



## **Coalition for Racial Equality and Rights response to Scottish Parliament's Human Rights Inquiry**

CRER believes the Human Rights Act stands a minimum assurance that all individual's basic human rights will be met. We believe that any changes to this Act must be progressive and further strengthen domestic equalities laws. Whilst there is very little information available on the Westminster Government's proposals for a UK Bill of Rights from the information that is contained in the Conservatives pre-election proposals leaves CRER concerned that the proposed Bill of Rights would regress Human Rights legislation, not enhance it.

As human rights legislation currently stands it is a vital tool for practitioners to uphold equal treatment of all citizens. At present this legislation is complicated in its application but it can be used as a supporting case for violations towards citizens in UK and Scottish law. There is a danger that repealing the Act would not only undermine existing rights but also create uncertainty which may prevent individuals from accessing their rights.

We do not believe that the Human Rights Act undermines UK courts as the rights within the Act offer less comprehensive protection than our own domestic laws such as the Equality Act and hate crime legislation. Further to this we would be concerned that any move away from universal rights would move us into a more equal footing with other countries who discriminate within their borders.

In many cases we find that the Human Rights Act is also used preventatively. Many public sector bodies have incorporated these rights into their working and service provision, for example Edinburgh City Council now uses the human rights defined in the Act as another tool to measure equality in the public sector equality duty mainstreaming report<sup>1</sup>.

There are constitutional concerns that remain unanswered at present. As mentioned, without having access to the proposed UK Bill of Rights at present it is difficult to determine how Scotland would be impacted. The Human Rights Act underpins the devolution settlement in Scotland and with the current Scottish Government stating that it will oppose repeal of the Human Rights Act<sup>2</sup> which leaves more uncertainty as to what the implications will be to Scotland and devolved policy.

Whilst CRER welcomes the Scottish Parliament inquiry into the repeal of the Human Rights Act and the introduction of a UK Bill of Rights there is not yet enough detail known at present to offer any further comment. However we remain concerned that this new legislation has the potential to regress human rights and look forward to receiving more detail in due course.

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<sup>1</sup> <http://www.crer.org.uk/portal/councils/city-of-edinburgh-council>

<sup>2</sup> <http://www.bbc.co.uk/news/election-2015-scotland-32705811>