

Equalities, Human Rights and Civil Justice Committee
Thursday 17 September 2026
4th Meeting, 2026 (Session 7)

Human rights roundtable

Overview

1. At its meeting on 25 June the Committee agreed to start the autumn term by holding three separate roundtable evidence sessions covering the three parts of its remit.
2. The intention of these sessions is to provide members with an overview of key issues for stakeholders and to help inform discussions around future work programme priorities.
3. At its [meeting on 3 September](#), the Committee held its first roundtable discussion which considered matters relating to civil justice. It then held a further [roundtable discussion on 10 September](#) considering equalities issues.
4. The purpose of this paper is to provide information to inform the third of these discussions which will focus on human rights.
5. At this meeting the Committee will take evidence from:
 - Lorraine Barrie, Interim Director, Making Rights Real;
 - Jennifer Cannon, Head of Legal and Policy, and Jan Savage, Executive Director, Scottish Human Rights Commission;
 - Juliet Harris, Director, Together (Scottish Alliance for Children's Rights);
 - Charlie McMillan, Director, Human Rights Consortium Scotland;
 - Cat Murphy, Executive Director, Engender.
6. Further information on key themes expected to arise in the discussion can be found in the SPICe briefing which is attached at Annexe A.
7. Amnesty International was unable to attend the meeting but has provided a written submission setting out its key priorities. The submission is attached at Annexe B.

Next steps

8. At its next meeting on 24 September the Committee will have the opportunity to explore issues raised in all three evidence sessions with the Minister for Equalities and International Development and the Minister for Victims and Community Safety.

Conclusion

9. The Committee is invited to consider the information provided in this paper in its roundtable discussion on matters arising under the human rights part of its remit.

Clerks to the Committee
September 2026

Annexe A



Scottish Parliament
Information Centre
Ionad Fiosrachaidh
Pàrlamaid na h-Alba

Human rights roundtable

The purpose of this session is to hear from human rights stakeholders regarding their priorities for session 7 of the Scottish Parliament.

The Committee has also received a written submission from Amnesty International UK.

This paper identifies potential themes for the Committee's human rights roundtable. It sets out the policy and evidence context; refers to recent work by the stakeholders; and highlights cross-cutting issues that members may wish to explore further.

Key issues for Session 7

The Committee has already begun to consider its priorities for session 7. This roundtable provides an opportunity for the Committee to hear directly from equality and human rights stakeholders about the issues they consider should shape scrutiny during Session 7.

The focus will be on human rights, following an equality roundtable on 10 September 2026. However, equality and human rights are often interwoven, so there is likely to be some overlap:

- equality is about equality of opportunity and equality outcomes
- human rights are about the basic rights and freedoms all humans are entitled to, including the prohibition of discrimination in the enjoyment of these rights and freedoms.

SPICe previously identified key issues based on the Committee's [legacy report](#) from session 6, [key issues identified by SPICe for session 7](#), Scottish Government policy commitments in its previous [Programme for Government 2025-26](#). The key issues were:

- Operation of the Public Sector Equality Duty
- EHRC Code of Practice on Services, Public Functions and Associations
- Conversion Practices legislation
- Human Rights Bill
- Asylum Seekers

- Racism
- Neurodivergence/LDAN
- Violence against women and girls (VAWG)

Other specific themes in which members have expressed an interest include: addressing violence against women and girls (VAWG), especially online abuse; racism and community safety; disability rights; and human rights scrutiny.

Cross-cutting themes which are relevant to this committee but will also be of relevance to all committees: hostile public rhetoric towards certain groups; loss of confidence in delivery by Parliament and government; the need for meaningful involvement of lived experience; equality evidence and data gaps; funding pressures across the equality and human rights sector.

Broad themes from the equality roundtable on 10 September included:

- Equality data gaps across a range of areas, including bullying in schools and violence against women and girls.
- “Women’s poverty creates child poverty” (Susan McKellar from the Scottish Women’s Convention) – suggestions that the Committee could focus on women’s poverty through a gender budgeting lens.
- The gap between legal or policy commitments and actual delivery, with specific reference to the Public Sector Equality Duty, the Human Rights bill and the Learning Disabilities, Autism and Neurodivergence bill.
- Community cohesion, misinformation, racism, hate crime and polarisation were seen as major cross-cutting issues for Session 7.
- The Committee’s role in mainstreaming equality, using lived experience, and the potential for cross-committee scrutiny.

Suggested themes for the roundtable discussion

The session may help to identify areas where there is broad agreement across stakeholders, areas where closer scrutiny of Scottish Government delivery may be required, areas where views differ, and areas where further evidence would be useful.

1. **Priorities for Session 7:** the human rights issues stakeholders consider should be highest priorities for Committee scrutiny and reflections on the extent to which the Scottish Government's programme for Government addresses any of these priorities.
2. **Implementation and accountability:** the gap between legal or policy commitments and people's lived experience, and how delivery should be monitored. Examples might include the implementation of the [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#) and the delay in introducing a Scottish Human Rights bill.
3. **Funding and organisational capacity:** the sustainability, independence and adequacy of funding for equality and human rights organisations, especially where they are expected to support policy development and scrutinise delivery.
4. **Evidence and intersectionality:** gaps in data and analysis, particularly where people experience discrimination based on more than one protected characteristic.
5. **Embedding rights in public services:** how equality and human rights duties are being embedded across public services, including service design, budgets, decision-making and outcomes.
6. **Public attitudes and social cohesion:** trends in discrimination, hate crime, misinformation, polarisation and respectful public debate. Some specific examples may include the rights of Gypsy Travellers and poverty as a human rights issue.
7. **Contested rights and legal clarity:** areas where stakeholders may hold different views, and where guidance or further evidence may be needed.
8. **Stakeholder engagement:** how lived experience and specialist expertise can inform the Committee's Session 7 work programme outside formal evidence sessions.
9. **The Committee's role in Session 7** in terms of mainstreaming human rights scrutiny across parliamentary committees, as well as the potential for cross-committee working.

Programme for Government

The [First Minister set out his Programme for Government](#) (PfG) on 1 September 2026. It is a five-year PfG with a focus on:

- Eradicating child poverty
- Growing the economy
- Tackling the climate emergency
- Delivering high quality and sustainable public services.

Notably, it also says that Scotland faces many challenges from the behaviour of populists:

“Our country has not been immune from the threats of populism promoted by opportunistic and bad faith actors who aim to stoke division, hatred, and harm – often directed squarely at the most marginalised groups and falsely claiming to protect women and girls.”

To “stand up to the divisive behaviour of populists” it argues that three issues must be addressed:

- tackling the cost-of-living crisis
- tackling violence against women and girls
- promoting community cohesion.

Given the Committee’s remit, action to tackle VAWG and promote community cohesion are likely to be of interest. Tackling the “cost of living crisis” is likely to be a running theme for many committees.

Commitments for 2026-27 to tackle VAWG include:

- **Implement and embed the Equally Safe primary prevention framework** tackling VAWG as a public health issue.
- **Develop a sustained multi-year public health campaign to address attitudes** towards misogyny and VAWG.
- **Invest in targeted interventions to challenge and change problematic misogynistic attitudes and behaviour in boys and young men** so they understand harmful influences and behaviour, before it escalates and women and girls are harmed.
- **Ensure effective legal and justice responses that hold perpetrators to account** and improve victims’ experiences of the justice system, bringing forward a **Misogyny Bill** to ensure harassment and abuse based on misogyny is outlawed, **consulting on implementing Domestic Abuse Protection**

Orders, and engaging with Police Scotland on training needs on domestic abuse.

- **Develop an approach to technology facilitated VAWG.** This will include conducting research on survivors' experiences of tech-enabled abuse in daily life.
- Work is also underway to **create a blueprint for a Scottish Centre for Gender Equality in Social Attitudes** to develop and test robust and evidence-led approaches to changing public attitudes towards women and girls and towards gender equality.

Commitments for 2026-27 to promote community cohesion include:

- Establish a **Ministerial Taskforce on Community Cohesion** to strengthen preventative action.
- **Increase investment in the Community Cohesion Fund to £500,000**, supporting grassroots community initiatives across Scotland to address shared challenges such as social isolation, the cost-of-living crisis, inclusion, employment and housing support and community dialogue.
- **Continue to address interpersonal and institutional racism in education** through the Anti-Racism in Education Programme.
- Through the Gender Equality Taskforce in Education and Learning, the National Approach to LGBTQI+ Inclusive Education and the Digital Discourse Initiative, **continue to build an education system that promotes belonging, mutual respect and understanding, in line with the rights and principles of the UNCRC.**
- **Publish a refreshed New Scots Delivery Plan** to ensure the actions of the Scottish Government and its partners remain relevant to the challenges being faced by refugees and people seeking asylum.
- **Continue its work to end conversion practices in Scotland** in partnership with the Welsh and UK Governments and states that "Should the UK Government fail to deliver we will not hesitate to bring forward Scottish legislation."

There is a **commitment to introduce a Human Rights Bill in year 2 of the session**, aimed at protecting and enhancing the rights of everyone.

The PfG also states that the Scottish Government will **take action to address discrimination and inequality experienced by LGBTQI+ people through legislation, policy and partnership working.** It will also invest £3.5m each year in the Disability Equality Plan.

The PfG does not refer to the **Learning Disabilities, Autism and Neurodivergence (LDAN) Bill**. In a [letter to the Convener](#) (1 September 2026), Maree Todd MSP, the Minister for Mental Wellbeing, Public Health, Sport, Alcohol and Drugs, said that Ministers have concluded that progress is needed through policy reform, service improvement and targeted investments. This will be the focus for now, while retaining the option of future legislation. The PfG does include commitments to reflect this approach including:

- improving neurodevelopmental support so people can access the right support at the right time
- expanding Learning Disability Annual Health Checks
- delivering the Coming Home Action Plan.

Scottish Social Attitudes 2025: attitudes to discrimination and positive action

The [2025 Scottish Social Attitudes survey](#) (SSA), undertaken by [NatCen](#) (National Centre for Social Research), explores current attitudes towards discrimination and positive action in Scotland. It has been tracking views and opinions since 1999 on a range of topics.

NatCen reports the [key findings](#) as follows:

- General attitudes to prejudice and diversity
 - In 2025, 65% of people said that ‘Scotland should do everything it can to get rid of all kinds of prejudice’ – a slight decrease from 2015 (69%), and a similar level to 2006 (65%) and 2010 (66%).
 - Around one in three (31%) said that ‘Sometimes there is good reason for people to be prejudiced against certain groups’ which is higher than in 2015 (22%).
 - Nearly half (45%) of people said they would prefer to live in an area ‘with lots of different kinds of people’, while 31% said they would prefer to live in an area ‘where most people are similar to you’.
- Equity and participation in the labour market
 - Most respondents thought that both mothers (95%) and fathers (92%) of children under five definitely or probably should be entitled to take up to five days paid leave to look after their child when they are ill. A higher proportion thought that mothers ‘definitely should’ be entitled to this (75%) compared with fathers (68%).
 - A quarter (26%) of people said that older people should be made to retire to make way for younger age groups, and 72% said it is wrong to make people retire just because they have reached a certain age.

- Promoting equality and positive action
 - Four in ten (40%) thought that attempts to give equal opportunities for women had 'not gone far enough', compared with 32% thinking this about Black and Asian people and lesbian, gay and bisexual people.
 - One in ten (10%) thought that attempts to give equal opportunities for women had 'gone too far', compared with 23% thinking this about Black and Asian people and 26% think this about lesbian, gay and bisexual people.

Four groups were identified as being at **particular risk of discrimination in 2025: trans people, Gypsy/Travellers, people with severe and enduring mental illness, and older people.**

Muslims, Jewish people, people who experience depression, and gay, lesbian or bisexual people were all facing less direct discrimination than in 2010, however, fewer people in Scotland were happy that a close family member married or formed a long-term relationship with each of these groups in 2025 than they were in 2010.

Three distinct groups in Scotland can be identified in terms of the extent to which they hold discriminatory attitudes:

- Those who have discriminatory attitudes towards a range of different minorities. They tend to prefer to live in areas with people similar to themselves and have a negative view of the impact of immigration. They are more likely to be male, older, heterosexual, and have a religious identity.
- Those who hold very few discriminatory attitudes, are largely in favour of immigration and positive action in the workplace, like to live in diverse areas, and would be happy to be related to all sorts of people or have someone from a minority group teaching their children. They are more likely to be younger, female, not religious and gay, lesbian or bisexual.
- The majority who demonstrate some discriminatory attitudes, have concerns in specific situations or about specific groups, but these are not deep-rooted. Many of these people agree that Scotland should do all it can to eliminate prejudice, hence they may be willing to adjust their own behaviour and attitudes.

Hate Crime in Scotland

Latest data on [hate crime in Scotland, 2025-26](#), from the Crown Office and Procurator Fiscal (COPFS) shows that:

“... the total number of charges reported containing at least one element of hate crime was 7,115, an increase of 17% compared to 2024-25. This is the highest number reported over the period since 2003-04 when figures first became available. The number of charges reported increased in most categories of hate crime.”

The number of charges reported in 2025-26, by hate crime category were:

- 3,990 - race
- 2,062 - sexual orientation
- 1,370 - disability
- 537 - religion
- 104 - trans identity
- 44 - age
- 6 - variations in sex characteristics.

Stakeholders at the roundtable

Making Rights Real

[Making Rights Real](#) - founded in 2020, is a small grassroots human rights organisation in Scotland. It aims to support marginalised communities “to use the power of human rights to mobilise for economic and social change”.

Work includes:

- [Gender Based Budgeting](#) - working with the Scottish Women’s Budget Group and Fa’side Women and Girls Group, a grassroots inter-generational group in East Lothian carrying out gender-based budgeting.
- [Training for community groups](#) across Scotland about human rights, delivered in a fun and accessible way.
- [Gypsy Travellers and their rights](#) – undertaken a range of work, including human rights monitoring by residents of Double Dykes Traveller Site in Perth. The work focused on children’s rights, right to accommodation, repairs by Perth and Kinross Council, right to participate and the right to live free from discrimination.

Together

[Together \(Scottish Alliance for Children's Rights\)](#) - Together is an alliance of Scottish children's charities that works to improve the awareness, understanding and implementation of the United Nations Convention on the Rights of the Child (UNCRC).

Every year, Together publishes the State of Children’s Rights in Scotland report which aims to monitor implementation of the UNCRC in Scotland. [This year’s report](#) (2026) dedicated to exploring case studies of organisations across Scotland taking forward aspects of a children’s human rights approach in their work, in the hope of sharing learning and ideas.

“Scotland took the momentous step to incorporate the UNCRC into Scots Law in 2024 – but this, on its own, does not guarantee change. The gap between law and practice can be bridged when organisations and individuals use the

five principles of a [children's human rights approach](#) to shape culture, leadership, policies, services and relationships.”

Human Rights Consortium Scotland

[Human Rights Consortium Scotland](#) is a civil society network to defend and promote human rights in Scotland. It works together to build a strong collective civil society voice on human rights for all in Scotland.

A key part of its work is [focused on the Scottish Human Rights Bill](#):

“Incorporating all of our human rights into Scots law is the biggest step that Scotland can take to make all of our rights a reality, for everyone.”

The Consortium was funded by the Scottish Government to facilitate a [Lived Experience Board](#) to inform the Scottish Human Rights Bill, which met from February 2022-September 2023.

Recent work includes:

- Blog - [Why we need to change the way we talk about child poverty to build a better future for children](#) (7 September 2026).
- [Being Human - Building a Human Rights Culture in Scotland](#) brings together key insights from a national event hosted by The ALLIANCE and Human Rights Consortium Scotland in May 2026. (10 September 2026).
- [HRCS submits joint letter to the First Minister calling for HR bill](#) - The Consortium joined more than 50 organisations in calling on the First Minister to commit to introducing a Human Rights Bill in the forthcoming Programme for Government. (1 September 2026).

Engender

[Engender](#) is Scotland's feminist policy and advocacy organisation. It works to “dismantle structural sexism to increase women's social, political and economic equality, and enable women's rights.”

Recent work includes:

- [Confronting Women's Poverty](#) (June 2026) – This is a 5-point plan of action to eliminate the gender income gap & prevent destitution for women & their children:
 1. A Taskforce on Women's Poverty
 2. A Women's Equality Fund - Crisis Support for Marginalised Women
 3. A Minimum Income Guarantee for Unpaid Carers
 4. A Roadmap to Universal Childcare for All

5. Overhaul of the Public Sector Equality Duty

- [Women's Representation in Local Government Committees](#) (July 2026) – this is a gendered analysis across Scotland's Councils.

Scottish Human Rights Commission

The [Scottish Human Rights Commission](#) (SHRC) was established under the Scottish Commission for Human Rights Act 2006, and is accountable to the people of Scotland through the Scottish Parliament. The Commission is accredited as an 'A Status' National Human Rights Institution within the United Nations system.

As well as welcoming the Scottish Government's commitment to introducing a Human Rights Bill in year 2 of the parliament, the SHRC said:

"We are also clear that the Bill is not the only route to strengthening the human rights legal framework in Scotland. We call on the Scottish Government to continue its work on improving access to justice, taking a human rights-based approach to budgeting and decision making, and strengthening the mandate of Scotland's National Human Rights Institution."

The SHRC's [Spotlight Projects](#) focus on key human rights issues in Scotland and how to address them:

- [Absolute rights in places of detention](#)
- [Economic, social and cultural rights in Scotland](#)
- [Moving from institutions to independent living](#)
- [Access to justice for potential human rights breaches](#)
- [Cultural recognition of Scotland's Gypsy Travellers](#)
- [Poverty and human rights](#)

SPICe Briefing

Date: September 2026

Note: Committee briefing papers are provided by SPICe for the use of Scottish Parliament committees and clerking staff. They provide focused information or respond to specific questions or areas of interest to committees and are not intended to offer comprehensive coverage of a subject area.

The Scottish Parliament, Edinburgh, EH99 1SP www.parliament.scot

Annexe B

Equalities, Human Rights and Civil Justice Committee

Written evidence – Human Rights Roundtable

Amnesty International UK, September 2026

Introduction

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

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

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

The Human Rights Bill

Recommendations to the Scottish Government:

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

Recommendations to the Committee:

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

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

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

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

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

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

Scope

Our primary recommendation is that the Scottish Government take a maximalist approach to the scope of the Bill within devolved competence by placing a

¹ March 2026, Legacy Report of the equalities, Human Rights and Civil Justice Committee: [EHRCJS062026R06 | Scottish Parliament Website](#)

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

compliance duty on as many of the rights within it as possible.

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

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

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

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

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

There are also steps the Scottish Government can take and should be planning for, including a legislative review to identify the most significant pieces of Westminster legislation governing devolved areas that would currently be outwith the scope of the new Human Rights Act, and to what practical extent these laws can be re-enacted by the Scottish Parliament.

The Scottish Government must also endeavour to ensure that it does not create additional barriers to incorporation. In 2025 ministers knowingly declined to maximise the coverage of UNCRC incorporation by drafting Part 1 of the Religious Observance Bill to be outside the scope of the compatibility duty in the 2024 Act. This effect was created because Part 1 of the Religious Observance Bill was drafted to amend the Education (Scotland) Act 1980, which is a pre-devolution Act of the UK Parliament and therefore outwith the scope of the UNCRC Act following the Supreme Court's judgement. This could have been avoided by legislating through a

stand-alone Act of the Scottish Parliament which would have fallen under the UNCRC Act's compatibility duty. Avoiding the amendment of UK Acts in lieu of introducing Scottish legislation will be vital to ensuring the future Human Rights Act's scope is as broad as possible.

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

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

Exclusion of Criminal Proceedings

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

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

Right to a Healthy Environment

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

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

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

been identified as a systemic problem in Scotland.⁴

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

Remedies

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

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

Access to Justice

Recommendations to the Scottish Government:

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

Recommendations to the Committee:

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

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

Rights are only meaningful if people can practically enforce them and obtain an effective remedy when their rights are breached. In Scotland, access to justice

⁴ UNECE, Report of the Compliance Committee on decision VII/8s of the Meeting of the Parties concerning compliance by the United Kingdom: [ECE.MP .PP .2025.66.E.pdf](#)

remains constrained by the cost and availability of legal advice and representation, declining provision of civil legal aid - including significant 'legal aid deserts' - complex and fragmented complaints and justice processes, limited awareness of rights, and procedural barriers such as restrictive time limits for judicial review. These barriers disproportionately affect people who are already marginalised or disadvantaged, including people with disabilities, people experiencing poverty and people in rural areas.

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

A public consultation on a Legal Aid Reform Bill is currently being conducted by the Scottish Government, which is welcome. In the Programme for Government, the First Minister confirmed that draft legislation will be introduced within the first year of this parliament. This legislation must significantly expand access to legal aid solicitors and ensure legal aid is treated as essential infrastructure in ensuring access to rights. The Bill must be accompanied by improvements to information and advocacy services so that people know their rights and are supported to defend them through both legal and administrative routes.

Racist Intimidation, Harassment and Violence

Recommendations to the Scottish Government:

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

Recommendations to the Committee:

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

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

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

⁵ September 2025: [Report on the Equalities Human Rights and Civil Justice Committee inquiry into Civil Legal Assistance | Scottish Parliament Website](#)

An Amplification of Hate

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

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

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

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

Hate Crime Statistics

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

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

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

⁶ August 2025, Amnesty international: [UK: Technical explainer on X's recommender system and the 2024 racist riots | Amnesty International UK](#)

⁷ Ibid.

⁸ BBC, June 2026: [Man charged after suspected anti-Muslim attacks in Edinburgh - BBC News](#)

⁹ Hate crimes recorded by the police in Scotland, 2024-25: [Executive Summary - Hate crimes recorded by the police in Scotland, 2024-25 - gov.scot](#)

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

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

Conversion Practices ban

Recommendation to the Scottish Government:

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

Recommendation to the Committee:

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

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

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

Abortion Decriminalisation

Recommendations to the Scottish Government:

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

Recommendations to the Committee:

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

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

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

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

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

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

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