

Children and young people's consultation: Human Rights Bill for Scotland

This booklet is for you if you are new to thinking about human rights. It covers some of the general themes of the bill.

Introduction

Who we are and what we do

The Scottish Government has committed to introduce a new Human Rights Bill during this parliamentary session (this means before the next Scottish Parliament election in 2026). The Scottish Government's Human Rights Bill Team is working on the recommendations of the National Taskforce for Human Rights Leadership to develop the policy behind the Bill.

What is this booklet about?

The Scottish Government wants to make a new law about **human rights**.

Human rights are based on things like dignity, fairness and respect. Everyone is born with human rights and they cannot be taken away.

The Scottish Government has some ideas for this new law. They want to know what children and young people think about these ideas to help them write a **bill**. A bill is an idea for a new law. It is written down so the politicians in the Scottish Parliament can talk about what changes might be needed before it can be made into a law.

This booklet talks about some of the Scottish Government's ideas and has some questions to think about. It is split into three parts:

- **Part 1: A world of rights** – this looks at what rights the Scottish Government thinks should be in the new Human Rights Bill. It also looks at what the Scottish Parliament can and cannot make laws about (known as the powers of the Scottish Parliament) as this affects what the Bill will look like.
- **Part 2: Following the law** – this looks at who the Scottish Government thinks should need to follow the new law and what they'll need to do.
- **Part 3: What happens when rights aren't respected?** – this part looks at what the Scottish Government thinks people should be able to do if they feel their rights haven't been met and what help they might need.

The Scottish Government has [spoken with some children and young people already](#) – their views helped them when they were coming up with ideas for the Bill.

Share your views!

The Scottish Government wants to know what you think about their ideas for the Human Rights Bill.

You don't need to answer all of the questions if you don't want to. If you feel you have answered these questions before then you might want to take a look at [this booklet instead](#). This has some more detailed questions.

What you say is important. It will help the Scottish Government decide what to write in the Bill.

Share your views before 12 noon on 5th October 2023

There are lots of ways that you can share your ideas. You could write down your answers to the questions, draw a picture, record a video, write a poem or other ideas you might have!

Send an email to this address: HumanRightsOffice@gov.scot

Write to the Scottish Government at this address:

**Human Rights Strategy and Legislation Unit
Directorate for Equality, Inclusion and Human Rights
Scottish Government
Area 3H North
Victoria Quay
Edinburgh
EH6 6QQ**

You can share your ideas in any language. You can tell Scottish Government what you think by video in British Sign Language. If you need help with anything in this booklet or if you want it in a different language or format send an email to this address - HumanRightsOffice@gov.scot



Meet Rosa the researcher. She was created by the team at Together and is here to help you answer the five questions from Scottish Government that are in this booklet. You will find her after each of the questions, giving a helping hand with some things to think about and some activity ideas.



Part 1: A World of Rights

What rights will be in the new Human Rights Bill?

The Scottish Government wants to make sure everyone in Scotland has their human rights protected and that everyone is treated fairly.

Countries can promise to respect people's human rights by signing special agreements (called 'treaties'). One way they can keep their promises is by changing their laws and making sure everyone's human rights are protected.

The new Human Rights Bill plans to take four of these special agreements and make them part of the law in Scotland where possible. This is sometimes called '**incorporation**'

The four special agreements set out:

- Economic, social and cultural rights (these are things like the right to food, the right to housing and the right to health)
- Rights for **women and girls**
- Rights for **disabled people**
- Rights of **Black, Brown and minority ethnic people**

The Scottish Government also wants the Bill to include:

- the right to a **healthy environment** (the Scottish Government thinks this could include things like the right to clean air, a safe climate, safe water and people having a say in decisions)
- protection for the rights of [LGBTI people](#)
- protection for the rights of **older people**



1. What do you think about the Scottish Government's ideas for what should be included in the right to a healthy environment?

Rosa's helping hand – things to think about....

- What does “environment” mean to you? What makes an environment healthy or unhealthy?
- What difference do you think it might make if Scotland puts the right to a healthy environment into its law?
- Is there anything else Scotland would need to do to make sure children have their right to a healthy environment?



ACTIVITY: [Shopping trolley](#) – you might find this activity helps you to answer question 1.



2. What do you think about the Scottish Government's plan for protecting rights so everyone can benefit from them, including LGBTI and older people?

Rosa's helping hand – things to think about....

- Describe what it would be like to live in Scotland if it was the **FAIREST** and **BEST PLACE** in the world for **EVERYONE**.
- What difference do you think it might make for children and young people if (when) Scotland puts extra rights into Scottish law? What differences would children see, hear or feel? You might want to think about:
 - Women and girls
 - Disabled people
 - Black, Brown and minority ethnic people
 - LGBTI people
 - Older people

ACTIVITY: [Creating a fair world \(Minecraft\)](#) – you might find this activity helps you to answer question 2.



Is there anything that can't go in the new Human Rights Bill?

The Scottish Government needs to think about what rights should be brought into the law in Scotland and how they should be written down. This is a bit complicated in Scotland because of devolution.

Devolution means that some laws are made in Scotland (such as laws about houses, schools and hospitals) and other laws are made in the UK Parliament (such as laws about refugees and the army). The four special agreements cover lots of different things. The Scottish Parliament can make laws about some of these things but some of them are things only the UK Parliament can make laws about. The Scottish Government will need to be careful that the Bill is written in a way that stays within Scotland's powers.

There are also some UK laws about human rights and equality. Equality means making sure everyone is treated fairly and has the same chance to enjoy a great life. These laws are for all parts of the UK, including Scotland. The Scottish Government isn't allowed to change these laws or how they affect people's lives. They will need to be careful about this when writing the new Bill.

Part 2: Following the law

Who would have to follow the new law?

The Scottish Government would have to follow the new law. Other public authorities would also have to follow it. Public authorities are organisations like schools, hospitals, courts, local councils and the police. They make decisions that affect you.

Sometimes these people pay other organisations (like companies or charities) to do work for them. If possible, the Scottish Government wants the new law to apply to these organisations too.

What would these people have to do?

A law can tell people that they **have to do** certain things. It can also tell them that they **cannot do** certain things. These instructions are called “duties”. For example, the law says you **have to** wear a seatbelt when you’re in a car. The law also says you **cannot** drive a car until you’re 17 years old.

The Scottish Government thinks there should be two main types of duty in the Human Rights Bill: a duty to **think about** human rights when making decisions and a duty to actually **follow** human rights.



3. Who do you think should have to follow the new law?

Rosa’s helping hand – things to think about....



- Can you think of adults who make decisions that affect you? Do you think these people should have to follow the new human rights law? Why?
- What do you think adults need to help them learn about human rights and how to respect them? These adults might include teachers, social workers, the police and people who work in hospitals.



ACTIVITY: Circles of contacts – you might find this activity helps you to answer question 3.

Part 3: What happens if rights aren't respected?

Some human rights are already covered by laws in Scotland but others aren't. This can sometimes make it difficult for people, including children and young people, to have their rights respected. It can also make it difficult to challenge things if something goes wrong. The new human rights law could help change things by making these rights part of the law and making sure people pay attention to them.

If a public authority doesn't respect your rights or think about them when making decisions, then you should be able to complain and have something done about it. Public authorities are organisations like schools, health services, local councils and the police.

The Scottish Government's idea is that if a public authority doesn't respect your rights, they must put things right in answer to your complaint. If they don't put things right, the Scottish Government's idea is that you would be able to complain to someone whose job it is to investigate (sometimes called an Ombudsman). Some cases might need a judge to decide whether your rights have been respected and how things should be put right if they weren't.

The Scottish Government wants to make it easier for people to get advice and support with these complaints.



4. If you don't think your rights have been respected and you wanted to talk to someone who helps with complaints, what help and support do you think you'd need? Who would you want this help and support from?

Rosa's helping hand – things to think about....

- What do you think should happen if children or young people's rights are broken?
 - Who should help?
 - What should these people do?
 - What do you think should happen if things don't change?

ACTIVITY: Solutions tree – you might find this activity helps you to answer question 4.





5. Is there anything else you want to say about the Scottish Government's ideas for the Bill and about how your rights and the rights of other children and young people should be respected?

What we do with your information

Handling your response

If you use the **consultation hub** to give your response, you can choose how you want it to be handled. The Scottish Government will ask you some information about you using an 'About me' page. You can let the Scottish Government know if you agree to your response to be published, or if you want it to be kept confidential. If you give permission, your response will be made public on this website <http://consult.gov.scot>, but don't worry, the Scottish Government will never share any of your name and contact details. You'll also get a copy of your response by email if you use the website.

If you can't respond using the website, there are other ways to give your opinion.

If you respond by email or post, please put a note on it to let the Scottish Government know if you are happy for it to be published or if you would like it to be kept confidential. Unfortunately, the Scottish Government won't be able to send you a copy of your response.

You can find more information about on the Scottish Government's Human Rights Policy web page here <https://www.gov.scot/policies/human-rights>

Freedom of Information laws

The Scottish Government has to follow a law called the Freedom of Information (Scotland) Act 2002. This means that if someone asks for information about the responses to this consultation, the Scottish Government has to consider giving it to them.

Keeping your information safe

The Scottish Government wants to make sure that your personal information is handled carefully. You can read the Scottish Government's privacy policy to find out how they do that here [Privacy –gov.scot \(www.gov.scot\)](http://www.gov.scot/privacy)

After the consultation is closed

The Scottish Government will look at all the responses along with other information and evidence and use them to help them make decisions. The Scottish Government will publish a report on what they have learned from the responses. Some responses may show that the Scottish Government needs to make new policies or review existing ones. They can also help the Scottish Government decide between different options or make sure new laws are good before they are used.

Consultation is an important part of making new policies. It lets the Scottish Government hear what you think and learn from your expertise. You can find all the Scottish Government's consultations on this website <http://consult.gov.scot>.

Making a complaint

If you have any problems or you're not happy with the Scottish Government's service, please tell them. They will want to work with you to fix it. You can learn how to make a complaint by visiting the Scottish Government website here [Make a complaint -gov.scot \(www.gov.scot\)](http://www.gov.scot)