

Facilitator guide: Human Rights Bill for Scotland

More detailed version – for children with some existing knowledge of the topic

Introduction

About this guide

This guide is for **adults** who are supporting children and young people to respond to Scottish Government’s consultation on a new Human Rights Bill for Scotland.

It is intended to complement [this booklet](#), one of two that have been developed for children and young people.

This facilitator guide offers ideas for activities that you can use with children and young people to help them explore the themes and questions within the relevant children’s booklet. It has been produced by [Together \(Scottish Alliance for Children’s Rights\)](#) with advice and support from [The Rights Detectives](#).

About the children’s booklet

The accompanying children’s booklet is aimed at children and young people who already have some knowledge of human rights and what it means to bring these into law. It may be suitable for children and young people who feel they have already shared their views on the more general questions covered in the other children’s booklet.

The children’s booklet looks at the general themes of the consultation. It addresses some of the more technical aspects of the Scottish Government’s proposals such as different levels of duties.

The themes covered in this booklet are:

- **Part 1: A world of rights** – this looks at what rights 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 should follow the new law and what they might need to do.
- **Part 3: What happens when rights aren’t respected?** – this part looks at what people should be able to do if they feel their rights haven’t been met and what help they might need.

We encourage you to read this guide alongside the relevant booklet. Please refer to the narrative in the booklet before turning to this guide for activity ideas.

The children’s booklet includes questions for each theme from the Scottish Government. These questions have been repeated in this guide for ease of reference alongside a reference **in green** to show which questions these relate to in the full consultation. This facilitator guide also suggests ways you can break down the question/supplementary questions to aid children’s understanding.

Children and young people do not need to answer all the questions if they do not want to.



Please note, an alternative booklet is available for children and young people who are less familiar with the topic.

- [Access the alternative booklet here.](#)
- [Access the accompanying facilitator guide here.](#)

There is no target 'age range' for either booklet – instead, children and young people should choose which booklet/questions interest them most and which they feel most prepared to answer.

Responding to the consultation

The deadline for children and young people's responses is **12 noon on 5th October 2023**

Children and young people's responses can be in a range of formats and in any language. Responses could be written answers to the questions, a picture, poem, video or other creative ideas that children and young people may have.

Responses should be sent to:

- Email: HumanRightsOffice@gov.scot ; or
- Postal 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 may also wish to reflect on the findings of your engagement session when drafting your organisational response. [Details on the full consultation can be found here.](#)

If you need help with anything in this guide or if you want it in a different language or format send an email to this address - HumanRightsOffice@gov.scot

Ending your engagement event and feedback

“What happens after participation work is just as important as what happens during it”

A recurring message we hear from children and young people is that they want to be included throughout the whole process of policy development and decision making. Every effort should be made to inform children and young people about how their views have been carried forward and what has happened as a result. This ensures that participation is a two-way respectful dialogue.

If you are holding an engagement event with a group of children and young people, this could mean emailing or calling your event participants or their parents/guardians and providing them with a copy of your event notes, report or a summary of your consultation response. It could also mean following up with them when a Bill is introduced to the Scottish Parliament or even when it passes.

Next steps

The Scottish Government will consider all responses and draft the new Human Rights Bill. The Scottish Government has committed to introduce the Bill within this Parliamentary session (i.e. before the 2026 Scottish Parliament elections).

Part 1: A world of rights

First things first...

It's important to make sure that children and young people understand some basic concepts at the start of your session. The basic concepts are:

- *What are human rights?*
- *What is the law and who makes it?*

What is a right?

Human rights are based on things like dignity, fairness and respect. They set out what everyone needs to have a healthy, happy and safe life. Everyone is born with human rights and they cannot be taken away. Human rights are all linked to each other – for example the right to a safe place to live is important for the right to education because children might find it difficult to learn if they are living in a cold, damp house or if they don't have a place they can do their homework. Governments are responsible for making sure human rights are respected.

Resources

- EHRC, [Video: a simple look at why human rights are important.](#)
- UN Human Rights, [Video: What is a human right?](#)

Activity ideas

Human rights scavenger hunt: Ask children and young people to think about some examples of human rights – you might want to give them some ideas to start them off with like the right to food or the right to education. Explain that they will have two minutes to find something in the room that they think represents a right. When the time is up, go around and let each child or young person introduce their item and what right it represents.

The human rights patchwork quilt: This activity works well for larger groups. It helps children and young people think about how different rights link to one another. You'll need coloured paper, pens and tape. Ask the children and young people to think of a right and to decorate a piece of paper to represent that right. When finished, lay all the rights in the middle. Invite the children and young people to choose one right and ask them to think about how that right might be connected with one of the other rights. When a child or young person identifies another right and why it's connected, ask them to tape the two rights together. Then repeat the process with the 'new' right that has been identified – what other rights does that one link to? Repeat this process until you have one big human rights quilt with all the rights together. An alternative version is to invite the children and young people to join all the rights together to make a pretty patterned quilt and explain that all rights are connected to each other and we need them all to live a happy healthy and safe life. Ask children and young people to think what might happen if there was a 'hole' in the quilt (i.e. you didn't have one of the rights).

Be a poet! This [activity sheet](#) is from the Children and Young People's Commissioner Scotland. It asks children and young people to write an acrostic poem using the word RIGHTS. It can help children think about what human rights mean to them and why they are important.

What is the law and who makes it?

A law is a rule that people have to follow. In Scotland, some laws are made by politicians in the Scottish Parliament and other laws are made by politicians in the UK Parliament.

The government's job is to run the country. Running the country includes making sure that schools, hospitals, the police, roads and even the environment are properly looked after. It also includes making sure that everyone's human rights are respected. Scotland is run by the Scottish Government. The Scottish Government has to obey the laws that have been made by the Scottish Parliament and UK Parliament. The person in charge of the Scottish Government is called the 'First Minister' and his name is Humza Yousaf. He can think of ideas for laws and ask the Scottish Parliament to make them.

It is a judge's job to decide if someone, or a group of people, have broken the law. Judges can even decide if the Scottish Government has broken the law.

Activity idea

Word association quick-fire round: what 'laws' can children think of? Who makes sure that people follow the law? What happens if someone breaks the law? Examples of laws might include:

- Wearing seatbelts in cars
- Not smoking in cinemas
- Not stealing things

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 (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 as far as 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) ([ICESCR](#))
- Rights for women and girls ([CEDAW](#))
- Rights for disabled people ([CRPD](#))
- Rights of Black, Brown and minority ethnic people ([CERD](#))

The Scottish Government also wants the Bill to include:

- the right to a healthy environment (this could include things like clear air, clean water, and healthy environments in which to live, work and play)
- protection for the rights for LGBTI people ([lesbian, gay, bisexual, transgender and intersex](#))
- protection for the rights for older people

Activity ideas

A world of rights: invite the children and young people to draw a picture or create a word cloud or written list of what their 'perfect' rights respecting world would look like. Ask them to think about what children, young people and the adults around them would need to make this rights respecting world. This could include making sure people know about rights, making a big action plan. Ask them how long they think it might take for people to do these things. You might want to suggest they think about it in terms of their age so...

- By the time I'm 9 years old, all politicians should know about the right to a healthy environment
- By the time I'm 11 years old, I should be able to go to court if politicians don't protect my right to a healthy environment.

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

The children's booklet explains about the limits of the devolution settlement and that there will be some things that Scottish Government does not have the power to include in the Bill, even though it might otherwise have liked to.

What will rights look like in the Bill?

Rights that come from the special agreements

The children's booklet explains that treaties can include the same right but written in a slightly different way. Judges might need help to understand the different ways a right has been written down. Scottish Government has two ideas for this:

- Judges could think about "human dignity"
- Judges could listen to what international experts have said about human rights

Thinking about human dignity

Scottish Government thinks it might help judges to think about "human dignity" when faced with multiple expressions of the same right and trying to decide how to apply it.

Resources

- Children's Parliament, [Children's Parliament Investigates...Human Dignity](#)
- Children's Parliament, [Dignometers](#)

Question:

1. **What do you think about the Scottish Government's plan for judges to think about human dignity when making decisions about human rights? Why?** (Relevant to Q1 in full consultation)

To help children answer this question, you might want to ask:

- Do you think "human dignity" an important thing for judges to think about when making decisions about human rights? Why?
- What other things do you think it might be important for judges to think about?

Activity idea

Sketch-a-judge: This activity is about getting children and young people to think about what important things a judge should be thinking about when deciding what a particular right means and making a decision about human rights. It is also relevant to the question below about guidance from international experts. Ask the children and young people to draw a picture of a judge – they should give the judge clothing and accessories to represent all the important things that judges should be thinking about. For example, it might be the “wig of dignity”, “the gavel of guidance”, “glasses of...” etc. Ask if any of the children would like to share their drawing and explain why they’ve given the judge these things to wear/hold etc.

Listening to international experts on human rights

The children’s booklet explains that expert international committees look after each of the treaties. They have written down guidance that can help interpret what a right means.

Questions:

2. **What do you think about allowing for judges to think about suggestions from United Nations human rights experts?** (Relevant to Q3 in full consultation)

To help children answer this question, you might first want to ask:

- Should judges in Scotland be made to listen to what international experts have said, or should they be allowed to not listen?
- Should what the experts say be compulsory (like going to school) or a recommendation (like eating 5 pieces of fruit and veg a day)?

The right to a healthy environment

The Scottish Government needs to decide how the right to a healthy environment should be written down in the Bill. They think this right should include things like clean air and safe climate. They also think this should include actions such as awareness-raising and allowing people to take part in decision-making.

Questions:

3. **What do you think about the Scottish Government’s ideas for what should be included in the right to a healthy environment?** (Relevant to Q6-11 in full consultation)

To help children answer this question, you might first want to ask:

- What things do you think should be included in the **right to a healthy environment?**
- How do these things link to other rights, like the right to health?

Activity ideas

Shopping trolley: The children and young people are to imagine that they have a shopping trolley, they must fill this with all things that are needed to make their ‘perfect’ rights respecting world where they have a clean and healthy environment. When they get to the checkout what are all the things in their trolley?

The rights of LGBTI people and older people

The Scottish Government also needs to decide how they want to protect rights so everyone can benefit from them – in particular groups that need special protection like LGBTI people and older people. They also need to decide how the Bill can help make sure that people have a say in decisions that affect their rights.

Questions:

4. **What do you think about the Scottish Government's plan for protecting rights so everyone can benefit from them, including LGBTI and older people?** (Relevant to Q14-18 in full consultation)

To help children answer this question, you might first want to ask:

- What difference do you hope the Bill will make for LGBTI and older people

Activity ideas

Creating a fair world (Minecraft) : Invite the children and young people to create a Minecraft world which is healthy, happy, safe and equal for LGBTI people and older people. An alternative is to ask the children and young people to draw a picture, build a lego creation, wooden sculpture, write a poem/story or any other creation to show a fair world. What would it be like? How would LGBTI and older people be treated?

The right to have a say and be heard

Children have a right to be heard and taken seriously when decisions are made that will affect them. This right is written down in the United Nations Convention on the Rights of the Child. The Scottish Government wants to make sure that the right to have a say is included in the Bill – for children and everyone else.

Questions:

5. **What do you think the Scottish Government should do to help make sure children and young people's views are heard and taken seriously?** (Relevant to Q13 in full consultation)

Part 2: Following the law

Who would have to follow the new law?

The children's booklet explains that the Scottish Government and public authorities would have to follow the new law. Public authorities are organisations like schools, hospitals, courts, local councils and the police. Sometimes these organisations pay other people to do work for them (for example companies and charities). If possible, the Scottish Government wants the new law to apply to these people too.

Activity idea

Circles of contacts: ask the children and young people to draw a quick picture of themselves and put 3 concentric circles around them ([see example image](#)) Then ask them to think about a normal day in their lives. In the circle closest to them, ask them to add – the places and they go every day and the people they see. You might want to give some prompts: e.g. parents/carers, bus driver, teacher, shop workers. In the next circle, ask them to add other adults/people they might meet less often e.g. “what about a day if you were sick – who would you see?” Ask them to think about the decisions these people make – do these decisions affect their rights? Do the children and young people think these people should have to follow the new law?

What would these people have to do?

Two duties

The children's booklet explains that Scottish Government wants to have two different duties in the Bill. Different rights will have different duties. Some rights will have a duty to **think about** them when making decisions. Other rights will have a duty to **follow** them. The children's booklet uses examples to help explain what each of these duties means.

Question:

6. What do you think about the Scottish Government's plans for the two duties in the Bill? (Relevant to Q4, Q20-21 in the full consultation)

To help children answer this question, you might first want to ask them:

- How might a “duty to think about” human rights be helpful? Can you think about any problems with this?
- How might a “duty to follow” human rights be helpful? Can you think about any problems with this?
- What do you think about the idea to have different types of duty for different rights? What things are important for Scottish Government to think about when making difficult decisions like this?

Activity idea

Architects assemble! Tell the children and young people that they are all expert architects who have been asked to design a new factory. This factory doesn't make things - it makes *decisions*. Ask the children and young people to design a decision-making factory that helps make sure the decisions respect human rights. Ask the children and young people to describe their factories: What's in them? Why are they important? What should the people who have to follow the new law learn from the children and young people's designs? You might want to use this example of [‘The Policy Factory’](#) which was created by pupils at Sciennes Primary School, to help the children and young people explore what ‘the greatest decision making factory’ would look like.

Minimum core obligations and progressive realisation

The children’s booklet explains two important rules that exist for economic, social and cultural rights. The Scottish Government needs to decide how to include these two rules in the new Bill:

- **Minimum core obligations** – this rule says that there are certain things a country must do to protect these rights no matter how much money it has. It’s about making sure that absolutely everyone has a basic level of protection for their rights. For example, the minimum core for the right to education could be making sure everyone can go to primary school.
- **Progressive realisation** – this rule says that once countries have made sure there’s a basic level of protection, they should work towards making things even better over time. For example, for education this could mean building more schools or giving teachers more training.

Question:

7. **What do you think of the Scottish Government’s plans to ask public authorities to provide a basic level of protection (minimum core obligations) and to work towards making things better over time (progressive realisation)?** (Relevant to Q2, 24 and 39 in full consultation)

To help children answer this question, you might first want to ask them:

- What do you think the Scottish Government should do to help it decide what should be done straight away (minimum core obligations) and what should happen more slowly over time (progressive realisation)?
- What sort of things do *you* think should happen straight away? What should happen more slowly over time?

Activity idea

Pizzeria! This activity involves acting out the analogy on **page 10** of the children’s booklet. You should prepare in advance by cutting out shapes from coloured paper/card to represent the different things you need to make a pizza – e.g. several beige circles for the base, some red tomato layers, toppings and cheese. Divide the children and young people into groups. Present the ‘ingredients’ to them in one pile. Tell them that each group has been tasked with making a pizza but there are only limited ingredients available. Ask the children and young people: “what basic ingredients should every group have to have a fair chance at making their pizza?”. These basic things are like the **minimum core obligations** – the minimum level of protection for a human right that the government should make sure everyone has. Ask the children and young people, “now that you all have your basic pizza, what else would help make it better? What would you add?”. These extra additions represent **progressive realisation** – i.e. the things that governments should try hard to make better over time.

Human Rights Scheme

The children's booklet explains Scottish Government's idea to create a 'Human Rights Scheme'. This would be a big plan that sets out all the things the Scottish Government has done and is going to do to make sure people's human rights are better protected.

Question:

8. What do you think of the Scottish Government's plans for a Human Rights Scheme? (Relevant to Q26 and 40 in full consultation)

To help children answer this question, you might want to ask:

- What needs to happen in Scotland to turn it into a rights respecting world? Should the government include these ideas in their plan?
- When do you think these things should happen?

Activity idea

Minecraft mission. Using Minecraft (or even paper and pens) create a Minecraft world that shows what Scotland would look like if everyone's rights were respected. How would it look different to what Scotland looks like today? What needs to happen to help Scotland become this perfect place? Should the Scottish Government include these ideas in its plan? An alternative is to invite the children and young people to create two different Minecraft worlds – one where everyone's rights are respected and one where people's rights are not respected.

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

The children's booklet explores the Scottish Government's ideas for what should happen if people's human rights aren't respected. It talks about ways children could complain and that some cases might need to go before a judge. It notes that the Scottish Government wants to make it easier for people to get advice and support to help them with their complaints.

Questions:

9. **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?** (Relevant to Q27-32 in full consultation)

To help children answer this question, you might want to ask:

- Would you like someone to help you? If so, who would you want to help and what could they do to help? (Q31-32).
- What sort of things do you think the judge or another person who deals with complaints should be able to do to help make things better? (Q35-37)

10. **Is there anything else you want to tell us 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?**

Activity idea

Solutions tree: A flip chart with a 'solutions tree' using post-it notes to share ideas. Like any other tree, the tree has three parts: a trunk, roots, branches and leaves/fruit. Ask the children and young people to create post it notes and stick them on to the different parts of the tree as follows:

- On the roots – examples of where/when children and young people's rights might not be respected.
- On the trunk – who should help children and young people if their rights are not respected?
- Branches – what should they do?
- Leaves/fruit – what should children and young people experience after they've helped?