



together

Scottish Alliance for Children's Rights



HUMAN RIGHTS BILL FOR SCOTLAND

**CHILD-FRIENDLY VERSION -
CONSULTATION ANALYSIS**

**OUR ANALYSIS:
SCOTTISH GOVERNMENT'S MISSION!**

Introduction



Hi

About us

Hello! We are the Rights Detectives. We are a group of children and young people aged 12-14 who are passionate about defending human rights.

We got some help to write this report from Together (Scottish Alliance for Children's Rights). Together is a charity that works to make sure that children's human rights are protected. They want every child in Scotland to grow up happy, healthy and safe. They want everyone in Scotland to understand and follow a special set of rules called the UN Convention on the Rights of the Child.

What is this report about?

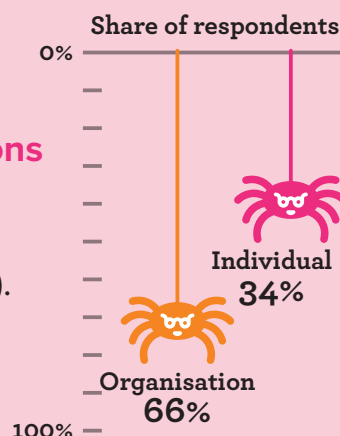
The Scottish Government wants to make a new law about **human rights**.

Human rights are like special rules to make sure everyone is treated well. 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 been working on making a new law about human rights for a few years. It set up **a group of experts** in 2019. These experts **spoke to some children and young people** to find out what they thought.

The Scottish Government wanted to hear from more children and young people. In 2022, our group – the Rights Detectives – was set up to help with this. The Scottish Government has been giving us special missions and we have gone on investigations to speak to lots of other children and young people across Scotland to find out what they think. We then share our findings with the Scottish Government. We have done three investigations so far – **you can read more about these here!**

Last summer, the Scottish Government shared its ideas for the new law and asked what people thought. We helped to create a **child-friendly version of the questions** so that children and young people could take part too. Nearly 400 people shared their views. 133 individual people took part (so children, young people and adults). There were also 264 organisations who took part (like charities, local councils and other organisations who make decisions about you).



The Scottish Government wrote a report about what people had to say. Most people agreed with the Scottish Government's general ideas for the new law but they often had new ideas about what some parts of the law should look like. For example some people thought that the right to a healthy environment should be written down in the new law in a different way from what the Scottish Government thought. A few people disagreed with the Scottish Government's ideas for the new law.

The Scottish Government asked us to create this report for children and young people so that you know what the Scottish Government asked, what people said and what might happen next.

What did people say?



First things first...

Lots of people shared their views with the Scottish Government and sometimes people said similar things. We've tried to give you an idea of how many people said each thing. In this report, you'll see us say things like:

- **“Most people”**: this means more than half the people who answered a question said a similar thing in their answer;
- **“Some people”**: this means that quite a few people had a similar idea – but still less than half of all the people who answered the question;
- **“A few people”**: this means a small number of people who answered a question said a similar thing to each other.



A world of rights

This part looks at what rights people said should go in the new Human Rights Bill (a Bill is a document that can become a law). It also looks at what the Scottish Parliament can and cannot make laws about (known as the powers of the Scottish Parliament).



What rights should go in the new Human Rights Bill?



The Scottish Government asked...

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 Scottish Government has already passed a new law about children's rights. This will mean Scotland has the most powerful law on the **United Nations Convention on the Rights of the Child!**

The Scottish Government now wants to bring four more of these special agreements into our law as far as possible. The Scottish Government wanted to know what people thought about this idea. 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 wanted to know what people thought about including some more things in a Human Rights Bill:

- ⊠ The right to a **healthy environment** (the Scottish Government said this could include things like the right to clean air, a safe climate, safe water and people having a say in decisions about the environment)
- ⊠ Protection for the rights of **LGBTI people***
- ⊠ Protection for the rights of **older people**.

*Scottish Government consultation and analysis says "LGBTI" but lots of children and young people prefer other terms such as LGBTQ+.

The Scottish Government said that it will need to think very carefully about how to write some of these things down in the new Human Rights Bill. This is because of devolution. Devolution means that some decisions can be made in Scotland but others can only be made by the UK Government in London. The Scottish Government needs to be careful to only make decisions on things they are allowed to.



People said...

Most people liked the Scottish Government's idea of bringing the four special agreements into our law. Some were really happy that the Scottish Government wanted to use the exact words from the special agreements, rather than re-writing them in a new way. They said using the same words would help the Human Rights Bill make more sense than if you started to change the words.

Some people asked the Scottish Government to be clearer about how putting the four special agreements into our law would work.



What we found out in our investigations with children and young people...

We spoke to lots of children and young people about what life was like for them and their friends. We asked them about what they thought needed to change if Scotland was to be the best and fairest place to grow up. Here are some of the things they told us:

“There’s a lot of biases against people, especially people with different coloured skin.”

“Where we live there is less ethnicity/diversity, it’s predominantly white mainly Scottish, English and Polish people which means they blend in more.”

“Access for disabled people - lifts can be broken and you can’t go up them.”

“There is stigma around people with disabilities and the way they are judged.”

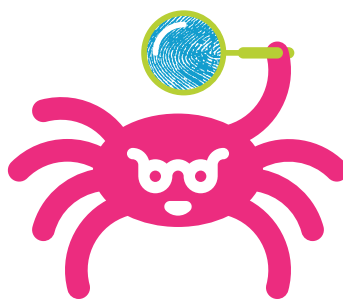
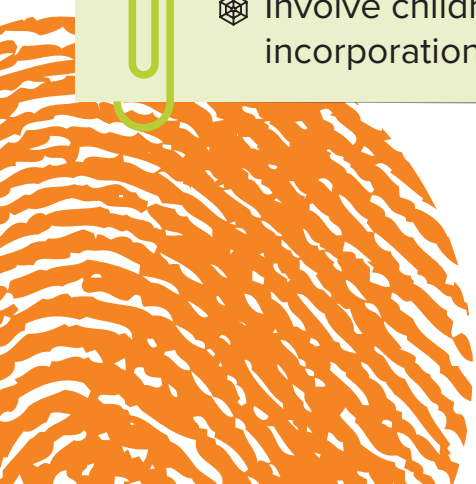
“Ensure women are treated fairly.”

“Ensure that villages, towns and cities are safe for women and children.”

“Girls may not feel safe, especially if they are outnumbered by boys. Men are biologically more powerful, and that could raise the threat.”

One of the recommendations we made after an investigation was:

- 🔍 Involve children and young people at each and every stage of incorporation of the new Human Rights Bill.



We asked children and young people what difference they thought a new Human Rights Bill might make. Some of the answers included:

“It would mean that young people have the chance to work with a diverse range of peers to build friendships and connects with people of different backgrounds and cultures.”

“It would impact the young people of Scotland in the long term as we would grow to unlearn the prejudice taught to us by the older generations who did not have these rights in place when they were young and likely did not have the opportunity to mix with people from different backgrounds.”

The right to a healthy environment



The Scottish Government asked...

The Scottish Government asked people how they thought **the right to a healthy environment** should be written down in the Bill. The Scottish Government had some ideas of what the right should include – like clear air and a safe climate. It said that other things didn’t need to be included though as they would be protected in another way – this included the right to safe and healthy food. The Scottish Government asked what people thought about its ideas and if anything else should be included in the right to a healthy environment.



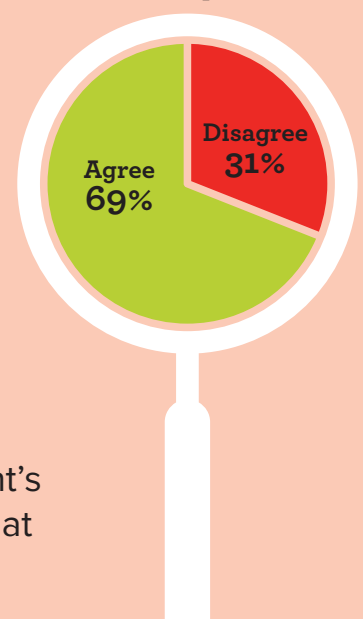
People said...

Most people agreed with the Scottish Government’s rough ideas for how the right to a healthy environment should be written down in the Bill:

Some people thought other things should be included too – like safe and healthy food, producing food in a way that’s kind to our planet, and making sure we get rid of sewage (dirty water from toilets and sinks) in a way that’s safe.

Some people said the right to a healthy environment should be made stronger than the Scottish Government’s idea. Others thought the words should be clearer so that people know exactly what the right means.

Share of respondents





What we found out in our investigations with children and young people...

Children and young people had a LOT to say to us about the right to a **healthy environment!** Lots of children and young people we spoke to said it was important for everyone to have a good **education**, safer **communities**, reliable **public transport** and things to do in rural areas:

“We need more bins and no bin strikes, they were terrible. Litter makes you dizzy and sick.”

“Keep the parks clean, have swings and slides to have fun at the park.”

Lots of children and young people we spoke to said that a healthy environment was important for good **mental health**:

“There would be lots of trees and plants as science is showing they produce hormones and endorphins for mental health.”

“Say that everyone has the right to be healthy, including their mental health.”



We heard lots about how businesses can impact the environment and what children and young people thought needed to change, such as:

“Bring farmers markets back on the scene a bit more rather than processing food.”



“Demolish fast fashion industries, use clothes that are filling up landfills and dumps, and stop overproducing for the sake of profit.”

“Repurposing to stop non-biodegradable materials destroying our planet.”

Clean and reliable public transport was another thing we heard a lot about during our investigations:

“Free transport for everyone, including adults as well.”

“No cars, no pollution as batteries are bad for the environment.”

“We should have cycle lanes that are separate from the road.”

The children and young people we spoke to had lots of ideas about what having a “healthy environment” means. They said it wasn’t just about having clean parks, safe water or about being green. It was also about feeling **safe** and **loved** wherever you might be – for example at home, at school, spending time with their friends or in their community.

“Environment = community for people to be together, learn, have fun and eat etc.”

“We need kinder people, because people make up the environment as well, even the language they use.”



The rights of LGBTI+ and older people



The Scottish Government asked...

The Scottish Government wanted to know how they could protect rights so that everyone could benefit from them – including groups that need special protection like LGBTI+ people and older people.



People said...

Lots of people liked the Scottish Government's idea that the new law should protect LGBTQ+ and older people so that they can access their rights. Some said there were other people who also needed extra help to have their rights – like disabled people and people who had to live away from their families when they were growing up (sometimes called **Care Experience**). They said the new Human Rights Bill should protect these people too.



What we found out in our investigations with children and young people...

In our past investigations, we heard that LGBTQ+ children and young people can often feel like their voices aren't heard, and that they face discrimination and breaches of their privacy. In our recent investigations, children and young people said there needs to be better public awareness and wide-ranging **“education on LGBTQ+ issues in schools.”** They said there should be **“safe spaces at work and in school.”** We found that there are lots of different attitudes towards LGBTQ+ people across society (including among children and young people), and many LGBTQ people continue to be treated in ways that are unfair and unkind. Attitudes across society can be complicated but the children and young people we spoke to were clear that everyone has a right to be treated with dignity and respect.

When it comes to support for older family members, like grandparents, children and young people told us they might need extra support like including **“help with technologies”**, access to suitable housing and **“good quality care”**, and provisions **“like food packages if they struggle with cooking.”**

What will rights look like in the Bill?

Human dignity



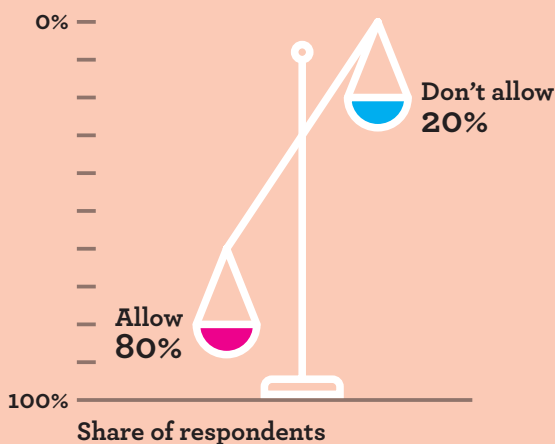
The Scottish Government asked...

The Scottish Government had an idea that judges (the people who make decisions in courts) should think about **'human dignity'** when making decisions about human rights. 'Human dignity' is about being respected and treated fairly. **You can find out more about human dignity here.** The Scottish Government asked people what they thought about this idea.



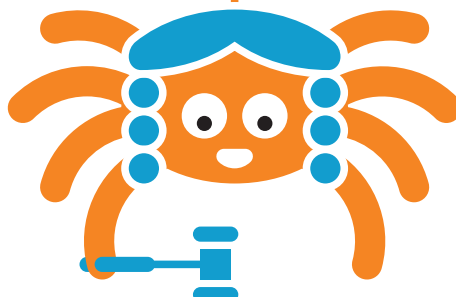
People said...

Most people liked the Scottish Government's idea of asking judges to think about human dignity when making decisions:



Some people said that the Scottish Government should go even further – and say that judges *have to* think about human dignity, rather than just *letting them* think about it if they want to. They said that this would help make sure human dignity was always being thought about – rather than only sometimes.

Some people said they weren't sure what 'human dignity' meant and that judges might also find it hard. These people said that the Scottish Government should make sure there's a very clear meaning and that judges understand it.





What we found out in our investigations with children and young people...

Children and young people told us about the importance of creating a society where everyone is treated with dignity and respect. They said they want to see understanding, equality and things being changed for the better so that every person has all the different things they need.

The children and young people we spoke to said that schools should be places where everyone feels included, healthy and safe:

“Schools don’t listen and they just shut you down, we don’t have power to change it.”

Children in Fife told us they felt happy when helping others, especially those who might need some extra help with things. They enjoyed giving gifts, sharing toys and food, and seeing people smile.



Participation



The Scottish Government asked...

The Scottish Government asked how it could make sure that people have a say in decisions that affect their rights.



People said...

Most people thought it would be a good idea to put a ‘right to participation’ in the Bill. They said that putting it in the Bill would help make sure this actually happened. Some people wrote about the different things the Scottish Government could do to make sure that **everyone** has the chance to have a say in decisions – including children and young people whose rights are most at risk such as disabled children or children who’ve escaped their country because of war.





What we found out in our investigations with children and young people...

We spoke to lots of children and young people about their right to be included in decisions that affect their lives. Here are some of the recommendations from the reports we wrote after the investigations:

- ⊠ Involve children and young people at each and every stage of incorporation of the new Human Rights Bill.
- ⊠ Be open to direct communications from children and young people including through children's letters and emails. Ensure fast, accessible and child-friendly responses to children and young people.
- ⊠ Recognise diversity among children and young people and actively identify those whose rights are at risk, engaging in meaningful conversations to understand their needs.
- ⊠ Ensure appropriate government departments (e.g. transport) are informed of the issues raised by children and young people through the consultation/passage of the Bill.



Following the law

This part looks at who should have to follow the new law and what they should have to do.

Who should have to follow the new law?



The Scottish Government asked...

The Scottish Government wanted to know what people thought about **who** should have to follow the new law.

The Scottish Government said that 'public authorities' should have to follow it. 'Public authorities' include things like:

- The Scottish Government
- Schools and teachers
- Hospitals, doctors and nurses
- Courts
- Local councils
- Police.

The Scottish Government said that sometimes public authorities pay other organisations (like companies or charities) to do work for them. The Scottish Government said these people should have to follow the new law too. It asked people what they thought about this idea.





People said...

Most people agreed with the Scottish Government’s idea about who should have to follow the new law. They agreed with the idea that if a local council, police or another public authority pays someone else to do their work for them, then this other person (or organisation) should have to follow the new law too.

Some people said it might be difficult to know who a ‘public authority’ is. Lots of people asked the Scottish Government to make this clearer – for example writing a big list of all the public authorities in Scotland who would need to follow the new law.



What will rights look like in the Bill?



The Scottish Government asked...

The Scottish Government wanted to know what people thought about what the new law should say. A law can tell people that they **have to do** certain things or 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’s idea was that the law should tell people to either:

- Think about human rights when making decisions; or
- Actually follow human rights.

The Scottish Government’s idea was that some things should have a duty to **think about** human rights and others should have a duty to actually **follow** human rights:

Duty to think about human rights



- Rights of women and girls
- Rights of disabled people
- Rights of Black, Brown and minority ethnic people

Duty to think about then follow human rights



- Economic, social and cultural rights (things like the right to food, the right to housing and the right to health)
- Right to a healthy environment



People said...

People said that a duty to think about human rights and a duty to follow human rights can both be helpful. They thought that rather than having one duty or the other – you should be able to have both at the same time.

Some people didn't like the Scottish Government's idea of having different types of duty for different rights. They didn't like that some rights would only have a duty to think about them but others would have a stronger duty to actually follow them. They felt this wasn't fair and that all rights should have a strong duty to be followed.

Some people said the Scottish Government should do more to make sure that the rights of certain groups are protected – including disabled people, children and young people, and Care Experienced people.

People said the Scottish Government should make sure there is training so that everyone knows about the new law and what they need to do. Some people said that the Scottish Government needed to make a clearer plan about how they will make sure everyone knows about the new law and what they need to do to follow it.



What happens when rights aren't respected?

This part looks at what people said should happen if rights haven't been met and what help they thought people might need.



The Scottish Government asked...

The Scottish Government asked what people thought should happen if the new law isn't followed. The Scottish Government's idea was that if a public authority (like the Scottish Government, schools, hospitals, local councils or the police) doesn't respect your rights, it should be easier for you to get advice and be able to complain.

The Scottish Government's idea was that you should be able to complain to someone whose job it is to investigate (sometimes called an Ombudsperson). The Scottish Government also wanted to give extra powers to the Children and Young People's Commissioner Scotland – a person whose job it is to make sure children have their rights.

The Scottish Government said that public authorities should put things right if someone's rights aren't respected.





People said...

Most people agreed with the Scottish Government's ideas. They wanted to make it easier for people to get advice and complain if things go wrong. They agreed that people who help others get their rights (like the Children's Commissioner) should have extra powers.

People pointed out that sometimes people might need extra help – especially children, disabled people, women and other people whose rights are most at risk. They said it should be easier for them to get this extra help.

People said that the Scottish Government needs to make sure there is enough money so that people are supported to complain and get help.

People said there should be lots of checks to make sure the law is being followed and that any problems can be fixed early on.



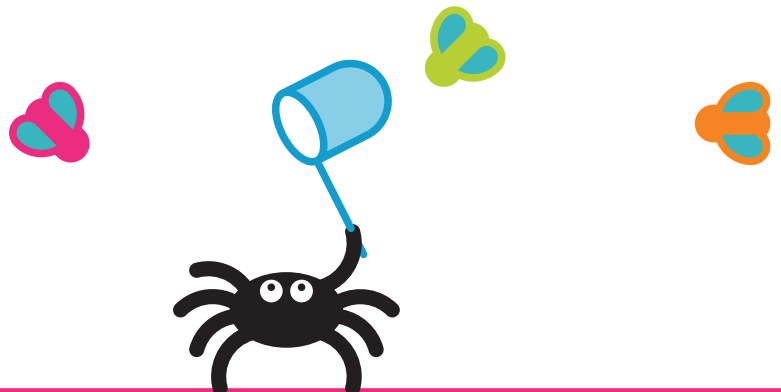
What we found out in our investigations with children and young people...

Children and young people told us they need to have safe and easy ways to tell someone if they have a problem or something is not right. Children and young people told us that lots of different people should help them if they are worried about their rights. At the top of the list is **teachers, parents and family members** and other important people are emergency services like doctors, nurses and the police and other people in power. Friends were mentioned a lot too! They also told us some of the things adults could do to help children when their rights get broken. Here are some of their ideas:

“Try to help as much as possible” and “Ensure it doesn't happen to anyone else”

“They should make sure you're safe” and “Fight for justice/our rights”

“The adults should try to fix the problem, and have the child/young person's back”



What happens next?



The Scottish Government has read through what everyone had to say and is thinking carefully about what to do next. Some of its ideas might stay the same – but others might change because of what people have said.

The Scottish Government has said that it will introduce the new Human Rights Bill before the next Scottish Parliament election in 2026. This means it will need to start writing it very soon.

Once the Scottish Government has written the Bill, it will let people see it and ask them what they think. It's really important that children and young people have a say in this. The Scottish Government wants to make sure that children and young people can share their views. The people who work for the government are thinking carefully about the best way to do this. More information will be coming soon – so keep an eye on **Together's website** as they'll make sure to post about this when that happens.

To:

All children and young people,
Scotland



For more information about the Rights Detectives click here

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Together (Scottish Alliance for Children's Rights) is a Scottish Charitable Incorporated Organisation (SCIO), charity number SC029403.

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together

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