

Glasgow University Amnesty International
Submission to the Smith Commission,

Introduction

This submission is written by the Glasgow University Amnesty International group, who as an affiliate of Amnesty International UK have a policy to be politically neutral. Therefore the principle which underpins this submission is one of seeking to preserve and enhance the state of control over human rights legislation and policy available to a future Scottish Government, such that human rights in Scotland can be protected to a maximal extent. We welcome this opportunity to participate in the Commission's process.

Scope

Though the entire process and outcome is naturally of great importance, we wish to limit our comments primarily to the future of human rights in Scotland, and to the process itself.

The Process

We note with approval that consultation on the process has been sought by the Commission across political parties, business and civic groups, and the public. However, we wish to comment on the relatively short time frame made available for submissions. While this is no doubt a consequence of a desire to have the Commission report back in a timely manner, it may unduly limit the submissions received.

Given the unprecedentedly high level of participation in the referendum itself, we feel that it is important to give the public continued opportunities to participate in the ongoing discussion about Scotland's future, and would point to suggestions made in other submissions - such as online participation or community hubs - as to how to ensure this is met.

The alternative, lack of availability to participate and/or lack of transparency in the process, is sure to disillusion and encourage future political apathy.

The Future of Human Rights in Scotland

We support the work of Amnesty International Scotland in bringing attention to human rights to the forefront of political debate; and we note that they have also made a submission to the Commission. We would join them in stressing the importance for a future Scottish government to be willing to be bound by an international and regional framework of human rights.

Therefore, it is important that the current level of human rights protections in Scotland are maintained. This may include, but not be limited to, constitutional protection of these rights. Moreover, we would recommend that any settlement provides the means for a future Scottish government to adapt policy and enact legislation with the aim of strengthening these protections beyond what is possible currently; for example in the area of social policy.

To be effective, any such implementation must also be fully transparent and come with a clear structure for redress of any alleged human rights violations.

Recommendations

We would therefore recommend:

1. that the Commission ensures access to and transparency of the settlement process, and
2. that any final settlement protects human rights in Scotland within the context of international and regional human rights frameworks, and provides the means by which this protection could be enhanced by a future Scottish Government while providing transparency and accountability.

In line with our first recommendation, Glasgow University Amnesty International would welcome the opportunity to be further involved in the Commission's processes.

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