

Ian Murray MP

Secretary of State for Scotland

By email

29 July 2024

Dear Secretary of State

First, we write to congratulate you on your re-election as an MP and on your appointment as Secretary of State for Scotland. We very much look forward to working with you, and with your new Parliamentary Under-Secretary of State Kirsty McNeill MP.

We warmly welcome the Prime Minister's clear commitment to staying in the European Convention on Human Rights, something that comes as a great relief and reassurance to us and our members. We are writing to ask that the UK Government now takes a simple action to restore devolution, which would have huge benefits for human rights protections for people in Scotland.

As you know, after years of campaigning by children and young people, the UNCRC (Incorporation) (Scotland) Act 2023 was unanimously passed by the Scottish Parliament and was commenced on 16<sup>th</sup> July this year. However, due to unexpected rulings of the Supreme Court, in response to arguments made by the UK Law Officers under the former UK Government, the UNCRC Act now has a much narrower scope than originally hoped and intended. Significant issues that impact children's rights are not covered, despite being in areas that are devolved. We refer you to an [in-depth paper](#) written by Professor Aileen McHarg which sets out these issues in more detail.

This restriction of devolution is having a highly regrettable and detrimental impact on enhancing human rights protections in Scotland. For example, children and young people have less ability to hold Government bodies to account through the courts. There is vastly increased legal complexity for public bodies and rights-holders, because it is very difficult for most people to work out what is in or out of scope. There is an unnecessary risk of litigation to challenge what is in competence, whilst resources are directed towards improving policy and practice that are definitely in scope, rather than those that would make the biggest difference to children and young people's lives.

Notably these same negative impacts are also very likely to apply to the upcoming wider Scottish Human Rights Bill which is largely expected to mirror the UNCRC Act.

There could be similar limiting effects on human rights legislation in Wales or Northern Ireland.

We note that the Labour manifesto committed to a 'reset' of devolution, and this was reflected in the King's Speech which stated that the UK Government 'will strengthen its work with the devolved governments in Scotland, Wales and Northern Ireland so that the best outcomes possible are delivered for citizens across the United Kingdom.' We further note plans to introduce an English Devolution Bill.

**We write to urge you to take the earliest legislative opportunity to respond to the effects of the UK Supreme Court references in the Continuity Bill and UNCRC Incorporation Bill so as to restore devolution, and ensure that there are no unhelpful restrictions on the enhancement of human rights within devolved Scots law.** Specifically, the Scotland Act should be amended to ensure that the Scottish Parliament is not prevented from legislating to condition the meaning or effect of UK Acts when attempting to advance the protection of human rights.

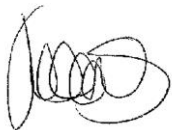
This is an area which requires a relatively small amendment to the Scotland Act but which would have significant benefits for people in Scotland, and would certainly be greatly welcomed and applauded by our organisations and members.

We would be happy to meet with you to discuss this further.

Yours sincerely



Mhairi Snowden, Director, Human Rights Consortium Scotland



Juliet Harris, Director, Together (Scottish Alliance for Children's Rights)

cc. Scottish Government Cabinet Secretary for Constitution, External Affairs and Culture

Scottish Government Cabinet Secretary for Social Justice