

Citizen Participation and Public Petitions Committee
Wednesday 26 November 2025
18th Meeting, 2025 (Session 6)

PE2135: Implement the International Covenant on Civil and Political Rights (ICCPR) in Scottish legislation

Introduction

Petitioner Henry Black Ferguson on behalf of WeCollect.scot

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to ensure that, prior to the next Holyrood parliamentary election, the International Covenant on Civil and Political Rights (ICCPR) is given full legal effect in the devolved law making process.

Webpage <https://petitions.parliament.scot/petitions/PE2135>

1. [The Committee last considered this petition at its meeting on 2 April 2025](#). At that meeting, the Committee agreed to write to the Cabinet Secretary for the Constitution, External Affairs and Culture.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Cabinet Secretary for the Constitution, External Affairs and Culture, the Petitioner and Ewan Kennedy which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage](#).
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 31 January 2025](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 7,493 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
November 2025

Annexe A: Summary of petition

PE2135: Implement the International Covenant on Civil and Political Rights (ICCPR) in Scottish legislation

Petitioner

Henry Black Ferguson on behalf of WeCollect.scot

Date Lodged

6 January 2025

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to ensure that, prior to the next Holyrood parliamentary election, the International Covenant on Civil and Political Rights (ICCPR) is given full legal effect in the devolved law making process.

Background information

MSPs continue to ignore Parliament's motion of 26.09.2012: "Parliament acknowledges the sovereign right of the Scottish people to determine the form of government best suited to their needs and declares and pledges that in all its actions and deliberations their interests shall be paramount"

The First Minister recently stated "I have complete faith in the People of Scotland to take the right decisions about their future. If we give them the tools, they can build whatever country they want" (SNP 2024 Annual Conference)

This petition provides access to such tools - direct Political Rights (e.g. Initiatives and Referendums) applicable to devolved legislation. Access to other ICCPR rights would allow the People to guide nation-building.

The Scottish Human Rights (HR) Commission has stated "The Scotland Act 1998 requires both the Scottish Parliament and Government to observe and implement all the UK's international HR obligations" (4th Feb.2024 Report to the UN HR Committee, page 15)

Annexe B: Extract from Official Report of last consideration of PE1976 on 2 April 2025

The Convener: PE2135, lodged by Henry Black Ferguson on behalf of wecollect.scot, calls on the Scottish Parliament to urge the Scottish Government to give the International Covenant on Civil and Political Rights full legal effect in the devolved law making process prior to the next Holyrood parliamentary election.

The SPICe briefing explains that the international covenant was adopted in 1966 and ratified by the UK in 1976. Many of the rights that are set out in the ICCPR are reflected in international agreements and have been incorporated into UK human rights-related legislation.

The Scottish Government's response to the petition states that it is committed to a new human rights bill, which will incorporate further international human rights standards into Scots law. The Scottish Government has developed and consulted on proposals to give effect to the recommendations from the national task force for human rights leadership, which comprised a range of experts and stakeholders, such as the Scottish Human Rights Commission. The International Covenant on Civil and Political Rights was not among the treaties that the task force recommended for incorporation, although it did recommend that further consideration be given to restating the rights that are contained in the Human Rights Act 1998.

The submission explains that when incorporating international treaties into domestic law, the Scottish Parliament can only give effect to provisions within its powers and responsibilities. That route cannot be used to effectively extend the Parliament's powers by claiming that the incorporated international treaty provisions now allow the Parliament or Scottish Government to do anything that would previously have been beyond the Parliament's devolved competence.

The petitioner's submission questions the Scottish Government's position and states that the issue of devolved competence is not relevant to the covenant's full implementation. He believes that the Scottish Government's submission seeks to restrict and undermine the sovereignty of the Scottish people.

Do colleagues have any comments or suggestions for action?

Fergus Ewing: I have studied the petitioner's response to the Scottish Government's written submission of 31 January. The petitioner's written response, published on 13 March, raises a whole series of issues, some of which are somewhat technical and legal.

The thrust of it is that the petitioner adduces various examples of statements, notably by the First Minister in 2023, who stated that there should be

"the right to public participation in public affairs as expressed in Article 25 of the International Covenant on Civil and Political Rights."

The petitioner has highlighted that MSPs continue to ignore the Parliament's motion of 2 September 2012, which acknowledges the sovereign right of the Scottish people to determine the form of Government that is best suited to their needs.

The petitioner also challenges the view that the matter is not within the devolved competence of the Scottish Parliament and he refers to the Scottish Human Rights Commission as endorsing that view. Without rehearsing all that the petitioner said on 13 March, the letter raises further issues of substance that the cabinet secretary, Angus Robertson, should be asked to comment on further in order to do the petitioner justice. This is the first time that we have considered the matter, and the petitioner is perhaps right when he states that it is disappointing that the Scottish Government's reply was not issued by Angus Robertson but by an official.

Perhaps Mr Robertson could be asked to give detailed comment on all the arguments that the petitioner set out in response to the initial Government position. I appreciate that that will take more time, but this is the first calling of the petition. The issues that have been raised are substantial and a mixture of political, legal and technical. I will not add to that, as I could quote extensively from the petitioner's detailed and helpful submission, but I feel that the petition requires a further response from the Scottish Government.

Maurice Golden: I echo Mr Ewing's comments. As part of the response, it would be useful for the petitioner and, indeed, the Parliament to understand what the Scottish Government's position is on the codification and enablement of international law in a devolved setting. The Scottish Government has a position on alignment with European Union law, but I am unclear as to how international law in the devolved setting is to be adhered to.

I am not asking for that information treaty by treaty, but I note that, tomorrow, the Parliament has a debate about how the Aarhus convention of 1998 is being enabled in a devolved context. It would be useful to know the Government's overall approach to the issue. I have concerns that it might not be practical for the Scottish Government to adhere to the timescales requested by the petitioner, but it would be interesting to know what the overall trajectory is.

The Convener: Having looked at the petition, my own preference was to move to close it. Paying respect to the views of our two colleagues, is the committee content to let the petition run on the basis of the further inquiry to Mr Robertson that has been suggested?

Members *indicated agreement.*

Annexe C: Written submissions

Cabinet Secretary for Constitution, External Affairs and Culture written submission, 1 May 2025

PE2135/C: Implement the International Covenant on Civil and Political Rights (ICCPR) in Scottish legislation

Thank you for your letter of 7 April 2025 regarding the petition ref: PE2135: Implement the International Covenant on Civil and Political Rights (ICCPR) in Scottish legislation, currently under consideration by the Scottish Parliament's Public Petitions Committee.

I would first of all like to thank the petitioner for their correspondence and work on this petition, which I appreciate is on a subject of particular interest to them.

As the Scottish Government's submission of 31 January 2025 explained, the reasons we chose not to incorporate ICCPR as part of the devolved law making process is because the Scottish Parliament can only give effect to provisions within its powers and responsibilities, and this route cannot be used to extend the Parliament's powers by claiming that the incorporated international treaty provisions would allow the Parliament or the Scottish Government to do anything that would have previously been beyond devolved competence.

Additionally, the majority of the rights in ICCPR have already been given domestic legal effect through the Human Rights Act 1998 (HRA), and our proposed legislative framework cannot have any substantive effect on the civil and political rights already protected via the HRA. As the petitioner has highlighted, by reference to the text of a 2022 address by Professor Alan Miller, the Supreme Court's judgment on the UNCRC (Incorporation) (Scotland) Bill has a bearing on the Scottish Parliament's legislative competence to incorporate international obligations.

There is no notion of devolved competence prior to the Scotland Act 1998 because this is the legislation which enabled devolution to Scotland, and the recommencement of the Scottish Parliament. Before devolution, decisions about Scottish legislation, along with all the matters now devolved to the Scottish Parliament, were taken solely by the UK Government and UK Parliament.

People in Scotland gave the Scottish Parliament a clear mandate to hold a referendum on independence. In January 2023, a majority of MSPs backed a motion calling on the UK Government to respect the right of people in Scotland to choose their constitutional future. The Scottish Government continues to seek the transfer of powers from the UK Parliament to enable another lawful referendum, consistent with the judgment of the Supreme Court.

Angus Robertson

Petitioner written submission, 5 June 2025

PE2135/D: Implement the International Covenant on Civil and Political Rights (ICCPR) in Scottish legislation

As Petitioner, I believe that the introductory information provided to CPPPC members at the 2nd April 2025 committee meeting was misleading and incomplete as follows:

1. Misleading because the reader is led to believe that the Scottish Human Rights Commission (SHRC) concurred with not considering ICCPR during the Human Rights leadership process when in fact SHRC recommends full ICCPR implementation as described in PE2135. This recommendation was ignored in the information presented to CPPPC members.
2. Incomplete because, whilst it fully describes the Scottish Government's unsubstantiated contradiction to the Scotland Act 1998, it makes no reference to the SHRC red flag, cited in my previous submission, alerting readers that, at every level of government, the UK should *"...desist with all policy activities which restrict or undermine the level of protection for civil and political rights as set out in the present Covenant..."*. In the absence of legislative support for the government argument, the SHRC alert is extremely important and should have been communicated to CPPPC members.
3. Incomplete also, because there was no mention that in my earlier submission I had provided independent and authoritative supporting evidence for the Petition from SHRC, the UN Human Rights Committee and the first Chair of SHRC - in stark contrast to the Government's unsubstantiated affirmations contradicting the Scotland Act 1998.
4. Incomplete as well, because the SPICe information doesn't summarise the powers of Parliament to give legal effect to the ICCPR in Scottish legislation as described in The Scotland Act 1998 (Art 30 and Schedule 5).

As Petitioner I'm not allowed to request corrections to the draft Official Report so I therefore invite the CPPPC to (i) review my suggested amendments, inserted in red in the abbreviated draft report below, and (ii) take note thereof at the next CPPPC meeting which considers PE2135.

My suggested amendments to the draft Official Report are as follows:

The Convener: Agenda item 4 is consideration of new petitions. We have two new petitions this morning. in order to progress the petition at its first consideration.

International Covenant on Civil and Political Rights (Implementation in Scots Law) (PE2135)

The Convener: PE2135, lodged by Henry Black Ferguson on behalf of wecollect.scot, calls on the Scottish Parliament to urge the Scottish Government to

give the International Covenant on Civil and Political Rights full legal effect in the devolved law making process prior to the next Holyrood parliamentary election.

The SPICe briefing explains that the international covenant was adopted in 1966 and ratified by the UK in 1976 into UK human rights-related legislation. **The briefing sets out that Article 30 and Schedule 5 of the Scotland Act 1998 describe Parliament's power to give legal effect to the ICCPR in Scottish legislation**

The Scottish Government's response to the petition states in the Human Rights Act 1998.

The **Government** submission **contradicts the Scotland Act 1998 and** explains that when incorporating international treaties into domestic law, beyond the Parliament's devolved competence.

The petitioner's submission **quotes the Scottish Human Rights Commission as recommending full implementation of the ICCPR and goes on to contest** the Scottish Government's position and states that the issue of devolved competence is not relevant to the covenant's full implementation. He believes that the Scottish Government's submission **is incorrect because: (i) the Scotland Act 1998 remains unamended and in full force, and (ii) quoting the Scottish Human Rights Commission (SHRC), that the submission "seeks to restrict and undermine the level of protection for civil and political rights as set out in the Covenant" and, therefore, attempts to restrict and undermine** the sovereignty of the Scottish people.

The petitioner also cites the 2024 reports of the SHRC and the UN Human Rights Committee, together with a 2022 speech by the first Chair of SHRC, as independent and authoritative supporting evidence in favour of the petition.

Do colleagues have any comments or suggestions for action?

Fergus Ewing: I have studied the petitioner's response to the Scottish Government's written submission some of which are somewhat technical and legal.

The thrust of it is that the petitioner adduces various examples of statements, notably by the First Minister in 2023, who stated that there should be

"the right to public participation in public affairs as expressed in Article 25 of the International Covenant on Civil and Political Rights."

The petitioner has highlighted that MSPs continue to ignore the Parliament's motion of 2 September 2012, which acknowledges the sovereign right of the Scottish people to determine the form of Government that is best suited to their needs.

The petitioner also challenges the view that the matter is not within the devolved competence of the Scottish Parliament and he refers to the Scottish Human Rights Commission as endorsing that view. the letter raises further issues of substance that the cabinet secretary, Angus Robertson, should be asked to comment on further in order to do the petitioner justice the petitioner is perhaps right when he states that it is disappointing that the Scottish Government's reply was not issued by Angus Robertson but by an official.

Perhaps Mr Robertson could be asked to give detailed comment on all the arguments that the petitioner set out in response to the initial Government position. but I feel that the petition requires a further response from the Scottish Government.

Maurice Golden: I echo Mr Ewing's comments.but I am unclear as to how international law in the devolved setting is to be adhered to.

I am not looking for that information treaty by treaty but it would be interesting to know what the overall trajectory is.

The Convener: Having looked at the petition, my own preference was to move to close it is the committee content to let the petition run on the basis of the further enquiry to Mr Robertson that has been suggested?

Members *indicated agreement.*

Petitioner written submission, 5 June 2025

PE2135/E: Implement the International Covenant on Civil and Political Rights (ICCPR) in Scottish legislation

This Petitioner submission comments on written submission PE2135/C of the Cabinet Secretary for Constitution, External Affairs and Culture, 1 May 2025.

It's with pleasure that I note the Cabinet Secretary's remark about our interest in implementation of the ICCPR in Scottish legislation - he rightly comments that we've done a lot of work on the subject. He should nevertheless be aware that we're not motivated by self-interest. Our sole motivation is to demonstrate to fellow Scots that, through implementation of the ICCPR, they can access human and direct political rights which they're currently denied under the existing system of UK Parliamentary Democracy.

The draft Official Report of the 2nd April CPPPC meeting reads *"Perhaps Mr Robertson could be asked to give detailed comment on all the arguments that the petitioner set out in response to the initial Government position."* In response to that request, rather than give detailed comment on my arguments as requested by the CPPPC, the Cabinet Secretary merely repeats the Directorate for Constitution's argument in its submission PE215/A of 31 January: *"...because the Scottish Parliament can only give effect to provisions within its powers and responsibilities ... this route cannot be used to extend the Parliament's powers by claiming that the incorporated international treaty provisions would allow the Parliament or the Scottish Government to do anything that would have previously been beyond devolved competence."*

The Cabinet Secretary nevertheless confirms in his submission that: *"There is no notion of devolved competence prior to the Scotland Act"*, which renders any argument that implementation might be *"previously beyond devolved competence"* meaningless. The UK ratified the ICCPR in 1976 and devolved its implementation, without reservation, in the Scotland Act 1998. The next step is implementation by a

majority of MSPs.

Further, the Cabinet Secretary's submission ignores the recommendations or support for full implementation of the ICCPR from the Scottish Human Rights Commission (SHRC), the UN Human Rights Committee and Prof. Alan Miller, first Chair of the SHRC. He also ignores the latter's comment, in the same speech to which the Cabinet Secretary refers, that "*the Supreme Court judgement on the UNCRC Bill is rooted in the past*".

The above government statement, which is in direct contradiction to the Scotland Act 1998 and which is repeated without any supporting legislative evidence whatsoever, bears further examination. Because the Cabinet Secretary hasn't commented at all on the arguments set out in my submission PE2135/B, I suggest that: (i) he should appear personally at the CPPPC meeting which next considers PE2135, and (ii) the Committee should commission SPICe to urgently prepare a fact sheet to inform MSPs on Parliament's power to fully implement PE2135. The SPICe fact sheet should specifically consider the relevance of the above Government argument.

Further, as Petitioner and in the circumstances described above, we believe it's important that the Cabinet Secretary inform the CPPPC on the following at the next meeting which considers PE2135:

1. When First Minister Humza Yousaf said: "The Constitutional Convention may also want to consider further provisions on the right to public participation in public affairs as expressed in Article 25 of the International Covenant on Civil and Political Rights (ICCPR),"¹ was he talking "off the cuff" or was it the considered view of the Cabinet?
2. We believe that Sections 29 & 30 of the Scotland Act 1998, together with Schedule 5, confirm that full ICCPR implementation is not reserved and that it's within the Scottish Parliament's competence. Section 30 clearly states: "Schedule 5 (which defines reserved matters) shall have effect".

Can the Cabinet Secretary explain why this is not already the case?

3. How does the Cabinet Secretary intend to correct the following breaches of item 1.7 of the Ministerial Code ("*overarching duty on Ministers to comply with the law, including international law and treaty obligations*")?
 - Refusal to accept the recommendations of: (i) the Scottish Human Rights Commission (Parallel report of 4 February 2024 to the UN Human Rights Committee), and (ii) the UN Human Rights Committee (8th Periodic report 3 May 2024), and
 - Refusal to support PE2135 and implementation of the ICCPR in Scottish legislation?

¹ Building a New Scotland No. 4, June 2023: "Creating a modern constitution for an independent Scotland" (page 39).

4. According to the Directorate for Constitution, while the observation and implementation of international obligations, such as the ICCPR, *“are not specifically reserved under the Scotland Act, ... it is important to note that this only applies to devolved matters within the competence of the Scottish Parliament”*.

What is the Cabinet Secretary's position - as opposed to that of the Directorate for Constitution - if under Ministerial Code item 1.7 *“... the overarching duty on Ministers (is) to comply with the law, including international law and treaty obligations, and to uphold the administration of justice and to protect the integrity of public life”*?

One last thought - when the Cabinet Secretary concludes his submission by saying *“The Scottish Government continues to seek the transfer of powers from the UK Parliament to enable another lawful referendum”*, he's perhaps overlooking the fact that, under the Scotland Act 1998 (Article 30 and Schedule 5), the UK Parliament has already transferred power to the Scottish Government and Parliament to fully implement the ICCPR, including Articles 1 & 25, Self-Determination and Direct Political Rights, respectively. He's also perhaps overlooking the fact that, under the Referendums (Scotland) Act 2020, the Scottish Parliament has the power to organise a referendum with respect to any Act of the Scottish Parliament at any time (e.g. implementation of the ICCPR).

Ewan Kennedy written submission, 11 June 2025

PE2135/F: Implement the International Covenant on Civil and Political Rights (ICCPR) in Scottish legislation

I have been following developments regarding the above petition, and trust that you will accept this submission to the Committee. I do not claim to be an expert, but note in passing that in 1968, the year that the Covenant was signed by the UK, I graduated in Jurisprudence and went on to study further at the Hague Academy of International Law. Because of that I have retained an interest and for many years combined being a part time academic with practicing law as a Glasgow solicitor.

Since that time much of the Covenant has been incorporated into domestic UK law. It is a long established cornerstone of the principles necessary to support modern democracies. I will not lengthen this submission with references to statements by our representatives in support of it, but simply suggest that it would be impossible to find a current MP or MSP who would deny the validity of any of its provisions.

I have read the responses to the Petition from the Scottish Government and SPICe with interest. Frankly, I find the former unhelpful; having noted briefly that the majority of rights, unspecified, under the Covenant have been incorporated, nothing further will be supported. The response from SPICe, with respect, correctly states the principles under which the devolved legislative process operates, but does not specifically focus on the tricky issue of Article One, which for convenience I quote in full:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

I suggest that Article One is perhaps the only one of the numerous provisions in the Covenant that may raise the issue of legislative competence under the rules around the devolved settlement. I am as aware as anyone else of the ruling by the UK Supreme Court in the Referendum case, and that it must be regarded as final and binding. As I understand matters, however, the Petitioner does not seek that Holyrood should do anything so self-defeating as to repeat that exercise. In essence he simply asks for acceptance of a principle already accepted universally by all civilised countries, and by all (one hopes!) of our elected representatives.

I suggest that SPICe be requested to return to the subject and prepare a detailed analysis for further discussion on how Article One could be handled in Holyrood when the Committee decides to support it, which I trust they will.