

Human Rights Bill Consultation Response

1. INTRODUCTION

- 1.1 The purpose of this report is to explain to Forum members the opportunity to respond to the Human Rights Bill consultation, outline the background to the proposed Bill, the particular issues in relation to transport and present a draft response for consideration, review and comment.

2. BACKGROUND

- 2.1 The purpose of the proposed Human Rights Bill is the incorporation of United Nations treaties into domestic law. The consultation sets out that views are being sought on plans to enshrine international human rights, including the right to health and an adequate standard of living, into Scottish law for the first time. As part of a forthcoming Human Rights Bill, the proposals look to reduce inequality and would place a broader range of human rights at the centre of how Scotland's frontline public services are delivered, as well as its policy and law-making processes. People would also be able to seek justice where their rights are not upheld.¹

- 2.2 The Human Rights Bill proposes to incorporate four UN human rights treaties into Scots law:

- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of Persons with Disabilities (CRPD)

The Bill will also introduce and recognise a right to a healthy environment and ensure equal access to these rights for everyone.

- 2.3 It is important to note that Civil and political rights are already protected through the Human Rights Act 1998 and the European Convention on Human Rights.

- 2.4 The proposals follow on from the work and recommendations of the First Minister's Advisory Group on Human Rights Leadership (FMAG) and the National Taskforce for Human Rights Leadership (the Taskforce). The Taskforce reported in March 2021 and made a number of recommendations for the Scottish Government to establish a new human rights framework for Scotland. One of its key recommendations was to add the right to a healthy environment to the UN Charters.²

3. TRANSPORT PERSPECTIVE

- 3.1 Since the publication of the National Transport Strategy 2 in February 2020, the transport policy framework with respect to human rights and equalities is strong and robust.

*“Transport plays a key role in enabling people to realise their **human rights**. It is an essential requirement in enabling people to realise other human rights such as the right to education, the right to work, the right to take part in cultural and public life, the right to an adequate standard of living and the right to the highest attainable standard of physical and mental health.”*

- 3.2 The commitment within NTS2 pre-dates and aligns with the values and principles expounded in the proposed Human Rights Bill. The impact assessments undertaken for NTS2 also support one of the key recommendations of the National Taskforce for Human Rights Leadership Report, to add the right to a healthy environment to those rights contained in the exiting UN Treaties.
- 3.3 The commitment in NTS2 has guided the development of the recent adopted Regional Transport Strategy, SEStran 2035 in respect of human rights, equalities and access to a safe and healthy environment. Additionally, in support of the right of everyone to a healthy environment, specific actions have been identified to address this as part of the RTS Strategic Objectives.
- 3.4 One of the key issues raised in the consultation is that of monitoring and reporting. SEStran already complies with and is included in are included in the schedule of the Public Services Reform (Scotland) Act 2010. This requires annual publication of certain information and the addition of reporting under the proposed Human Right Bill would not prove unduly onerous. Accordingly, we support the recommendation that requires public bodies to report actions taken and proposed under the Bill.
- 3.5 The Human Rights Consortium Scotland has undertaken some excellent work in providing detailed advice on the proposed Human Rights Bill. It has provided draft responses to the 44 questions asked as part of the consultation. As a public body, SEStran unfortunately cannot become a member of the Consortium, however, it follows the work of the Consortium and would align itself with the draft responses, none of which we would disagree with.³
- 3.6 Given this context, the proposed SEStran draft response to the Human Rights Bill consultation is attached at Appendix 1. The response expands, in particular, on the right to a healthy environment, the adopted RTS Strategic Objectives that support this additional right and the actions proposed to enact and deliver against that. The Forum is invited to consider, review and comment with a view to endorsing the response.

4. RECOMMENDATIONS

- 4.1 The Forum is asked to consider, review and comment as appropriate, and;
- 4.2 Note that, following any amendments proposed, the consultation response will be submitted by the closing date of **5th October 2023**.

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Appendix 1: SEStran: Human Rights Bill Consultation Draft Response

References:

1. A Human Rights Bill for Scotland: Consultation, Scottish Government, June 2023. <https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2023/06/human-rights-bill-scotland-consultation/documents/human-rights-bill-scotland-consultation-june/human-rights-bill-scotland-consultation-june/govscot%3Adocument/human-rights-bill-scotland-consultation-june.pdf>
2. National Taskforce for Human Rights Leadership Report, Scottish Government, March 2021. <https://www.gov.scot/publications/national-taskforce-human-rights-leadership-report/>
3. Human Rights Consortium Guide to responding to the Human Rights Bill for Scotland, HRCS, August 2023. <https://hrcscotland.org/wp-content/uploads/2023/08/Final-HRCS-Guide-to-responding-to-Human-Rights-Bill-for-Scotland-consultation-August-2023-1.pdf>

Policy Implications	Policies have been incorporated into the adopted Regional Transport Strategy (RTS).
Financial Implications	Any required expenditure has been accounted for within approved budgets.
Equalities Implications	Compliance with the Public Sector Equality Duty and advancement in achieving our Equality Outcomes by progressing the actions outlined in the report.
Climate Change Implications	The proposed right to a healthy environment strengthens the policies contained in the RTS.