

**Karen Adam MSP
Convener
Equalities, Human Rights and Civil Justice Committee
The Scottish Parliament
Edinburgh**

By email

9 October 2025

Dear Convener,

Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill

Thank you again for inviting Humanist Society Scotland to give evidence to your committee. As an organisation representing non-religious communities in Scotland, we welcomed the opportunity to address the provisions of the Bill and their impact on the majority of school pupils who have no faith.

We are writing to affirm our support for the general principles of the Bill and ask that the committee recommends the Bill be progressed to Stage 2. Whilst we acknowledge and share a number of the concerns raised by other stakeholders, we strongly believe there is a practical way forward that both recognises the time remaining in this parliamentary session and ensures the immediate, meaningful realisation of children's rights.

As I set out in my evidence to your committee, the central problem with Part 1 of the Bill is that it fails to respect the clear and authoritative recommendation of the UN committee to allow school pupils to independently withdraw from religious observance (RO). By amending the Bill to give full effect to this recommendation, Parliament would effectively address widely-held concerns about UNCRC compliance, the conflation of religious observance and religious education, as well as the immediate, practical implications of drafting the legislation outwith the scope of the UNCRC Act.

Religious Observance and Religious and Moral Education

Witnesses unanimously agreed that the conflation of RO and RME in legislation fails to recognise their distinct character and purpose. In the context of RME, we reaffirm our support for an independent opt-in for pupils as proposed in the Bill. It will ensure that no child is prevented from accessing an objective, critical and balanced curriculum and support their Article 29 right to an education. It also represents alignment with the widely-held view that RME, as a core curricular area, should not be subject to withdrawal rights. Further, amending the Bill to give pupils a reciprocal right to opt out of RO only would not only recognise the distinction between RME and RO, but go some way in addressing the conflation that has historically existed in statute.

UNCRC Act Scope Gap

As I made clear to your committee, the decision to amend a pre-devolution act is regrettable and sends a worrying message about the Scottish Government's commitment to UNCRC incorporation. However, notwithstanding the broader concern around legislative precedence, our primary objection to the current drafting is that children would have no recourse to challenge a non-compliant withdrawal system using the UNCRC Act. Should the Bill be amended to provide an independent right to opt out of RO, the withdrawal system would align with the UNCRC and the immediate, practical concerns around drafting choice would no longer apply.

Speaking on behalf of Together (Scottish Alliance for Children's Rights), Juliet Harris stressed that doing nothing is not an option. The status-quo, in disregarding the views and beliefs of school pupils, already has the potential to create conflict between parents and children. So too, the blunt prioritisation of parental views leaves the current withdrawal system wide open to legal challenge. And for as long as school pupils are compelled to perform acts of worship against their own beliefs, as highlighted in our report *Preaching is not Teaching*, the religious observance requirement will be in breach of UNCRC Articles 12 and 14.

We are highly aware of the constraints on parliamentary time and your capacity to make significant amendments at this point in the session. However, should the Bill be withdrawn or voted down at Stage 1, it will likely be many years before this issue returns to Parliament. It is therefore our view that the inclusion of an independent pupil opt-out for religious observance must be a first priority for the committee. While we regret the government's decision to draft the Bill outwith the scope of the UNCRC Act, we would consider the committee's rejection of the general principles on that ground a missed opportunity to address an urgent and longstanding children's rights issue.

By recommending that the Bill be progressed to Stage 2, Parliament will have the opportunity to significantly improve the Bill and ensure children can access their human rights in a timely manner.

I trust this information will prove useful to your committee as discussions on the Bill continue. If you would like to discuss any of the issues raised, please do not hesitate to contact us.

Yours sincerely,

Fraser Sutherland
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