



## **HUMAN RIGHTS FOR ALL:**

Some recommendations for the  
Scottish Human Rights Bill on protecting  
migrants' human rights

## About this report

From 2020-2021, the Paul Hamlyn Foundation funded Amnesty International to enable the Human Rights Consortium Scotland to develop collaborations between human rights and migration sectors. These collaborations aimed to explore what is necessary to ensure that the enhanced Scottish human rights framework improves the realisation of rights for people who have migrated to Scotland. These recommendations are drawn from some of the key points raised within that project.



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## **Some recommendations for the Scottish Human Rights Bill on protecting migrants' human rights**

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### **Summary of recommendations**

1. The Scottish Human Rights Bill should, on the face of the Bill, state that it applies to everyone living in Scotland and that the principle of respect for human dignity applies to all without restriction.
2. A wide diversity of migrant rights-holders and migrant-related civil society organisations should be directly involved in development of the Bill, the accompanying guidance and its implementation.
3. The Scottish Government should take steps to make all government provision that affects economic and social rights, and is in areas of devolved competence, available to all without any reference to immigration status. This includes devolved social security benefits, funding for further education, allocation of housing, homelessness support, and healthcare services.
4. Implementation of the Bill, including guidance, should specifically detail actions, including migrant rights impact assessments and the requirement to involve those with lived experience (a “nothing about us without us” statement) – to ensure fulfilment of economic, social and cultural rights for diverse migrant groups.

5. Migrant-related community-based organisations should be resourced to build their capacity to provide information, independent advocacy, support and advice around human rights.
6. Incorporation of the Convention of Elimination of Racial Discrimination (CERD) must be full and direct incorporation.
7. The right to rehabilitation from torture, as set out in the Convention Against Torture and Inhumane and Degrading Treatment, should be included within the new Scottish Human Rights Bill.
8. Human rights must be protected across the UK: the Nationality and Borders Bill should be significantly changed to protect refugee and trafficking survivor rights; the UK Government should not amend the Human Rights Act 1998 because it is working well, is a key pillar of devolution and the foundation for the new progressive Scottish Human Rights Bill.
9. The Scottish Human Rights Bill should incorporate the best EU and international legal instruments relevant to migrant rights, to maintain continuity of existing rights post-EU and to promote rights-fulfilment.