal meeting with the Council of Europe’s commissioner for human rights. We must have joint conversations across organisations, so it was a welcome opportunity for me—albeit that it was an informal discussion—and I thank you for it.

Holly Bruce: I thank the witnesses for coming along today. I attended the event that Carol Mochan hosted at the Parliament last night. It was good to speak to different stakeholders about human rights issues. I spoke to the commissioner, Angela O’Hagan, at that event, and it was really nice to meet her.

At the event, Jan, you raised an interesting point, which I feel that the committee should take away, about public service reform and how we now have a stand-alone Public Service Reform Committee. This committee should be working with that committee to provide a human rights lens. What I would like to ask you is based on what we have heard at other round-table sessions about the public sector equality duty and the reform that is needed in that space, because that could truly be transformative. How could this committee bring forward the public sector equality duty work, and how could we work with the Public Service Reform Committee and others on that subject?

Jan Savage: I will preface my answer by noting that I will hand over to Jenni Cannon in a second for some of the detail. Also, I remind the committee that the public sector equality duty is strictly a matter for the Equality and Human Rights Commission and not for the Scottish Human Rights Commission.

However, everything co-exists, so I think that the first part of your question should be whether this committee should take more of an interest in or liaise with the Public Service Reform Committee. It absolutely should; in fact, if that does not happen, that will be a huge missed opportunity.

Last week, on the occasion of the visit from the Council of Europe's commissioner for human rights, we launched a paper on poverty that calls out the systemic failure of successive Scottish Governments to deliver meaningful change in that space. It notes that, in essence, poverty is about economic, social and cultural rights—the very rights that the Scottish Government is committed to incorporating through a human rights bill—that the opportunity for public service reform should be framed through that lens and that change on poverty should be identified as the why. Why are we reforming public services in Scotland? It is not just about economic benefits; it has to be about transforming Scottish society. Therefore, the opportunities to align existing duties with incoming duties and to ensure that human rights are at the heart of that are critical. This committee absolutely must and should take a role in engaging with the Public Service Reform Committee on that agenda, drawing the dots between the forthcoming human rights bill, the public service reform agenda and the public sector equality duty.

Perhaps Jenni Cannon can come in on how the public sector equality duty interacts with that.

Jennifer Cannon: As Jan Savage says, the public sector equality duty is regulated by the EHRC. On how it fits with a human rights-based approach to public service reform, PSED and its successes but, potentially, also its challenges are a good opportunity to learn how to take a human rights-based approach and what the challenges are in that. For example, we have to ensure that, when the human rights bill places duties on public bodies to monitor and report on progress, that must not become just a duty to produce a report that is put in a cupboard until the following year. Instead, such reports must inform decision making; they cannot just be forms to fill out after the fact.

Although it is about equality rather than human rights, a lesson from the work of the session 6 predecessor committee and its review of the public sector equality duty, how it is working and how it could be better is that we must ensure that requirements on public bodies about how they make decisions do actually affect how they make decisions; those requirements must not create additional reporting burdens and paperwork that make everyone feel as though they are doing a lot of work but then finding that that work does not manifest in rights realisation for people.

This is an opportunity to make sure that those things work together, are complementary and have a real-world impact. At the crux of public service reform is considering human rights, equality and all the other myriad priorities.

The Convener: That has been raised in previous sessions. We do not want it to be a tick-box exercise, and it cannot be if it is going to have any impact.

Apologies that it has taken longer than planned to do our quick introductions, but the discussion was helpful and I do not want to stifle any debate when members have questions. Cat Murphy, we will come to you next.

Cat Murphy: Thanks so much, convener. I will build on the points that Jan Savage and Jennifer Cannon made and also on some of the conversation from last week's meeting.

All the treaties that the Government is considering for incorporation via a human rights bill are relevant to women, and we are broadly supportive of a human rights bill. The primary area of consideration and interest for us is the UN Convention on the Elimination of all Forms of Discrimination Against Women. There is potential for enormous gains through the incorporation of CEDAW. It advocates for a much more progressive and expansive approach to women's equality than is offered under current UK law and, to some degree, the law in Scotland as well. It promotes a substantive approach to equality rather than the formal approach that we currently take.

We would be very pleased to see CEDAW incorporated into Scots law, but we recognise that it is quite challenging because of the division between devolved and reserved issues and where equality sits in that. It therefore remains to be seen what can be incorporated. I noticed in the committee papers that Amnesty International made quite a lot of suggestions on that, which I found very interesting. We are waiting to see what can be incorporated, but we are broadly supportive—very supportive, certainly, of ICESCR and the rest of the human rights bill.

On PSED, the proposal is for the incorporation of the group protection treaties, but those are procedural duties and we already have duties on equalities. That is what PSED represents. Since 2017, an awful lot of work has been done by us

and others across the equality sector on that. Also, in 2018, the EHRC did an expansive piece of work that looked at the operation of PSED. I encourage the committee to look at that. Since 2017, we have been trying to get a substantive review of PSED, but we have received limited commitments. A lot of commitments were made pre-pandemic, but they were later rolled back, and the review of PSED is now minimal.

We worked with Nicole Busby at the University of Glasgow to develop draft duties for PSED. By that I mean what we would ideally like PSED to look like, and I am more than happy to share that with the committee. The intention was to provoke discussion and promote ambition on what could be achieved with PSED, because there are a huge amount of problems with it.

It is a shame that more has not been done on PSED since 2017, because that would have laid the foundation for us to have duties in the human rights bill that incorporate learning from the mistakes of PSED. We could have learned from the lack of compliance and where we have gone wrong, which would ensure that we do not make the same mistakes with the duties in the human rights bill. That is not to say that we cannot do that now, but I consider that the committee's central role, as it considers the human rights bill and speaks to the Government, should be to ensure that PSED reform and the human rights bill are considered to some degree, because so much learning is available from those. If that is not managed properly, we might end up with poorly performing duties layered on poorly performing duties. We really want to avoid that and ensure that the human rights bill delivers on all its enormous potential and that PSED does what it is supposed to do and what it is supposed to have done since 2010.

10:15

The Convener: Thank you. That is helpful.

Just to clarify for those who might be listening online, I checked the year that CEDAW, which is the UN Convention on the Elimination of all Forms of Discrimination Against Women, was signed up to—it was 1979. It is important to acknowledge that none of these calls are new, and there have long been specific public sector commitments in place to eliminate violence against women and girls. We have to consider how we can use some of that work, and it is clearly important that we do not lose sight of the public sector equality duty.

It is fair to say that, as a committee, we have discussed where legislation has come in and how far its implementation has progressed. Are we meeting the aims that legislation was meant to achieve? Our role as a committee is certainly to hold the Government to account on those things.

Amanda Lindsay: Thanks for coming in, Cat. I understand that Engender made a response to the human rights bill consultation, and I want to ask a little bit about whose views were represented. How many women were consulted and how did you go about doing that? Was the consultation in person or was it direct contact? Did you also include women with whom you disagree on the conflict between sex-based rights and gender identity?

Cat Murphy: I am happy to answer that. We had a highly technical consultation on the human rights bill—I think that it included more than 54 questions. We spoke to organisations across the women's sector and garnered their views. We also helped people find their way through the consultation because it was really technical. We co-ordinated and convened organisations in the women's rights sector, large and small, and supported them to consider, answer and come back on the consultation. That process took several months.

Regarding our wider consultation with women, Engender is a membership organisation, so we have members whom we consult regularly who are involved in our governance, our annual general meetings and so on. Throughout the year, we host a huge number of events, including webinars and consultation events.

One thing that we are looking towards is the review in February by the Committee on the Elimination of Discrimination against Women of the United Kingdom Government's performance on CEDAW. For the past two years, we have gone out into communities across Scotland to meet groups of women to discuss their human rights situation, what matters to them, what they believe to be priorities and what they want from the Government, from MSPs and so on. We will feed that back to the CEDAW committee, but we will also produce a report that we will share with you all. We regularly use such feedback in our work.

Amanda Lindsay: Thank you. You said that you consulted organisations across the sector. Did you speak directly to your members at the grass-roots level, and would you be able to publish the methodology that you used?

Cat Murphy: Do you mean for the human rights bill consultation response?

Amanda Lindsay: Yes.

Cat Murphy: We can certainly share with you who we spoke to in order to develop our response and share which organisations were involved in that.

Amanda Lindsay: Thank you.

The Convener: I will put on the record that, every Friday, I get an email from Engender that is filled with information and opportunities to take part in consultations and share research. I certainly find it really invaluable, so I put on the record my thanks to Cat Murphy and Engender for the opportunity to reach out.

Meghan Gallacher (Central Scotland and Lothians West) (Con): I apologise for being late this morning.

I have a question about CEDAW, which is an interesting part of the human rights legislation that we will potentially be looking into soon. Following on from Amanda Lindsay's point, my understanding is that CEDAW's text is sex-based. Is that the lens through which the consultation has looked at it? Would it be the case that we are looking at it as a sex-based right that we are looking to incorporate into human rights legislation?

Cat Murphy: CEDAW was written in 1979, as the convener said, and it is qualified by a series of general recommendations that have evolved over the past 47 years—I am the same age as CEDAW, so I know that specifically; I did not need to do any maths there.

What the wording of CEDAW means has evolved over time, and it is articulated through general recommendations. A huge amount of work has been done by the CEDAW committee over the decades on issues around gender and gender stereotypes, norms and standards, and there are clear commitments for Governments in relation to combating gender stereotypes and norms. The concept of gender is firmly articulated by the CEDAW committee in all of its work. It has also recognised the rights of trans women in its general recommendations.

It will be for the Scottish Government and the Parliament to determine what language goes into any human rights bill. They can decide whether to incorporate a straight reading of the language in CEDAW or whether to honour the spirit of what the CEDAW committee has articulated over decades that the convention means.

Meghan Gallacher: I think that what will be important is the interaction between the Supreme Court ruling and, as you say, the definitions that are contained in the bill. That was really helpful. Thank you.

The Convener: We have had a helpful start to the discussion. Juliet Harris, you have been waiting patiently. Please share your perspectives on what you would like the human rights bill to look like and take forward.

Juliet Harris: Like the others around the table, we welcome the programme for government's commitment to introduce a human rights bill. Like the Scottish Human Rights Commission, we understand the need for it to be introduced in year 2 rather than in year 1. We are frustrated at the length of time that it will take to get to that point but, at the same time, we recognise the complexities and the importance of drafting the bill in a way that really works and strengthens human rights for everybody.

It is important to remember that children account for one in five of the Scottish population. Children's rights are human rights, so the human rights bill is just as important for children as it is for adults. I know that it is sometimes tempting to say that, because we have the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 in place, we have children's rights in place, but the human rights bill will provide really important additional protections for children and young people, particularly around issues regarding disability, women and girls and black and ethnic minorities. All of that is important and is welcomed by children and young people.

We also recognise that, by strengthening human rights protections for all of us, we strengthen families, and families are the best places for children and young people to grow up in, as they enable children and young people to thrive.

The 2024 act was commenced more than two years ago, so there is an awful lot of learning around that that I can go into later in the meeting. The upstream measures of the act—the boring bits around child rights impact assessments, reporting and various preventative approaches—really have had an impact on children and young people's experiences of their rights. Coupling those upstream elements of the act with enforceability through the downstream measures around access to justice and access to the courts is important, so we are really keen to see that model and are delighted to see that that is what the Scottish Government is exploring in terms of the human rights bill.

The complexities that we have spoken about are important. They need to be looked at, and it is important for the committee to explore them. Although we are seeing the impact of the 2024 act upstream on children and young people's rights, we know that, in those rare cases where children and young people have taken cases to court, there is a lot of focus on whether something is within the scope of the act or not. We have been trying to address that, not just with the Scottish Government but with the UK Government, as it will take a concerted effort for the UK and Scottish Governments to work together to address the complexities. It does not require an extension of devolution; it is just about re-establishing the original understanding of devolution that the

Scottish Parliament has the power to apply human rights across all areas within its jurisdiction.

We would press the committee to look at that and what can be done to promote a really positive working relationship with the UK Government to address those complexities. We would be delighted if that could happen ahead of the human rights bill being introduced. At the same time, however, it must not delay the human rights bill.

I urge the committee to consider post-legislative scrutiny of the 2024 act and look at where it is making a difference. I urge you to speak to the Children and Young People's Commissioner Scotland. I am delighted that the Scottish Human Rights Commission is at the table today, but I would be really delighted if the Children and Young People's Commissioner was able to give evidence to you as well.

An important part of post-legislative scrutiny of the 2024 act will involve speaking to the Minister for Children, Young People and The Promise. I think that she will have really important insights for the committee on the extent to which the act has had an impact, and the learning will be relevant to the human rights bill as well.

Please think about children across everything that you do, and put babies, children and young people at the core of all that the committee looks at.

The Convener: Thank you. That is really helpful. You mentioned the children's commissioner, and it is important for me to pass back to the committee that, having spoken with her on a number of occasions, there is an open invitation from her to the committee should we want to engage in whatever way we would like. That is welcome.

You are right—we must take the learning from the experiences with the 2024 act. I think that that will be built into what we do the next 12 months.

Holly Bruce: Thank you so much for coming and for making it easy for us to understand what can quite often be a complex piece of legislation. I am interested to hear more about the key learnings and how we can ensure that there are not similar issues with the human rights bill. You mentioned the understanding of what is and is not within scope of the 2024 act. Can you share any examples of that with the committee?

Juliet Harris: Yes, certainly. What is in scope is only acts of the Scottish Parliament and provisions within them. Basically, the Supreme Court ruling meant that there was a real narrowing of the understanding of what could be in scope with the 2024 act. Only laws that have been passed by the Scottish Parliament since 1999 are in scope. Any amendments to acts of the UK Parliament that were made prior to 1999—that includes the Education (Scotland) Act 1980 and the Children (Scotland) Act 1995, which are really important pieces of primary legislation that impact on children's rights—are out of scope. That means that, even now, when the Scottish Parliament passes new pieces of legislation, if they amend an act of the UK Parliament, even though that is absolutely within the powers of the Scottish Parliament, those amendments are not in scope.

Ms Gallacher might remember that, when we gave evidence on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill as it was going through the Parliament, children and young people created a spider's web for me to explain it to the committee. Basically, they said that the bill was like a spider's web with lots of holes in it. Those holes are where things are not within the scope of the 2024 act. However, it is better to have a web that is there to catch some of the flies—some of the breaches of children's rights—than it would be not to have a web at all. Children and young people are very clear that, even though the act is patchy and it does not cover everything, it is better than nothing.

10:30

An example of legislation from the previous parliamentary session that demonstrates the problems with drafting style in relation to what can be out of scope is the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Act 2026. It was said that the legislation would address a concluding observation from the UN Committee on the Rights of the Child that children should have an independent right to opt out of religious observance. However, although the bill that was introduced in the Parliament gave children the right to opt into religious observance if their parents had opted them out, it did not give them the equivalent right to opt out of religious observance if their parents had opted them in. Fundamentally, that means that children who want to practise a religion have more rights than children who do not want to do so. Given that the 2026 act amended an act that had been passed prior to 1999, even if the legislation is incompatible with the UNCRC, children cannot refer it to the courts under the 2024 act. That legislation was passed in the previous parliamentary session, but children and young people still cannot use the 2024 act to challenge that legislation.

Therefore, the scope issue matters and is important. There is a role for the committee in considering the drafting style that is chosen for new legislation and ensuring that, rather than amending pre-1999 Westminster acts on matters within the sphere of devolution, new Scottish

Parliament legislation brings such provisions into that legislation, so that it is within the scope of the 2024 act.

The Convener: That answer is enormously helpful. It has certainly given me questions for the minister when she comes to the committee.

Amanda Lindsay: Juliet Harris, thank you for speaking to the committee—I am beginning to grasp the complexity of what you have been discussing. Your advice about speaking to the children's commissioner is very good. You kind of answered my question in your response to Holly Bruce's question, but I want to take things down a level. Given the UNCRC issue, what specific additional problems might there be with the proposed human rights bill. You gave the example of the legislation on religious observance, but should we be aware of any other issues?

Juliet Harris: In relation to what a human rights bill will add for children and young people, important examples relating to poverty were mentioned at last week's meeting. Child poverty is women's poverty, and a new human rights bill will provide additional protections for women over the age of 18 and girls under the age of 18. For children and young people, and for babies, it is important that the rights of the adults around them are fully protected. The human rights bill will make a difference for children and young people by supporting the rights of families and of all the people around children and young people. We should not underestimate the impact of that, particularly in relation to ensuring that there is child rights budgeting and gender-based budgeting and that resources are provided to tackle child poverty as women's poverty.

The Convener: I am conscious of time. This discussion has been really helpful in providing a base to get us started. I am looking at the clock—I propose that we have a short comfort break, and then we will get back into the debate and have a much more free-flowing discussion. I really appreciate that introduction.

10:34

Meeting suspended.

10:41

On resuming—

The Convener: It has been really helpful to start this session by touching base, and it is important to have this kind of free-flowing conversation. I am conscious that not all members have had a chance to speak, and I wonder whether Fulton MacGregor, who is joining us online, Carol Mochan or Collette Stevenson have any specific points, comments or questions. Carol, did you want to come in?

Carol Mochan: Yes. I really appreciate the time that everyone is giving this morning. I just want to try to link up some of the stuff that we have heard in the three round-table sessions that we have had, and which have been helpful to someone like me who is just starting out in this brief. The evidence has been much appreciated.

Two issues have come up, the first of which is whether we have the right data and whether there is anything that we should be thinking about in that respect. As for the second issue, I and, indeed, other members represent areas that have lots of rural parts, and I know that, in my patch, a number of older people are finding it difficult to access transport, health and other services. Is there anything that we should be thinking about in that regard?

Who wants to come in on those two issues?

Charlie McMillan: I will respond to the question about data. I was lucky enough to see last week's evidence session, so I know that the discussion focused on disaggregated and intersectional data. I heartily agree with all the points that were made. Data collection in Scotland is woefully poor, and has been for many years. As people say, if you cannot count it, it does not exist—and I think that that is one of our real fears. You have to be able to identify human rights infringements and to look in the round at people's life experiences and how they lean into human rights.

Specific treaties have articles requiring data collection—I am thinking, for example, of articles 31 and 33 of the Convention on the Rights of Persons with Disabilities. There are specific duties to collect intersectional and disaggregated data, but it is not happening.

Unfortunately, that is a picture that we see repeated and repeated. We need to know about the complexity of people's lives, and data collection is centrally important. We also need to be able to share data. So much of Scotland is defined in silos at a policy, government or public service level, but we absolutely need to be able to share data. There are data protection issues, but that should not be the reason for not sharing data. I am totally with you, Carol, on the primacy of data collection to give us a clear picture of people's lives.

10:45

Carol Mochan: I do not know whether anybody else is going to come in on that, but what we hear from workforces on the ground is that they feel that they collect a lot of data but that it does not seem to go anywhere. Can you advise us on that?

The Convener: A couple of people have indicated that they want to come in, so thank you for getting us started, Carol.

Cat Murphy: Like Charlie McMillan, I watched last week's evidence session, and I do not want to re-rehearse those arguments, although, broadly speaking, I support a lot of them. Since 2017, quite a bit of work has been done, and that is something that the committee could look at—if not this year, certainly in this parliamentary session. Since 2017, there has been an equalities evidence strategy—there have been two phases of that. There is also an equality data improvement programme, and there has been a gender equality index for several years. The Scottish Government or civil servants have made some efforts to improve things, but continual improvement is required.

I totally agree with everyone who is saying that we need more data and better intersectional data that considers the various aspects of identity—that would go a long way towards helping us to address a lot of data problems. A point that I did not hear made so much last week and which we have not quite covered today is that it is less well understood and recognised that we also need the competence to analyse the data effectively. There is quite a lot of data available—not enough—but it is probably completely underutilised.

If it helps, I can give you a specific example. This is in no way a criticism of the people who devised the gender equality index, because they have done a great job in many ways, but the index includes a women's health indicator, which looks at women's life expectancy purely against men's life expectancy and, therefore, counts women's life expectancy as almost better, as though women have a better experience of health than men. Therefore, it is not gendered statistical analysis—it is just counting sex and counting women, which is not nuanced enough. We know that women have massive issues in relation to health inequalities. They have very different experiences of the health service, some of which is to do with women's bodies and the way that women's bodies differ, but a lot of it is to do with societal norms and stereotypes that limit women's health, so we need better gender and equalities competency in how to analyse data.

I want to give something a quick plug, and then I will be quiet. Kevin Guyan, an academic at the University of Edinburgh, is doing really interesting work on that issue and has a very interesting take—nuanced and informed—on data collection. It might be useful for the committee to hear from him at some stage. Over the parliamentary session, it would be good to bring in the people who are working on the equality data improvement programme and look at what has been achieved, what progress looks like and where we can improve things further as an ongoing effort.

The Convener: The committee has been clear in a lot of our discussions that we want to be outcomes focused, so, yes, let us gather data but also ask, "For what outcome, and how can we ensure competence in relation to that?" Thank you for that point.

Juliet Harris: The UN Committee on the Rights of the Child has picked up on the need to for better, more disaggregated data on children and young people. It is recognised that many children and young people are invisible in the data. Often, babies seem invisible. There are more children who are affected by parental imprisonment than those who are affected by divorce, but they are invisible in the data. Children who are affected by decisions made by adults are also not always captured in the data. It is important to consider what data is collected and to understand who might be invisible within that.

I spoke earlier about the evidence that we have that the upstream measures of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 are making a difference. More children's rights impact assessments are being done to pre-empt decisions that impact on children and young people. They rely on good data, and on understanding what the statistics do not tell you.

An important aspect of the committee's work is to look at data collection. If we want the upstream measures of the human rights bill to have an impact, we need to understand the communities that are affected by decisions. We need to pre-empt the impact of those decisions and make sure that they further the rights of those communities. Without good data, it is difficult to do that.

Amanda Lindsay: I absolutely support your stance on the importance of good data.

I guess that my question is for Charlie McMillan. When the consortium and several of its member or partner organisations give the committee substantially the same recommendation, should that be recorded in data as having come from multiple independent sources, or should it be grouped together as a co-ordinated position?

Charlie McMillan: That is a really interesting question. We try to do both. There are occasions when we will issue joint submissions and joint letters. For example, we worked for a number of years to prepare our shadow report to the United Nations Committee on Economic, Social and Cultural Rights. Seventy of our member organisations signed up to the report, and were transparent about that, making it clear that it was

a co-created, co-designed partnership piece of work.

Sometimes, we act on our own behalf as an organisation. The timescales within which we work can be a huge issue in relation to some of the political and policy realities that we face. After producing something on our own, our members are then at liberty to express their own opinions or the same opinion as ours.

We provide as much resource as we can in the capacity-building role that we have for civil society, and we are happy for people to copy and use that material.

There are a variety of approaches, but we try, as far as possible, to operate as a membership organisation. Therefore, collective responses are our preferred option wherever possible, but that is not always feasible because of the timescales that we are given.

Amanda Lindsay: I completely understand the point about resourcing and timescales. You said that you are a small organisation.

Charlie McMillan: Yes.

The Convener: Jan Savage wants to come in.

Jan Savage: I will not rehearse what has already been said about data and the inadequacies in the data that we collect, other than to say that the issue has been highlighted in recommendations from just about every treaty body that I have seen, including in observations on the state of human rights in Scotland. Those bodies notice it, too.

I want to pick up on Carol Mochan's question about what happens in her region. Throughout our work on the strategic plan, we have been concerned to take the time to visit communities and speak directly with people, because that is data, too, and, all too often, it is not collected, respected or collated in the same way as other data.

Your predecessor committee will have received a report from the commission entitled "Economic, Social and Cultural Rights in the Highlands and Islands" during the previous parliamentary session. Our going out into communities to discuss the specifics of economic, social and cultural rights and make them meaningful to people was a first for the commission. Having those conversations helps to make those issues meaningful within the system.

Our conversations included discussions on access to transport, healthcare, clothing, food and water. All of us here have, fortunately, taken those things for granted for a long time. However, when you get out of Edinburgh and speak to people, you understand the extent to which those rights are not being realised. You can only do that through conversation and gathering community data.

On 5 October, we will publish our assessment of economic, social and cultural rights in the south of Scotland. I would be happy for the commission's team to come back to the committee to explore that in a bit more depth. It is a fascinating exercise for lots of reasons. Most importantly, for the purposes of getting ready for the bill, public service reform and other elements of the programme for government, it enables us to get to the nub of what economic, social and cultural rights are, what their status is and what the baseline is. At the moment, that data and evidence does not exist.

I cannot claim that the Scottish Human Rights Commission's reports will provide the definitive baseline, because they will not. They are based on human rights monitoring work that takes all the best indicators that we can access to give you a sense and a flavour of what is going on. However, from the commission's perspective, the intention is that, over the four-year stretch of the commission's strategic plan, we will have created a baseline assessment of the status of economic, social and cultural rights across the country that will have been informed not by what data exists or does not exist, but by what the treaty says, what the requirements of those obligations are and what people are experiencing. That is a fascinating exercise, so I hope that we can come back to you with that.

The Convener: In Parliament, we have a south of Scotland region, which is slightly bigger than other areas. You have referenced your report on the south of Scotland that is due to be published. I know that consultations were conducted in Dumfries and Galloway and the Scottish Borders. Does the report cover more than those two local authority areas? Does it cover the whole of the south of Scotland region?

Jan Savage: I will ask Jennifer Cannon to keep me right on the specifics, but I know that the Ayrshires were involved, too. I do not need to tell you that the diversity of this part of the world is hugely significant.

Jennifer Cannon: Yes, that is right. Work was done in the Scottish Borders, Dumfries and Galloway, parts of Ayrshire and Arran. We based the area that we looked at on the parliamentary region, but we also tried to find areas where we would find consistency in terms of health boards and policy making, so that we were not drawing artificial lines when we went out to speak to people.

The Convener: It is helpful to get that clarity.

Holly Bruce: I want to move us on to a slightly different subject. We have talked a lot about the

human rights bill and the public sector equality duty. The committee has also been discussing with folks the issue of violence against women and girls. This week, we had a really impassioned debate on the subject in the chamber, and it is clear that it is a priority for the Government. However, committee members can see some gaps in the programme for government in that regard.

Specifically, I want to ask about the work that is being done on preventing violence against women and girls from happening in the first place. There is a lot of conversation about prevention work that is happening in education, and I think the Education and Gaelic Committee will do some work on that. I am looking for more information on prevention outside of the classroom, with young men and men in general in our employment sectors, in our streets and across our society.

The Convener: Before I bring in Cat Murphy, I will just add that we have had a number of debates in the chamber about the issue of social cohesion. Holly Bruce has touched on a very important issue, but I am interested to hear more about the social cohesion piece, too.

Cat Murphy: Sure—no problem. In the interest of speed, I will answer that by marrying together two points that I wanted to raise with you. I was interested to hear the committee's interest in violence against women being raised in a constructive way at last week's meeting. I know that a misogyny bill and other relevant elements are in programme for government.

One thing that came up last week that I would encourage the committee to consider is technology-facilitated gender-based violence, because that is something that is really underexplored. Engender does a lot of work on equal representation of women in elected office, and we see that technology-facilitated violence is having a major impact on people's willingness to come forward for that. In the local elections next year, it will be interesting to see what return of councillors we get. Currently, the representation of women sits at only 35 per cent, but we will see whether we can maintain even that next time around.

11:00

You asked specifically about primary prevention. For anybody who is new to that terminology, I point out that, essentially, it means the mainstreaming of the issue of violence against women across policy making. We do quite a lot of work on that and try to focus on the areas where the issue is less well understood. Education is always the first area that people think about in talking about prevention of violence. However, policy making in transport, housing and the design of communities and public places can have an enormous bearing on violence, and the regulation of the internet and social media obviously has an enormous impact currently. We do an awful lot of work on the mainstreaming of primary prevention across Government policy making.

In Scotland, we have a strong national strategy, but we are doing less well on mainstreaming. For example, we have an excellent and world-leading violence against women strategy, but it was not mentioned in the national performance framework for the whole of the previous session of Parliament. That performance framework is said to mirror the sustainable development goals, and the sustainable development goals have a stand-alone goal on gender equality, yet we did not have that in the national performance framework.

We need to integrate an understanding of gender equality and specifically violence against women at the highest level of policy making. We need that to be recognised in the architecture that delivers accountability and spending and not to be something that drifts about further down the food chain, which means that there is no read-across.

I appreciate that the committee will have a lot to do, but another thing that you could do is work with other committees such as the Health, Care and Sport Committee and the Finance and Public Administration Committee to ensure that they consider mainstreaming. One thing that concerns me about the current set-up of the committees is that equalities and human rights just sit in this committee and do not sit in other committees. Encouraging that analysis would be welcome.

The Convener: As I have said previously, the Conveners Group in the Scottish Parliament has a key role, especially when we start thinking about public sector reform, which will span a range of committees. As the convener of this committee, I am absolutely committed to reaching out across the Parliament.

Meghan Gallacher wants to come in.

Meghan Gallacher: I echo the point that tackling violence against women and girls will be top of the agenda, and rightly so. It will shape a lot of the work that we do in the committee. We must hear from women's groups—that is widely understood—and particularly from those who are campaigning for prevention of violence and coming forward with solutions. However, I think that one key thing is missing, and I would be interested to hear the panel's view on this: engaging and mobilising men's groups. We are discussing the behaviour and culture of men without having men in the room. They have to form part of the discussion if we are looking for role models or ways in which to alter how we tackle

violence against women and girls. I am interested in the witnesses' views on that approach, which I hope will form part of the solution to the issues that we are experiencing in our society.

Juliet Harris: I welcome that point, which echoes something that I was thinking about as Cat Murphy was talking, about what babies, children and young people are experiencing and what they tell us. It is noticeable how the conversations that I have had with children and young people—boys and girls—have moved towards the importance of feeling safe. They talk about the fact that they do not always feel safe, not just in schools but in their communities, when they are walking round the streets and playing.

I agree that you need to speak to men's and women's groups, but you really need to speak to children, too, because that is where everything begins. The Children's Parliament has heard a lot about this from the children that it works with, and I can send you some of its work and reports. However, I do think that that early experience of not feeling safe really does lead on to violence against women and girls at a later point.

Charlie McMillan: It is a fantastic question. On the role of men, I am conscious that in this discussion, as in so many discussions that we are having this morning, I am the only man on the invited panel. I am in no way suggesting that I am a role model, but I absolutely try to address all of the issues that we are faced with in society, and I fully support the priority that the Scottish Government and the First Minister have given to violence against women and girls, and the way that it leaks into exploitation.

I can tell you about some of my key experiences in this respect. In the 1980s, I caused a bit of a stooshie, fund raising for Stirling Women's Aid as a can rattler on the street. That was seen as really unusual, and I do think that there is so much more to be done to engage with men.

Through my work at the Scottish Commission for People with Learning Disabilities, I put in place a whole programme of work focusing on violence against women and girls with learning disabilities, and I am delighted to say that that important work continues. According to the figures that we were recording, about 90 per cent of women had had experience of violence being perpetrated against them.

I even ended up co-chairing an advisory group for the Scottish Government. I have to say that, as a man, I was really uncomfortable when it came to discussing the experience of violence against women and girls. However, the other women in the group said, "No, no—it's so important to have leadership from men on this issue." There was then encouragement to go further and think about how we work with people to address the values, attitudes and behaviours that lead to this absolutely disgraceful situation that is experienced by so many women and girls in our society.

As I have said, I applaud the First Minister for taking the lead on this. Many men are involved, which is great to see, but we need to do so much more. There are models of activity and action that we can look to. For example, I previously worked on alternatives to custody, and a lot of that was about working with people to change their attitudes, values and behaviours. What we are dealing with is an attitudinal piece that then displays itself in horrendous behaviours. There is so much that we have to do, and there must be men who are willing to speak up when it comes to violence against women and girls.

I also wanted to highlight that certain groups of women have very specific experiences. Indeed, the work with women with learning disabilities was a huge eye-opener to me in the way that the horrendous experiences that they went through leaked into county lines, cuckooing and all of the exploitation behaviours that we see when the most vulnerable are targeted.

I do not know whether we are doing much more than that currently—we are certainly very concerned about the issue. Our agenda is led by our members, but we would absolutely be front and centre in supporting such work. In any case, we do need a call to action to get men involved.

The Convener: Lorraine, did you want to say anything about this?

Lorraine Barrie: Not in addition to what has been said, no.

The Convener: Amanda, did you want to jump in?

Amanda Lindsay: Yes. I talked in the chamber this week about commercial sexual exploitation. This might be a question for Cat Murphy, because I know that when she was at Amnesty International, she defended the decriminalisation of prostitution and criticised the Nordic model of criminalising buyers. What is Engender's position on this matter? I think that it is perhaps at odds with Scotland's equally safe framework, which treats commercial sexual exploitation as a form of violence against women.

The Convener: It is important to point out that we are here to discuss the role of organisations, not people's personal views or previous roles, so we should ensure that we are speaking about Engender's role in today's conversation.

Amanda Lindsay: Sure. I will frame my question in this way: what is Engender's position on the matter?

Cat Murphy: Engender prioritises work on various issues, as we work on a wide range of issues. Initially, we did not prioritise the bill that was introduced in the previous parliamentary session, and it then fell. Had the bill made it to its final stages, we would have taken more of a position, but we watched how the bill progressed. If another bill is introduced in this parliamentary session, we will review it.

Historically—before my time at the organisation—Engender has taken quite a nuanced position on the issue, which has come back to the Parliament multiple times over the past few decades. It has considered the global evidence base on the issue, which recognises that there is quite a legitimate human rights critique of the Nordic model, so concerns would need to be addressed if the Government were to take forward that model through legislation. In line with Engender's established position, we would consider any new legislation that was introduced, but there is no bill at the moment, so we do not have a position it.

The Convener: I will bring in Collette Stevenson before I ask a question.

Collette Stevenson: We have seen quite a substantial increase in hate crime—I think that it has gone up by 17 per cent, if my memory serves me correctly. How can the committee scrutinise online platforms and the algorithms that amplify hatred online, as we have seen recently? I am conscious of the fact that a lot of the regulatory powers are reserved, but it would be good to get feedback on that.

The Convener: I will just add to Collette Stevenson's important point. The results of the Scottish social attitudes study in 2025, which Charlie McMillan referred to, show that people's responses to the statement

"Sometimes there is good reason for people to be prejudiced against certain groups"

have changed and gone in the wrong direction—31 per cent of people agreed with that statement, whereas the figure in 2015 was 22 per cent. That provides clear evidence that there has been a shift. We can combine that with Collette Stevenson's point and Meghan Gallacher's point about ensuring that men and boys are part of these discussions. Those are important points. How can we tackle hate crime and online attitudes? What advice do you have for the committee?

I will bring in Jan Savage first.

Jan Savage: I cannot proclaim to have solutions to that issue, but it is rightly front and centre in people's minds. The Scottish Human Rights Commission talks about the issue regularly, and it came up in the conversation yesterday with the Equality and Human Rights Commission. As has been rightly identified, these issues are happening in our communities to our friends and neighbours, but there is quite a complex regulatory framework in relation to where changes can be made.

The Scottish Human Rights Commission has heard from a lot of communities that have been impacted by the increase in racist violence. Our chair has reached out to Police Scotland to try to understand the approach to the policing of such protests. We recognise that the right to protest must be upheld, but people do not have a right to threaten life and to behave completely inappropriately. The police have a critically important role to play in ensuring that a human-rights-based approach is taken to that.

11:15

We hear that people do not have a great deal of confidence in third-party reporting arrangements in relation to the reporting of hate crime. That is something that the committee could perhaps unpack with Police Scotland in terms of people's experience of accessing their rights—it involves the access to justice issue that we have discussed.

The interaction with the online world is a massive issue that should concern us all. Again, there is a competence issue for Police Scotland in relation to its role in policing what happens online. I suggest that there could be value in having a meaningful dialogue across jurisdictions. There are committees in Westminster, the Senedd and Northern Ireland that are considering these issues. They are not just Scottish issues, and I think that more cross-border conversation and co-operation on them would be helpful, including with institutions such as the Scottish Human Rights Commission. It is important to engage with Police Scotland and all public bodies that have a role in taking care of our communities to ensure that they are fully aware of their human rights obligations and how to take that balancing act forward.

The Convener: Some of the groups that the report identified as being at a particular risk of discrimination were trans people, Scottish Gypsy Travellers, people with severe and enduring mental illness, and older people. Lorraine Barrie has spoken today about Scottish Gypsy Travellers.

It is appropriate to say that, when I met the commissioner from the Council of Europe, he raised with me directly his huge concern specifically about trans people in the United Kingdom, as well as about Scottish Gypsy Travellers—well, he referred to Roma, but then quickly corrected himself. It was interesting to me that those issues were being raised within the Council of Europe.

Lorraine Barrie, you spoke previously about your experiences. Do you want to come in on that?

Lorraine Barrie: On the hate crime point, Gypsy Travellers who we have supported have told us of instances in which, when they have reported to the police a hate crime that they have experienced, they have been told that it was not a hate crime and it was registered either as another crime or as something that was not a criminal incident. That also applies to the Crown Office and Procurator Fiscal Service. We saw video evidence of an incident that seemed to us to be a hate crime, but the COPFS said that it would not be taken any further forward, and there was not an adequate process for that person to get satisfaction or an explanation.

The second thing that we think is really important for the committee to pay attention to is how responsible media organisations are in relation to moderating comments. We have had feedback from Gypsy Travellers time and again that, as soon as there is a news article on social media or in a newspaper about their community, the comments can be quite horrendous. There are lots of positive comments, too, but some of the comments really constitute hate crimes. We have contacted media organisations and asked them to take down comments. They have done so, but the issue causes a lot of distress, and people are nervous about publicising the situations, because of the potential aggression and comments that they will receive.

Police Scotland and the Crown Office and Procurator Fiscal Service need to treat things that should be recorded as hate crimes as hate crimes, and the media needs to be responsible. The committee might want to address those matters.

The Convener: I do not know whether anyone else wants to come in on those general points or whether there are any other questions. We are covering a range of topics and, clearly, there are a lot of recommendations of matters that the committee could take forward. However, I ask our witnesses to think about whether there are areas that have not come up or that they were expecting us to raise. While everyone is thinking about that, I will bring in Holly Bruce.

Holly Bruce: I keep pressing my request-to-speak button. I am sorry about that.

One other area that was mentioned at the round-table discussion last week was the issue of race. We heard about how there is a lot of racial tension and racism happening in our communities, and we discussed how we can deal with that as a society and as a Parliament. I understand that the Minister for Equalities and International Development is putting together a task force on community cohesion, which is a welcome first step. What do you guys think about that, and what else should the committee do to tackle that issue?

The Convener: Who wants to come in on that? Lorraine Barrie wants to come in, but I think that that is on a separate point.

Lorraine Barrie: Yes.

The Convener: Right. Let us tackle the first one first.

Charlie McMillan: We know that community cohesion works. A number of times in the past century, we have been through a process as a society when the roll-back on human rights comes to the fore and there is growth in prejudice and discrimination. I personally lived through the 1980s as a gay man, which was a hugely traumatising experience. Something similar is happening to different groups in our society at the moment.

We need to work in communities. Unfortunately, there has been a roll-back in funding for community work such as community development and community education. We need to work where people are, out in the streets. We need to engage with folk, talk to them about their experiences and see how similar their experiences are to other people's. Scotland has a culture of welcoming, tolerance and acceptance, but we often lose sight of that. That needs to be our gold star and what we are working towards as a society.

The committee has a leadership role in addressing the issues. I cannot reinforce enough how important it is that, as a committee in the Parliament, you are discussing the issues, because people are watching. People need to hear the issues being aired and to hear that their experience is valued and that they are living through intolerable times.

As a representative of a civil society organisation, it would be wrong of me not to mention the issue of members of staff of civil society organisations living in fear of reprisals for doing their work. When I raised that last week with Michael O'Flaherty, the commissioner from the Council of Europe, he reinforced that it is the state's responsibility to deal with the issue, and that it has to be dealt with seriously. People should not be afraid to go to their work or do their work. The situation is not acceptable but, unfortunately, that is what we are seeing. That is not specific to one group; it is across a range of groups of marginalised people. People need to be able to work in safety and understand that their work is valued.

I reinforce the point about the committee working across Parliament and Government—that is fundamentally important, as the issues are for every part. The roll-back in human rights that we are seeing affects much of our parliamentary

processes and agenda and much of Government. I have yet to find an area where human rights do not apply. That is the challenge. Leadership and challenge from the committee, as well as an interest in bringing people forward to speak about their experiences and what they can do in their roles, are fundamentally important.

We are at a pivotal point in people's experience, and we have much to do. That needs to be followed through in all public services, which is where we lean into the public service reform agenda. All of the issues are interconnected. I was struck by Juliet Harris's spider's web metaphor, which we could amplify in terms of human rights. There will be some things that fall through the gaps but, my goodness, that spider's web is so important. When you pull on one part, other parts are extended. That is a really helpful metaphor for me.

The Convener: That is helpful. As convener, when I have met organisations, I am clear about setting out our role and what we are doing. It has been raised with me that it is the responsibility of the Government and Parliament to set policy. Organisations—you are all from various organisations—are there to ensure that policy, wherever it comes from, is implemented and taken forward across Scotland.

It would be completely unacceptable for anybody to go to work in fear. If that is seeping into the Parliament in any way at all, that is completely unacceptable. It is incumbent on us all in the committee and the Parliament to call that out, so I welcome your point.

Holly Bruce: I absolutely echo the convener's point that no one should be moving around our country fearful for their lives and their safety. Charlie McMillan made an important point about the importance of community development and youth work, which is often the first on the chopping block in a lot of budgets. Those are the intangible things that we need to grasp, but, on community cohesion, I would love to hear your take on whether tangible things are also important. For example, in-real-life community space is also being eroded. That might be public libraries, buildings, baths or bowling clubs, for example. There is a fight for space in our society, and that space is not being funded by the state. Does that play a part in community cohesion?

Charlie McMillan: It plays a huge part in community cohesion. We have the Roma community's new community centre at the end of my road, and I really celebrate that being there, because it helps to identify people and to say that they are here and they belong. It also gives people somewhere to connect with the community.

You are absolutely right about the rollback on spend. I see community work and development work as preventative work, in so many forms, and the rollback on that has been going on for about 20 years, so there is a huge hill to climb. A human rights-based budgeting approach would absolutely help us to address those challenges. It would say, "Here is the rights issue that we are dealing with and here is the pot of funding that we have."

I am simplifying it because I am in no way an economist, but it is about how we use our resources. We have significant financial resources in Scotland, so how do we use those to meet the rights issues where rights are most at risk? Experience of community and belonging is fostered by investment in public spaces.

The Convener: Thank you. I am conscious of the time we have left. I do not want to miss out in relation to any of these conversations, but I want to ensure that everybody gets a chance to come in.

Jan Savage: I want to direct the committee's attention to the commission's report, which was published in the past fortnight, on the state of poverty in Scotland and poverty as a human rights issue. I want to connect that back to our discussion, because community cohesion is, rightly, a huge concern for every organisation here and every one of us as individual human beings in Scotland. The situation is not great, and the Commissioner for Human Rights has reflected on the fact that it is not just a Scottish problem, because we see it all over Europe and the UK.

In our publication, the SHRC made the bold statement that we have to appreciate that, when times are tough, people get angry and frustrations spill over. It is incumbent upon the committee not to forget that, so, although we must absolutely uphold the principles of basic human dignity in how we interact with and treat each other, it would be a misstep to forget or ignore why those things are happening in the first place. Part of the solution is that deep work on investing again in communities, community development, civic space and, in its broadest sense, civic society, which is shrinking in Scotland and across the rest of the UK and Europe. That is a concern.

On what the committee, the Parliament and the state can do, the state can take responsibility, and Parliament can ensure that the state takes responsibility for removing the potential for the problem to be rights against rights or people against people. It is people against the state, often, and where the state fails to take seriously its obligations to uphold people's economic, social and cultural status and their rights to that, that in no small way results in what we are seeing in

communities, so, again, public service reform is an opportunity.

11:30

This is definitely a very precarious moment for Scotland and public service reform takes a long time. However, if we go back to our north star, it is about asking, "What is it that public service reform can seek to achieve here? What is the Scottish problem that needs solving?" We have just spent a good bit of time on identifying what that is and so far the concept of public service reform has not perhaps been identified or communicated in that way. It must be part of the role of this committee and all of us as institutions to ensure that that happens. However, I just sound that note of caution—we must not forget the root cause of anger and frustration in communities, and it is the state's responsibility to uphold those rights for everyone.

The Convener: Absolutely.

Collette Stevenson: Thanks, Jan—that is really helpful. I think that poverty breeds that frustration, which breeds that hate within our society, and we are seeing that within the stats. The one thing that I hold to be very important is stigma, whether that be about poverty, addiction, mental health, or disability. Rather than treating stigma as a public attitude, how can we embed human rights and treat it as a human rights issue as well? I will just put that out there.

Jan Savage: Again, I will go back to the fundamentals of human rights protections being there for everyone. The way that the human rights system treats particular groups of people who perhaps are more likely to experience stigma is looked at through the treaties that the Government has committed to incorporate. The intention is there and the human rights framework allows for that to be progressed. As I said, the framework does not, in and of itself, remove those problems. What it could do better is put stronger duties on duty bearers to take appropriate steps to manage such issues. I hope that that answers the question a little.

Collette Stevenson: Thank you.

The Convener: I am not seeing anybody else wanting to come in on that point, so I will bring Lorraine Barrie back in.

Lorraine Barrie: The tinker experiment victims group has asked me to request the committee's help in their fight for justice for the tinker experiment. Fifteen months ago, the First Minister issued an apology. Fifteen months on from that apology, no reparations or redress have been received by victims.

I brought along our "Recommendations for restitution and repair for victims of the Tinker Experiment" report, which came out in January 2025. I have got copies for all of you, if you would like one. We use a traffic light system for progress on the recommendations and the status for one recommendation is amber and the status for all the other recommendations is red, so victims are extremely concerned that the urgency and severity of their situation have not been appreciated.

Among their requests, they are asking for medical treatment for really severe conditions, and there cultural and educational recommendations in relation to increasing awareness about the tinker experiment. Victims are asking the committee to use all its powers to take steps to stop rights regressions for Scottish Gypsy Travellers who are victims of the tinker experiment and to provide reparation and restitution without delay. They would like to invite you to Bobbin Mill to meet them and to hear, in their own words, about their experiences and their fight for justice.

Although the apology was welcome, it was very much a first step in terms of what victims need and what they have campaigned for since 2009. People have died—victims have died during this campaign. I really want to commend the hard work and dogged determination of the victims, who include Shamus and Roseanna McPhee, Kevin, who passed away in 2022, Lynne-Tammi Connelly, Sandy, Anndra, Jess, who passed away last year following the apology, Jacqueline, Betty, Patsy, who also sadly passed away last year, Isabella, Jean, Pat, Bridget, Nancy and their families.

Victims are waiting to have justice. There is now a significant body of evidence on the experiences of the tinker experiment from the University of St Andrews and the University of Glasgow, and the SHRC did a comprehensive report.

For anyone who is not aware of the tinker experiment, it was the culmination of centuries of legislation and policies affecting Scottish Gypsy Travellers. In the 20th century, those policies included criminalisation; child removal; forced settlement; families being placed in segregated and deliberately substandard accommodation; the expectation to abandon travelling, traditional work and cultural practices; and families being broken down. Those policies were widespread.

The research by Professor Ali Watson at the University of St Andrews found evidence of forced or discriminatory housing policies in 27 of Scotland's 32 present-day local authorities. There has been one apology from one local authority, Perth and Kinross Council, and there have been apologies from the Church of Scotland and the First Minister. To make no mistake about the

severity, we are talking about deportations to Canada, children being placed on work ships, state removal of children and what has been described as cultural genocide.

I am happy to share with you the recommendations of the University of St Andrews research, which was endorsed by the victims. The victims want to say that the issue is not going away and that their campaign is not going away. The legacy report by your predecessor committee in March recommended that you take action on the tinker experiment.

The scrutiny from international human rights bodies has already begun. The Committee on the Elimination of Racial Discrimination made recommendations in 2024, and Making Rights Real and Gypsy Travellers made representations to that committee and the CESCR. Those committees will be coming back to ask what progress has been made in Scotland, but as of yet, we would not be able to report anything good.

There is more to say on international scrutiny. The SHRC submitted a response to the Framework Convention for the Protection of National Minorities last week that mentioned Gypsy Travellers and tinker experiment victims. The level of international scrutiny is not going away.

There are links with the international indigenous community and the campaign continues and grows. There are links with human rights campaigns for the indigenous people in Canada, New Zealand, Australia and more.

It will not be the last time that you hear of the tinker experiment victims. The campaign is not going away, and they want to speak to you directly and ask you what you can do.

The Convener: Thank you, Lorraine. That was really powerful and important. That is what we want to touch on in our round-table discussion. We are taking forward our work plan, and, although we have spent a lot of time talking about our aspirations for what is coming forward on human rights, there is absolutely a role for the committee to ask about implementation and accountability in relation to political policies and Government bills. You laid out your example beautifully, Lorraine. Our committee has a scrutiny role, so I appreciate and welcome the report that you will share with us, and the committee will certainly consider your request.

I see that Fulton MacGregor wants to come in, and I know that the issue is very close to his heart.

Fulton MacGregor: Thank you, convener. I was not going to come in because I am joining remotely. The conversation has been very good and we have managed to get a lot from it, so I did not want to come in for the sake of it, but following Lorraine's very powerful contribution, I felt the need to come in. I do not have a question as such, convener; I just want to put on the record that I fully support Lorraine's calls. The committee and the Parliament as a whole should rise to the asks and respond appropriately.

It is worth saying that, even though circumstances were outwith anybody's control for much of the time, the previous committee let the Gypsy Traveller community down at times. We have a duty to ensure that that does not happen in this session of Parliament. I take the opportunity to put that on the record, convener, and hope that you do not mind my doing so.

The Convener: Your point is well made, and there were lots of nods around the table. Thank you for the contribution.

Jan Savage wants to come in.

Jan Savage: I will pick up on that specific discussion and, secondly, I will answer your question about what else we hope to discuss in the meeting.

I pay tribute to the work of Making Rights Real in the communities that we have just heard about. I direct the committee's attention to the Scottish Human Rights Commission's report, "No man's land", which captured a lot of testimony from the Gypsy Traveller community. We welcome the Scottish Government's apology, but our report sets out the human rights requirements for redress. Addressing that gap would be the next step. The Scottish Human Rights Commission has done the work for the Government and the committee by looking at the steps that would be required for an appropriate redress mechanism. I commend the report to you.

On what else the committee could do in the parliamentary session, the accountability gap is coming through as a strong theme and was mentioned in the report. As I referenced before, the commission's strategic plan cycle is about the accountability gap. Over the past 15 years or so, Scotland has had a strong human rights culture and narrative. However, people's lived experiences and what is happening in their lives do not always reflect that, and that is what the Scottish Human Rights Commission's programme of spotlight activity will focus on.

We have frustrations about how far we can take the issue of accountability. We encourage the committee to take on board the evidence that we have produced and will produce in our spotlight reports. That includes "Review … Recommend … Repeat … " which looks at the human rights of people in detention across a variety of settings. Detention is a heavily regulated area with multiple

regulators and multiple data sets that record progress, but progress does not seem to be made. That routinely seems to be an acceptable part of how the state is operating in that space. Our report "Tick Tock …" looks at the long-term institutional incarceration of people with learning disabilities and autism who do not need to be in those institutions but are there only because of the lack of appropriate community-based support. Again, those environments are heavily regulated, but the system has allowed that practice to continue.

National human rights institutions such as the commission can add value by shining a spotlight on the areas where, despite regulation, law, policy and human rights obligations, human rights are still not being met, right under our nose. We require the Parliament to support continued accountability and to hold the Scottish Government to account for its progress on those recommendations. We encourage the committee to think about those things in its work programme.

The Convener: It was referenced earlier, but it is important to note that we have received a written submission from Amnesty International. Unfortunately, the organisation was not able to be at the committee meeting, but it is important to put that on the record and to thank it for its contribution. It has highlighted a range of issues that we can take into account in our planning, although not all the issues will be appropriate for the committee to explore.

Its submission references the decriminalisation of abortion; a conversion practices bill, which we touched on last week; racist intimidation, harassment and violence; and some of the complexities around access to justice, which Jan Savage has just touched on. It also noted the proposed human rights bill, which we have spent quite a long time on.

I will go to Charlie McMillan, before I come to Kate Nevens for a question.

11:45

Charlie McMillan: I want to build on a number of the points that have been made about accountability. For us as an organisation, the human rights bill is of primary importance. However, there are other aspects. We have talked about the ongoing duties and obligations of the human rights infrastructure in Scotland. In some ways, I do not envy the committee its job, given the breadth of the agenda and the 15 years of work that has brought us to this place, which Jan Savage mentioned.

For example, we have a national action plan on human rights. I forgive anyone for not knowing that—it is one of the best-kept secrets in Scotland. I speak as co-chair of the leadership panel for that plan. We are the only part of the United Kingdom to have a national action plan on human rights. That is an area that I encourage the committee to think about engaging with in much more detail. The plan was co-written by duty bearers, civil society and individual human rights defenders. We have had such a plan since 2013, and the present version is the second iteration of it. The plan contains 56 recommendations for action by the public sector and the other partners to move forward human rights. As the plan seeks to create the culture and the framework that are required and to address many of the policy issues that will need to be addressed to make the bill a success, I strongly recommend it to the committee.

To go back to Collette Stevenson's point about stigma, the UN provides a range of guiding principles documents, which I encourage the committee to engage with. Recently, I have looked at the one on poverty that the commissioner spoke about, which I thought was really helpful. I am referring to the UN's guidance for states on applying human rights. There is also one on xenophobia and the work that state parties need to do to address xenophobia and stigma. In my experience, regardless of which group of people we are dealing with, the stigma issue is at the heart of people's attitudes. There is wider guidance. Those are the two documents that I would cite. I could have mentioned the human rights cities model as well, but I will save that for another day.

The Convener: I am conscious of the need to ensure that everyone has a chance to participate, but I said that I would bring in Kate Nevens.

Kate Nevens: There was a lot of disappointment in the human rights sector when the human rights bill was dropped in the previous session of Parliament. I was part of the human rights sector at the time, and I shared that disappointment. Is one of the challenges that we will face with the new human rights bill getting rights holders to believe in the process again? Is there a supporting role for parliamentarians to play in that regard? Is there a need for expectation management or for engagement to find out where people are at? What should that role look like?

The Convener: Thank you. That was a helpful question for our witnesses as we draw this morning's session to a close. There needs to be a level of trust so that people can believe. We want people to feel that their rights will be protected and that they will be listened to. That is really important.

Who would like to respond? I know that Lorraine Barrie wanted to come in, and if Juliet Harris has anything that she wants to capture, that would be helpful. I will come back to Jan Savage.

Jan Savage: I think that you are absolutely right, Kate. In order to rebuild people's trust in rights,

there needs to be a bit of integrity. If the Government says that it is going to do something, it needs to do it. Therefore, introducing the bill and changing the narrative around it will be critically important. All of us—parliamentarians included—need to stop focusing on the technicalities of the bill and start focusing on taking the time to get a better understanding of where we can make changes and how we can make that happen. There are a lot of good lessons that we can look at from the process of incorporation of the UNCRC. That is a big part of it.

Moving forward, there needs to be a notion of consequences. When human rights are not upheld, it should not be a case of, "So what?" That is the big accountability gap that we have spoken about so often today. The Scottish Human Rights Commission has previously submitted to the Parliament that we can do more on this. Our mandate prevents us from being able to give advice to individuals when they are up against human rights violations, and we have limited powers of investigation. The recommendations in our spotlight reports are non-binding, so people can read them and do what they like with them, but they might do nothing—it is up to the system. Critically, the ultimate consequence is judicial review and, at the moment, the Scottish Human Rights Commission does not have the opportunity in its mandate to be able to take a judicial review forward.

From our perspective, there is more that we can do to improve public confidence on the consequences of rights not being realised, but we require the support of and a decision by the Parliament to make that real. That is one element of it.

The Convener: Juliet, then Cat and Lorraine, do you have any final comments to draw the session to a close?

Juliet Harris: Yes. A really important way of giving people faith in the human rights bill is the post-legislative scrutiny of the 2024 act and seeing the impact that it is having on the lives of babies, children and young people. Earlier this year, we published our 2026 "State of Children's Rights in Scotland" report, which has 59 case studies of things changing as a result of the focus on children's human rights. Those include really tangible things, from children being able to maintain relationships with their parents in prison through to bin collections in the Highlands, where the council's policy was changed to take account of families with children in nappies and children with medical waste. There is a whole range of ways in which the upstream measures from the 2024 act have made a difference to children and young people's lives.

It is really important for the committee to look at the mechanisms that the act provides to support the Parliament's scrutiny of the Scottish Government's implementation of the UNCRC. For example, under the 2024 act, every bill that is introduced to Parliament should be accompanied by a child rights impact assessment. I really encourage the committee to use those mechanisms to check whether children's rights have been properly considered. In the complexities of the impact assessment, it talks about whether a bill has been drafted in a way that puts children's rights within scope of the 2024 act or whether a drafting choice has been made that means that they are not within scope. We really need the committee to look at that to ensure that we are maximising children's human rights.

Later this year, in November, the Scottish Government will report on its implementation of the UNCRC and on the 2023 concluding observations of the UN committee. This is the mid-term report on what the Government has done to further children's rights, and I really encourage the committee to look at it to see what difference the 2024 act has made and what steps it has compelled the Government to take to ensure that the realisation of children's rights has improved. The more that we can tell the story of the challenges of the 2024 act and, importantly, the opportunities that it has provided—through better protections and an improvement in policy making and decision making—the more that we will regain the faith of the human rights community that the human rights bill will make a difference to everybody's rights and not just the rights of children and young people.

Cat Murphy: I will circle back to the community cohesion point, which Jan Savage touched on. So much of what she raised about community investment, community spaces and so on is decided in the Parliament in the budgetary, economic and finance areas. That also goes back to the point that I made about mainstreaming and the power of the committee to engage with the spaces where those decisions are made. From our vantage point, which is primarily about women, there is not enough discussion about equalities in those economic, budgetary and finance areas. I encourage you not to be shy in holding other committees—and those areas—to account in their decision making.

Finally, I will make a shameless plug about the importance of the voluntary sector in community cohesion. One of the really distasteful elements of the racism that we have been seeing in Scotland is the way that violence against women has been misused as a justification for racism. However, one of the most heartening things that I have seen in my job is how much community organising has

been done by women themselves to claim that narrative back and not allow people to speak over their heads on their behalf. That is at all levels of the voluntary sector, from grass-roots community organising to the larger organisations. It is important to note the role that those organisations and groups and investment in them can play in community cohesion.

The Convener: Thank you. That is a very good reminder for us all about the role of the voluntary sector in the landscape.

Lorraine Barrie: There was so much that I came to the committee wanting to say today. I will mention a few final bullet points.

First, if respect and dignity are put at the heart of the process and the engagement, trust will be built up. So many of the people we work with have campaigned and tried to build links and relationships with duty bearers but have been let down time and time again, and we have to acknowledge that starting point. The fact that people are treated badly means that they are less likely to participate next time, so we lose their expertise. Allan, who is an activist at Cables Wynd house and a long-standing member of Cables Wynd house residents group, said that the group's submission had been ignored. Human rights defenders are doing a large amount of work, but it is not really being taken account of by the duty bearers, which is a huge problem.

I have a point to make about what the Presiding Officer called "fiscal literacy" the other day, and how much that feeds into accountability and scrutiny. We have talked about human rights budgeting. Not everything that we are asking for costs more money. If you want a forensic analysis of where the system is not working, come to us and we will speak to the human rights defenders, because they will tell you exactly which part of the process is not working, and there are savings to be made through that.

I also have to mention the situation in Caithness with the downgrading of the Wick hospital. Ten years on from the hospital being downgraded, we have really shocking information about the experience of women and girls and the need to travel 140 miles to give birth. That is the equivalent of travelling from Edinburgh to Newcastle. The recent statistics show two thirds of births being caesarean sections, which is more than 50 per cent above the national average—

The Convener: That is really helpful. On those statistics, I know that the Health, Care and Sport Committee is looking specifically at that, and there is also a discussion across committees.

I do not want to cut anybody off, but I am conscious of the time. I thank you all for your evidence. If there are any key points that you have not had a chance to make, or if you want to dive a little deeper into certain issues, please send any further evidence to the clerks. We have a committee circular that goes out to members every week to keep us informed about all the incredible work that is happening in our communities. Please contact us at any point during the next five years with any specific points.

Lorraine Barrie's comment about the importance of ensuring that people are heard is one that I have heard from a range of organisations. We hear about lots of issues, but we must be really mindful of whether we are actually listening to people. That goes back to the point about building trust and being outcome focused. If people do not have faith and trust that we are looking at outcomes, it will put us in a really difficult position. I would really welcome it if you sent in any submissions and shared any other points that you wish to raise.

We have run over our time, as we do every week. I apologise for not keeping an eye on the time. However, your evidence this morning has been excellent. Thank you again for giving up your time and coming to this round-table session. I hope that the rest of your day is really good. Thank you.

I will suspend the meeting briefly to allow our witnesses to leave the room.

11:59

Meeting suspended.

12:02

On resuming—

Subordinate Legislation

Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) 2026 (SSI 2026/208)

Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2026 (SSI 2026/252)

The Convener: For our third agenda item, which is consideration of subordinate legislation, we will deal with two negative Scottish statutory instruments. I refer members to paper 2. Do members have any comments on either of the instruments? We can take comments separately or all together.

Holly Bruce: I am content with SSI 2026/252. However, I have an issue with SSI 2026/208, which aims to simplify the billing process for bailiffs and officers of the court. As indicated in the Scottish Parliament information centre report, the instrument includes a 12 to 15 per cent increase in fees. I understand that the fees are for private bailiffs and that they are most often, if not always, passed on to the members of the public who experience either eviction or debt collection measures. I do not think that either the SPICe report or the instrument mentions any rationale for the 12 to 15 per cent increase, and I have issues with that.

The Scottish Government's public sector pay review has committed to a 9 per cent pay increase over three years, and I do not believe that officers of the court, who are usually private bailiffs, should receive a higher pay boost through the fee. I am mindful that that is SPICe's reading and my reading, so I would like more time to ask questions of the Lord President, who has provided the instrument. I would appreciate it if we could issue an invitation to next week's meeting, so that we can do so.

The Convener: Unfortunately, Carol Mochan has not been able to join us for this item, but concerns have also been raised about a 33 per cent higher charge for the personal service of documents in remote and rural areas, and I know that she was interested in that. That is another area of concern, so we should get a little more clarity on it.

Do other members want to come in? Obviously, there are a couple of points that we will not necessarily be able to answer today.

Meghan Gallacher: It would be good to have a greater understanding of the issue, as Holly Bruce has rightly pointed out. The questions could be asked in relation to both the instruments, so I suggest that we defer consideration of both, because they are on the same issue. There might be questions in both areas.

The Convener: In light of the questions that members have raised, it is important that we continue consideration of the instruments, perhaps at our next meeting, and that we invite the Lord President's office to attend to inform that session, so that we have the greatest clarity.

Do members agree to defer the item and continue the conversation next week?

Members *indicated agreement*.

12:06

Meeting continued in private until 12:19.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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