

Rt Hon Humza Yousaf MSP

First Minister

By email

Date: March 28th 2023

Dear First Minister,

I would like to take this opportunity to welcome you to office at what has been a turbulent time in Scotland and the UK, both politically, but also for so many people who are still living with rights infringements exacerbated by the pandemic and cost of living crisis. I wish you the best in your efforts to address the profound issues facing us, but also consolidating and building upon the progress we have seen in Scotland.

Much of what you have set out during your leadership campaign is to be welcomed, including your pledge to progressing Scotland's own Human Rights Bill. I was heartened to hear your recent comments describing your commitment to an intersectional analysis of all of our rights. This is a principle which underpins Amnesty's work in Scotland and globally, and will be vital to addressing the rights infringements felt across society.

The Scottish Government has opposed some attempts to roll back rights at a UK level. While the UK Government has proposed legislation which would repeal the Human Rights Act or set up a fight with the European Court on Human Rights, the Scottish Government has repeatedly committed to strengthening the legal framework on rights. It is important that now such progress is built upon rather than stalled, and that where legislative progress is made it is followed by resourcing and planning to ensure meaningful implementation and the full realisation of rights enshrined in law.

As you are aware, Scotland has a strong civil society and our work is often deeply interconnected. Therefore there are many priorities not listed below which Amnesty will also champion, and **we would like to invite you to meet with a broader group of human rights organisations and campaigners - including the Human Rights Consortium Scotland, Making Rights Real, JustRight Scotland, and others - to discuss the challenges facing Scotland and their solutions.** The issues I set out here are areas in which Amnesty would welcome your commitment to further progress and action from the Scottish Government over the coming weeks and months.

Scotland's Human Rights Bill

The ambitious plan for a Scottish Human Rights Bill which will incorporate four UN treaties into Scots law and set out further rights has overwhelming support from across civil society and communities. The SNP's 2021 Scottish parliamentary election manifesto set out that a Bill will be brought forward to incorporate four UN treaties: the Convention on the Elimination of all forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities (UNCPRD), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and the International Covenant on Economic, Social and Cultural Rights; as well as incorporate the right to a healthy environment. The 2022-23 Programme for Government stated again the commitment for the Bill to be introduced within this parliamentary session. Significant resource - not just from government, but civil society and rights holders including children and young people - has already gone into the development of this new, strengthened human rights framework for Scotland. Hundreds of individuals and groups have engaged in discussions around this Bill, repeatedly calling for it to be passed and implemented well.

We welcome your previous assurances that you will stand by the Scottish Government's commitment to introduce legislation within this session. It is also important that plans for full implementation of the Bill and details of how that will be resourced are not delayed. We hope that a consultation on these plans can be published in the coming weeks, and preferably prior to the parliamentary summer recess. We also raise our concern that it has been almost two years since the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill passed. Two years is a long time in the life of a child, and many children and young people, and Scottish civil society eagerly awaits the commencement of this Bill.

Illegal Migration 'Refugee Ban' Bill

The UK Government's Illegal Migration or 'Refugee Ban' Bill is yet another huge step towards the UK completely abandoning its responsibilities under international law to respect and protect the universality of human rights. It will result in thousands more people being locked up in immigration detention and removed from the UK without consideration of their individual circumstances. There will be serious short and long term implications for children including unaccompanied children. Essentially, under this Bill, no asylum or human rights claim can ever be considered. That a person may be identified as a victim of human trafficking or modern slavery is to be irrelevant. The UK Government's approach has been that the Bill relates only to reserved areas of power and that there is no place for the Scottish Parliament in its scrutiny. Given the significant reach into devolved areas such as child protection and anti-trafficking we disagree with that analysis and welcome the work the Scottish Government is [doing](#) to examine how the Bill relates to the legislative consent process. We urge the Scottish Government to bring forward a motion for debate to withhold legislative consent for the Bill, take all available legal steps to ensure that Scotland complies with its obligations to protect victims of trafficking, and to ensure that lone migrant children are cared for in accordance with Scots child law.

External Affairs Policy and a Human Rights Defenders Strategy

Around the world there is an unprecedented surge in attacks against human rights defenders – people who protect and promote human rights, including in some of the countries the Scottish Government works closely with.

As you are aware, The External Affairs Directorate has offices world-wide and specific engagement strategies with the U.S, China, Pakistan, Canada and India in addition to four partner countries where the government funds development work - Rwanda, Malawi, Zambia and Pakistan. The Scottish Government's stated ambitions to develop its international work further by opening new international offices, developing a feminist foreign policy, and supporting the Scottish Council for Global Affairs, further underlines the need to take a strategic approach to ensuring this work directly addresses human rights. The most important step the Scottish Government can take to achieve this is to prioritise human rights defenders working in the countries it engages with, and we have called on ministers to develop a 'human rights defenders strategy'. Such a strategy would identify what useful actions the Scottish Government can take to support those on the frontline of human rights work in partner and priority countries and institutionalise regular consultation with HRDs. Underpinning all international work - whether in trade or development - it would strengthen human rights due diligence as well as accountability. Amnesty recently discussed the



proposal with the Minister for International Development as well as officials within the human rights team and i would be happy to provide you with more detail.

I look forward to hearing from you.

Yours Sincerely,

Naomi McAuliffe

Programme Director, Scotland

Amnesty International UK