

# **PE2135/A: Implement the International Covenant on Civil and Political Rights (ICCPR) in Scottish legislation**

## **Scottish Government written submission, 31 January 2025**

The Scottish Government is committed to a new Human Rights Bill that will incorporate further international human rights standards into Scots law. We have developed and consulted on proposals to give effect to the recommendations from the National Taskforce on Human Rights Leadership, which comprised a range of experts and stakeholders, including the Scottish Human Rights Commission. The International Covenant on Civil and Political Rights (ICCPR) was not one of the treaties the Taskforce recommended for incorporation, although it did recommend that we give further consideration to restating the rights contained within the Human Rights Act (HRA) 1998.

While the observation and implementation of international obligations, such as the ICCPR, are not specifically reserved under the Scotland Act, it is important to note that this only applies to devolved matters within the competence of the Scottish Parliament. When incorporating international treaties into domestic law, the Scottish Parliament can only give effect to provisions within its powers and responsibilities. This route cannot be used to effectively extend the Parliament's powers by claiming that the incorporated international treaty provisions now allow the Parliament or the Scottish Government to do anything that would have previously been beyond devolved competence. The majority of the rights in ICCPR have already been given domestic legal effect through the HRA. One of the limitations of devolved competence is that our proposed legislative framework cannot have any substantive effect on the civil and political rights already protected via the HRA. We have therefore taken the decision not to restate the rights contained within the HRA within the proposed Human Rights Bill.

**Directorate for Constitution**