



The Prime Minister
10 Downing Street,
London,
SW1A 2AA,
United Kingdom

3rd August 2026

Dear Prime Minister,

On behalf of the membership of the Human Rights Consortium Scotland (HRCS), we write to congratulate you on your appointment as Prime Minister. We welcome your stated commitment to human rights, a written constitution and stronger devolution. We are also writing to draw your attention to a significant legal barrier affecting Scotland's ability to move ahead with human rights realisation, and to ask for your support in overcoming it.

Scotland's Human Rights Progress

Scotland has shown sustained human rights leadership, including through the Scottish Commission for Human Rights, the National Task Force for Human Rights Leadership, incorporation of the UN Convention on the Rights of the Child (UNCRC) into Scots law, and Scotland's second National Action Plan for Human Rights.

Building on this progress, HRCS and our members believe Scotland would benefit greatly from the further incorporation of international human rights standards through a Human Rights (Scotland) Bill.

As currently proposed, the Bill would incorporate four human rights treaties and a right to a healthy environment, strengthening economic, social, cultural and environmental rights that many people in Scotland rely on but struggle to realise in practice.

While developing and progressing the Bill will not be easy, its potential benefits for Scotland's most disenfranchised and excluded people would be significant.

Section 28(7) of the Scotland Act 1998

However, the current interpretation of the Scotland Act 1998 creates a significant barrier to that vision. Section 28(7), long understood as a restatement of Westminster's sovereignty, has been interpreted by the UK Supreme Court as preventing the Scottish Parliament from applying general rights duties, such as compatibility with children's rights, to UK legislation operating in devolved areas.

As a result, the scope of the UNCRC (Scotland) Act 2024 had to be narrowed before passage. Its duties apply to Acts of the Scottish Parliament, but not to the many UK statutes that still shape devolved life in Scotland, including education, homelessness and children's participation in family proceedings.

We are asking you to close that gap. This can be done without any loss to UK parliamentary sovereignty, by restoring the practical understanding of devolution that existed in 1999: that the Scottish Parliament could shape the law in devolved areas, including legislation inherited from Westminster.

Our request

In line with our partner and member, Together Scotland, we ask you to restore the understanding of devolved competence that applied in 1999 by removing the unintended limit now read into section 28(7).

Our request is therefore both retrospective and forward-looking: it would help close the current gap in the UNCRC (Scotland) Act 2024, while ensuring that the proposed Human Rights (Scotland) Bill is not constrained in the same way.

We also ask you to work with the Scottish Government to bring forward a section 30 Order, the fastest and lowest-risk route to confirming that the Scottish Parliament may condition the meaning and effect of UK legislation in devolved areas.

This does not require your government to take a position on the substance of human rights incorporation. It is about restoring accountability, so that the Scottish Government can be held to the standards set by its own Parliament across devolved responsibilities.

The Scottish Government has already committed to seek the removal of these restrictions and to act itself if there is insufficient progress by November 2026.

UK Government support is needed to progress human rights in Scotland. This is an early opportunity to demonstrate your commitment to devolution, without diminishing parliamentary sovereignty, and in a way that would make a practical difference to people in Scotland, including children who were promised stronger rights protections in 2024 but cannot yet rely on them fully.

We would welcome the opportunity to meet you, or the Minister you consider best placed to take this forward.

About the Human Rights Consortium Scotland

Human Rights Consortium Scotland (HRCS) is Scotland's civil society network for human rights, with over 500 members. We defend and promote human rights for everyone in Scotland and support civil society to use human rights to strengthen democracy and deliver social justice.

Yours sincerely,

Charlie McMillan

Charlie McMillan
Director, Human Rights Consortium Scotland