

# SHRC

Scottish  
Human Rights  
Commission

## UNCRC (Incorporation) (Scotland) Bill

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**Statement from SHRC**

13 September 2023

## Statement from the SHRC on the reconsideration of the UNCRC (Incorporation) (Scotland) Bill.

The Commission welcomes the commencement of the reconsideration stage on the Scottish Government's proposed approach to the UNCRC (Incorporation) (Scotland) Bill. The Scottish Parliament now has the opportunity to carefully consider the next steps in the long awaited reintroduction of the Bill, and to pass legislation which incorporates the UNCRC to the maximum extent possible within devolved competence. Children, young people, and their families have waited a long time for this.

Incorporation of children's rights is essential for children and young people to secure accountability when the rights that they already have under the UN Convention on the Rights of the Child are not adequately considered by public bodies here in Scotland. This is also the view of the United Nations Committee on the Rights of the Child.

The reconsidered approach to the UNCRC Bill now has the potential to achieve this in relation to areas of law passed by the Scottish Parliament, such as Additional Support for Learning and Child Protection, and to create greater scope for the Children and Young People's Commissioner Scotland and the Scottish Human Rights Commission to act when the system is not working well enough in those devolved areas of competence to uphold the rights of children and young people.

As the necessary amendments to bring the Bill into the legislative competence of the Scottish Parliament are debated over the coming months, it is essential that the Scottish Government and MSPs reflect seriously on the learning from this process so far. This is particularly critical ahead of the introduction of the much anticipated Human Rights Bill, which aims to incorporate more human rights treaties into Scots law to inform a rights based approach to public service design and delivery, and give people stronger access to justice when things go wrong.

The people of Scotland, as rights holders, need more transparency and collaboration between the Scottish Government and UK Government to ensure that human rights protection is not delayed or weakened."

[ends]

### About the Commission:

The Scottish Human Rights Commission exists to serve the people of Scotland. It is Scotland's National Human Rights Institution, accredited as an independent body at the highest level within the United Nations human rights system<sup>i</sup>. Established by the [Scottish Commission for Human Rights Act 2006](#), it fulfils a broad statutory mandate to protect people's rights and hold government and public bodies to account for their human rights obligations.

### For more information:

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<sup>i</sup> [Third UN "A Status" award for Commission \(scottishhumanrights.com\)](#)