Submission to the UN Human Rights Council: NHRI Report on the United Kingdom's 4th Cycle Universal Periodic Review

30th March 2022

The Scottish Human Rights Commission (SHRC), formed in 2008, was established by the Scottish Commission for Human Rights Act 2006. It is the **National Human Rights Institution (NHRI)** for Scotland, accredited with 'A' status by the Global Alliance of NHRIs and is one of the three UK NHRIs. SHRC is a member of the UK's National Preventive Mechanism. It has a general duty to promote awareness, understanding of and respect for all human rights and to encourage best practice. It also has a number of powers including recommending such changes to Scottish law, policy and practice as it considers necessary.

SHRC is pleased to provide this submission to the Human Rights Council as part of the 4th cycle review of the United Kingdom. Issues concerning specific groups' rights are highlighted in **'bold'.** The report's scope and methodology are detailed in Annex 1. Annex 2 presents a Sustainable Development Goals review of themes. Annex 3 collates all recommendations. Annex 4 provides annotated references.

All recommendations are directed at the Scottish Government, unless otherwise specified.

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COVID-19

1. COVID-19 spotlighted[1] structural inequalities already facing many people in Scotland[2], with intersectionality magnifying these impacts[3]. As Scotland recovers, the [independent public inquiry](#)[4] must allow learning and accountability regarding systemic issues and failures.

> **Recommendation**:
>
> - Take an HRBA to recovery and to the COVID Inquiry response.

Human Rights Framework

Ratifying international instruments[i]/withdrawing reservations[ii]

2. The UK ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2018[iii] [5]. No other progress has been made[6].

Application of international instruments in domestic law

Incorporation

3. SHRC strongly opposes UK Government proposals[7] to reduce existing human rights protections[iv] disregarding its own [Independent Human Rights Act Review](#) findings. Opposition is supported by the Scottish Parliament[8], Scottish Government[9], Civil Society[10], and [Westminster's Joint Committee on Human Rights](#)[11].

4. Widespread cross-party[12] and civil society[v] [13] support for stronger human rights laws and an HRBA[vi] exists in Scotland. The Scottish Government has committed[14] to new legislation incorporating a range of UN treaties[15] into law[vii]. Successful implementation requires dedicated resources[viii] [16].

5. The Scottish Parliament unanimously passed[ix] the UN Convention on the Rights of the Child (Incorporation) (Scotland) Bill in 2021[17].

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i Supported Recommendations 134.3-4/134.43-48; Noted Recommendations 134.1-2/134.6-14/134.16-21/134.23-38/134.41-42/134.49-50.
ii Supported Recommendation 134.4; Noted Recommendations 134.5, 134.15.
iii Noted Recommendations 134.42, 134.50
iv Noted Recommendations 134.66-134.77
v Noted Recommendation 134.76
vi Supported Recommendation 134.57
vii Supported Recommendation 134.62; Noted Recommendations 134.56/134.58/134.61/134.64/134.88
viii Supported Recommendation 134.63
ix Noted Recommendations 134.59-60/134.65

The Bill now requires amendment, following a UK Government Supreme Court challenge[18].

Recommendations:

- Incorporate to the fullest extent permitted through devolution. Ensure adequate and effective remedies exist within the national legal system and resource capacity building.

- Amend required sections of the UNCRC Bill without delay.

UK Government:

- Retain the HRA 1998 and membership of the ECHR.

- Ratify and incorporate all human rights treaties without reservation, including individual communications procedures.

National laws, policies, strategies and initiatives

NHRI[x]

6. SHRC maintained its 'A' status accreditation in 2021[19]. SHRC's budget was deemed sufficient to meet its mandate[20], however, further allocations were recommended for additional responsibilities [21].

Civil Society[xi]

7. Scottish civil society organisations play a crucial role in human rights promotion and realisation[22]. However, resources are frequently short-term and insufficient to support a strong and resilient sector[23].

National Action Plans/ Strategies

8. Following the success of [Scotland's first National Action Plan for Human Rights](#) (SNAP)[24], preparations for SNAP2[xii] are nearing completion[25]. A multi-stakeholder independent Leadership Panel[26] will oversee SNAP2.

9. SHRC welcomed the following strategies:

    *   [Race Equality Framework for Scotland 2016-2030](#)[xiii] [27] Lack of data[28] limits accountability for Framework commitments[29].
    *   [Gypsy/Traveller Action Plan 2019-2021](#)[xiv] [30] Requires an impact evaluation with meaningful participation from **Gypsy/Travellers' Communities**.
    *   [Scottish Strategy for Autism 2011-2021](#)[31]

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[x] **Supported Recommendation 134.55**

[xi] **Supported Recommendation 134.55**

[xii] **Noted Recommendation 134.79**

[xiii] **Supported Recommendations 134.87/134.92/134.95-6; Noted Recommendations 134.94**

[xiv] **Supported Recommendations 134.84/134.90/134.92; Noted Recommendations 134.89/134.91**

Little meaningful progress was made[32].

- [Mental Health Strategy 2017-2027](#)[33]
  Has been criticised for generally responding to crisis[34].
- [Draft Framework for Taxation](#)[35] and [National Strategy for Economic Transformation](#)[36]
  Neither engages with Scotland's human rights obligations[37].
- [New Scots Refugee Integration Strategy 2018-2022](#)/ [Ending Destitution Together Strategy (2021)](#) [xv 38]
- [Digital strategy: A Changing Nation 2021](#)[39]
- [Housing to 2040](#)[40]

National Legislation

10. SHRC welcomed the introduction of legislation on: child poverty[xvi 41]; domestic abuse[xvii 42]; gender representation on public boards[43]; child protection[xviii 44]; fuel poverty[45]; free bus travel for under 22s[46]; Biometrics Commissioner[xix 47]; forensic medical services[48]; redress for survivors of historical child abuse[49] and hate crime[50].

11. SHRC also welcomed:

- [Social Security (Scotland) Act 2018](#)[xx 51],
  Whilst taking an HRBA, it failed to include a due regard duty[52].
- [Age of Criminal Responsibility (Scotland) Act 2019](#)[xxi 53]
  This raised the age from 8 to 12 years old, still two years below the minimum international standard of 14[54].

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xv Supported Recommendations 134.121/134.214/134.216; Noted Recommendation 134.224
xvi Supported Recommendations 134.163-4, 134.168
xvii Supported Recommendation 134.92/134.180-1
xviii Noted Recommendations 134.193-134.199
xix Noted Recommendations 134.149-150
xx Supported Recommendation 134.163-4
xxi Noted Recommendations 134.205-8

- [Scottish Elections (Franchise and Representation) Act 2020](#)[xxii][55] extended voting rights[56] to convicted **prisoners** serving sentences of 12 months or less[57] - the bare minimum for compliance[58].

12. SHRC supports proposals to introduce the following:

- [Gender Recognition Reform (Scotland) Bill](#)[xxiii][59] to improve and simplify the process for a **Trans person** to obtain legal recognition[60].
- [Petition PE1817](#)[61]: Prohibiting provision and promotion of all **LGBT+** 'conversion therapies'[62].
- [Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill](#)[63].
- [Good Food Nation (Scotland) Bill](#)[64], although limited in scope to progressively realise the right to food[65].

Human Rights Monitoring

13. There remains no comprehensive system for monitoring human rights progress in Scotland[66].

Data inadequacies

14. There are serious shortcomings in data availability[67], with acute gaps for some groups[68].

Recommendations:

- Ensure an adequately funded and independent civil society.

- Fully implement and resource SNAP2.

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xxii Noted Recommendation 134.161
xxiii Noted Recommendation 134.125

- Invest necessary resources in data to hold government to account.

- Address outstanding concerns in recent legislative efforts, national strategies and action plans.

- Create a system to monitor human rights progress in Scotland.

Scottish Parliament:

- Ensure SHRC has adequate funding to enable compliance with its functions in accordance with the Paris Principles.

Civil and Political Rights

Freedom From Violence

Hate Crimes[xxiv]

15. 5,525 hate crimes were reported to the Procurator Fiscal in 2020-21[69], with **racist hate crime** the most common (3,285 charges)[70]. The new Act[71] should remedy current data gaps[72].

16. Research on Islamophobia noted many believed the media promoted **Islamophobia**[73]. Social media has also increased public harassment faced by **women**[74], **LGBT+**[75], **Scottish Gypsy/Travellers**[76] and other **minority ethnic**[77] and **religious communities**[78].

Violence Against Women & Girls[xxv]

17. 17% of **women** have experienced the use of force from a partner/ex[79]. 80% of domestic abuse incidents in 2020-21 had a female victim/male perpetrator[80]. **Disabled women** are twice as likely to experience men's violence than non-disabled[81]. Lockdown magnified the risks and impact of domestic abuse[82].

18. One in 10 **women** in Scotland have experienced rape[83] and reported sexual crimes continue to rise – against record low police recorded crime[84]. Rape has the lowest conviction rate of any crime[85].

LGBT+ Gender Based Violence (GBV)

19. One in four **LGBT+ people**, including up to 80% of **Transgender people**, experience domestic abuse[86]. Fear of

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xxiv Supported Recommendations 134.81/134.83-5/134.87/134.97-106/134.110-118/134.120-123; Noted Recommendations 134.82/134.107/134.109/134.119
xxv Supported Recommendations 134.81/134.83-5/134.87/; Noted Recommendations 134.82

homophobia/biphobia/transphobia make **LGBT+ young people** less likely to seek help. Significant barriers exist to reporting abuse and accessing support[87].

Human Trafficking[xxvi]

20. 3% of potential **survivors of human trafficking** referred to the UK National Referral Mechanism were reported to Police Scotland in 2021[88]. There were 14 prosecutions in Scotland for human trafficking offences between 2016-2020[89].

21. If the UK Government's passes its [Nationality and Borders Bill](#)[90], powers under the [Human Trafficking and Exploitation (Scotland) Act 2015](#)[91] could be used to maximise protection for survivors[92].

Restraint and Seclusion

22. An investigation[93] raised human rights concerns around restraint and seclusion in Scotland's schools. Judicial review proceedings followed in 2019[94]. National guidance has not materialised.

Recommendations:

- Strengthen efforts to combat hate crimes and speech, including via the media.

- Strengthen efforts to combat violence against all women and LGBT+ people, including tackling low reporting, conviction rates and specialised assistance for survivors.

- Strengthen measures on human trafficking.

- Introduce national guidance on restraint, including a consistent approach to recording incidents.

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xxvi Supported Recommendations 134.200/134.202/134.138-134.144/134.146-134.147

Access to Justice

23. Scotland does not provide accessible, affordable, timely and effective routes to remedies[95]. Existing remedies don't provide the full range of reparations under international law, particularly, rehabilitation/ guarantees of non-repetition[96].

24. A Legal Aid Reform Bill is promised[xxvii] [97], but slow progress has been criticised[98].

> **Recommendations**:
>
> - Strengthen administrative and judicial routes to remedies ensuring they are accessible, affordable, timely and effective.
>
> - Ensure appropriate forms of reparations for human rights violations, including non-repetition guarantees.

[xxvii] Supported Recommendation 134.154

Policing[xxviii]

25. SHRC welcomed substantial recommended reforms (accepted by government) from an [Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing][99]. Police Scotland also accepted recommendations for improvement to call-handling[100].

26. Police Scotland responded well to challenges of COVID-19 and the enforcement of public health regulations, making effective use of the Independent Advisory Group[101].

Detention[xxix]

27. The prison population on remand[102] (23% of men, 26% of **women**: 43% of **16-20 year olds**) in Scotland has increased significantly[103].

28. Many concerns raised by the European Committee for the Prevention of Torture (CPT) haven't been addressed fully by the Scottish Government[104].

29. Concerns remain regarding a wide range of detention conditions[105].

30. An [Independent Review] (2021) co-chaired by SHRC[106] into the handling of deaths in prison custody, delivered 27 recommendations, including that an independent body carry out an investigation into every death in custody[107]. SHRC believes this should be equally applied to deaths in mental health detention[108].

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31. Dungavel Immigration Removal Centre remains open[109]. SHRC remains concerned about the excessive length of immigration detention[xxx][110].

Recommendations:

- Address recommendations relating to policing without delay.

- Take urgent action on:

   High numbers of people on remand;

   Outstanding CPT recommendations;

   Significant concerns about detention conditions;

   Death in custody recommendations;

UK Government:

- Set a statutory time limit for judicial oversight of immigration detention.

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xxx Noted Recommendation 134.215/134.217-219

Technology

32. There is a lack of legislation regulating the design, development and application of digital technologies, necessary to ensure public bodies (including Police Scotland) and businesses[xxxi][111] meet human rights obligations. SHRC welcomes the creation of the Biometrics Commissioner[112], despite a limited mandate. SHRC obtained agreement for an HRBA on the Scottish Government's digital strategy[113].

Recommendation:

- Introduce legislation regulating the design, development and application of digital technologies, ensuring human rights compliance.

[xxxi] Noted Recommendations 134.149-134.150

Participation rights

33. Awareness is growing across government of the importance of engaging and consulting[114]. Whilst good practice examples exist[115], there's also evidence of limited engagement/impact, consultation fatigue and insufficient time/resources for meaningful consultation[116].

> **Recommendation:**
>
> - Set out how 'meaningful' participation good practice is resourced and normalised across the public sector.

Economic and Social Rights

Adequate standard of living[xxxii]

34. COVID-19 has compounded austerity measures[117] already disproportionately impacting many groups[118].

35. In Scotland, 26% of **children** officially live in poverty[119]; 68% in working households[120]. 60% of **adults living in poverty** also live in working households[121]. Food[122] and fuel[123] poverty persist. Despite mitigation[124] and action[125], the Scottish Government is not on track to meet Scotland's child poverty targets[xxxiii][126].

36. 1.5 million people in Scotland struggle with the cost of keeping a home[127].

37. There are 61,000 properties awaiting adaption, with 10,000 people on the waiting list for adapted houses. Only 1% of housing is wheelchair accessible[128].

38. Research[129] highlights a household is made homeless every 19 minutes, many being **families with children**[130]. Others at high risk include **LGBT+ young people[131], transgender people[132], young people under 25[133], survivors of domestic abuse[134] and people with No Recourse to Public Funds[135].**

39. Funding has been allocated to increase culturally appropriate accommodation for **Gypsy/Traveller communities**[136].

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xxxii Supported Recommendations 134.81/134.163-164/134.66/134.168; Noted Recommendations 134.192
xxxiii Supported Recommendations 134.191; Noted Recommendations 134.192

Recommendations:

- Strengthen efforts to reduce all aspects of poverty.

- Set out how funding allocations will differ between Child Poverty Delivery plan 1 and 2 to meet targets.

- Prioritise delivery of affordable, accessible and culturally appropriate social housing/ accommodation.

Education[xxxiv]

40. **Scottish Gypsy/Traveller children and young people** have the lowest attendance and highest exclusion record of any ethnic group. Transition to senior school is also low[137].

41. The attainment gap[138] between **young people** from the most/least deprived areas[139], and those with **Additional Support Needs** (**ASN)/non ASN** persists[140].

42. Since 2012, there's been a 24.6% cut[141] in resources for **pupils with ASN**[142] and a 16.3% decrease (an all-time low) in **ASN** staff, whilst numbers of pupils has escalated dramatically[143].

43. Research shows **LGBT+**[144], **sexist** and **racist** bullying and **misogynistic** behaviours are prevalent in education settings across Scotland[145], as is **Islamophobia**[146]. During lockdown, 47% of **children and young people** in Scotland reported seeing/experiencing online bullying[147].

44. Since the end of 2021, Scottish schools must embed **LGBT**-inclusive teaching across the curriculum[148]. Work is underway to replicate this in relation to **race**[149].

Recommendations:

- Address persistent inequalities in attendance, exclusions, and attainment.

- Increase funding for Additional Support Needs.

- Intensify efforts to tackle bullying and violence in schools and online bullying.

[xxxiv] **Supported Recommendation 134.81**

Right to work and fair conditions of work[xxxv]

45. Many groups continue to face particular difficulties accessing work and fair conditions[150].

46. Undervaluation is a key driver of the **gender** pay gap[151]. Pay gaps based on **gender**[152], **race**[153] and **disability**[154] persist, with concern over accuracy of reporting and enforcement[155]. **Disability** and **race** pay gaps don't currently have the same level of political or policy commitment[156].

47. **Women** are four times more likely than men to give up paid work for unpaid care work[157]. 45% of **unpaid carers** live in the most deprived areas, performing 35 hours or more[158].

48. Childcare provision has improved[159], however, gaps remain for **older children**, **children with disabilities** and where parents work atypical hours. **Low-paid** childcare workers are often parents living in poverty[160].

Recommendations:

- Strengthen gender pay gap reporting by revising Scottish Specific Duties Regulations 2012[161].

- Extend pay gap reporting to other protected characteristics.

- Address outstanding childcare gaps.

-Increase social security provisions for unpaid carers.

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xxxv Supported Recommendations: 134.81/134.175-134.179/134.209

Health

Access to Healthcare[xxxvi]

49. The dual impact of Brexit[162] and Covid-19 worsened pre-pandemic staff shortages[163].

50. **LGBT+ people** often struggle to access healthcare services[164], particularly **Transgender people**. Reproductive and maternity rights of **disabled women** in Scotland are not realised[165].

51. Pre-pandemic concern was raised about medical professionals inappropriately applying 'Do Not Resuscitate' to **disabled people**[166]. Concern increased during the pandemic[167].

Health inequalities[xxxvii]

52. Scotland's progress in life expectancy and health improvements has stalled and was never experienced universally. The biggest risk factor across health issues, including death, is **deprivation**[168].

53. Data also reveals **people with learning disabilities**[169], **Scottish Gypsy/Travellers** and **prisoners** experience significantly worse health outcomes and excess mortality[170]. **Women** face particular health inequalities and disadvantages[171].

54. Scotland's drug deaths have increased every year since records began in 1996. The age standardised rate of 25.2 per 100,000 in 2020[172] was more than 3.5 times the UK rate and higher than any European country[173].

[xxxvi] **Supported Recommendation 134.166; Noted Recommendation 134.171**
[xxxvii] **Supported Recommendation 134.81**

Mental Health

55. A range of concerns exist/persist in relation to mental health care, treatment and outcomes, including[174]:

- Continued failure to meet treatment targets[175] for **children and young people (33%)**[176] and adults (13%)[177].
- High rejection (25%) of **children and young people's** referrals[178].
- Higher prevalence of mental health issues amongst **women**[179], **children and young people**[180] and those **living in deprived areas**[181], including the much higher suicide rate in those areas[182].
- COVID-19 negatively impacted on the mental health of many groups of **children and young people**[183] and **older people**[184].

56. SHRC welcomed the review of mental health legislation[185] and final report from the Independent Forensic Mental Health Review[186].

Recommendations:

- Address staff shortages and inequalities in access to healthcare experienced by different groups.

- Investigate inappropriate use of Do Not Resuscitate.

- Address social determinants of persistent inequalities in physical and mental health outcomes.

- Address persistent failure to meet psychological therapies access targets and provide data to understand the rate of rejected referrals.

- Address recommendations from the Scottish Mental Health Law Review and the Independent Forensic Mental Health Review.

Social Care

57. Many residents and staff in care homes were affected by COVID-19, including deaths[187]. Questions remain over whether the approach in care homes was sufficient and appropriate[188].

58. Concern persists over the funding-implementation gap for Self-Directed Support[189]. There were reports of reduction and/or removal of care packages during the pandemic[190] resulting in people being left without essential care[191].

59. There are plans for a new National Care Service, however concerns exist over resourcing[192]. SHRC considers that for effectiveness it must embed human rights in practice[193].

60. Concern has been raised about out-of-area placements and delayed discharge to community-based services for people with a **learning disability** or **autism**[194], due to lack of funding and/or suitable accommodation or care providers[195]. The Scottish Government recently published this response[196].

Recommendations:

-Ensure lessons are learned regarding failures in care provision during the pandemic.

- Adequately fund Self-Directed Support and ensure care packages removed during the pandemic are reinstated.

- Ensure the planned National Care Service is adequately funded and embeds human rights at its core.

- Ensure people with learning disabilities or autism can live independently with dignity.

Environmental Rights and Climate Justice[xxxviii]

61. Many, including SHRC, welcome the Scottish Government's commitment to include the Right to a Healthy Environment within Scotland's forthcoming human rights legislation[197]. However, Scotland's legal system remains noncompliant with the Aarhus Convention[198] due to excessive costs of legal action[199].

62. Scotland's emissions during 2019 were down by 51.5% since the 1990 baseline, falling short of the annual target of a 55% reduction[200].

63. Scotland's biodiversity is now more depleted than in 88% of 240 other countries and territories[201]. Climate change risks have increased[202] and adaption efforts stalled[203].

Recommendations:

- Address Scotland's noncompliance with the Aarhus Convention.

- Ensure Scotland's emissions targets are met and set out how Scotland will address biodiversity depletion.

- Intensify efforts to mitigate impacts of climate change.

[xxxviii] **Noted Recommendations 134.126-127/134.189**

Annex 1: Scope and Methodology

1. This report is informed by evidence from SHRC's research database, ongoing work, and engagement with NGOs.

2. SHRC's evidence database originated from a three year research project culminating in the publication of "Getting it Right: Human Rights in Scotland" in 2012 and evidenced to the development of Scotland's first National Action Plan for Human Rights (SNAP). This database has been further developed and updated through: a national participatory process to develop Scotland's second National Action Plan (SNAP 2) in 2017/18; SHRC's contribution to the Scottish Supplementary Report to the Sustainable Development Goals Voluntary National Review Process in 2019; our reports to other UN Treaty Bodies submitted during the reporting period and a desk-based research exercise during November-December 2021 to further update the database.

3. A series of civil society workshops were held during November to December 2021 in order to gather evidence of some of the key human rights priorities in Scotland. The workshops were co-hosted by SHRC and the civil society organisation the Human Rights Consortium Scotland - The Consortium has around 140 member organisations from across civil society. The Consortium have also submitted a combined civil society report based on this evidence.

4. The report reflects Scotland's devolved powers, progress and emerging issues since 2016.

5. Under the terms of the Scotland Act 1998 all issues which are not explicitly reserved to the UK Parliament in Westminster are devolved to the Scottish Parliament including issues such as justice, health and social care, education and training as well as many aspects of transport and environment. While some of the UPR recommendations refer specifically to powers reserved to the UK Government, or to specific circumstances in other

devolved nations, where an issue is similar or a relevant position exists in relation to Scotland, this is reflected in the current report.

6. The report follows a structure recommended within the [Practical Guide to the Universal Periodic Review: Implementation plan of recommendations and pledges](#)[204], with a focus on priority issues for SHRC[205], issues concerning specific groups' rights are highlighted in **'bold'.** Appendix 2 presents a Sustainable Development Goals review of themes. All recommendations are directed at the Scottish Government, unless otherwise specified.

Annex 2: SDG review of thematic issues

Covid-19

1. The UN Secretary-General has expressed grave concern that COVID-19 is undermining sustainable development when accelerated efforts were already needed for it to be realised. The UN Secretary-General has also noted:

   "The 2030 Agenda, underpinned by human rights, provides a comprehensive blueprint for sustainable recovery from the pandemic"[206].

Human Rights Framework

2. SDG Goal 16 sets out to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. This is at the core of Scotland's domestic and international human rights framework. Of particular relevance to this area are Targets 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all; and 16.b - Promote and enforce non- discriminatory laws and policies for sustainable development.

National laws, policies, strategies and initiatives

NHRI

3. SDG Goal 16 is also central to this section. Of particular relevance to NHRIs is Target 16.6 in the development of effective, accountable and transparent institutions at all levels. Additionally the existence of independent national human rights institutions in compliance with the Paris Principles is a specific indicator under Target 16.a which focuses on strengthening relevant national institutions.

Civil Society

4. The SDG Goal central to Civil Society is Goal 17 which aims to strengthen the means of implementation and revitalise the global partnership for sustainable development. Of most relevance in Scotland's context is Target 17.7 which focuses on encouraging and promoting effective public, public-private and civil society partnerships, building on the experience and resources strategies of partnerships.

National Action Plans and Strategies

5. The range of national action plans and strategies referenced in this submission cover a wide range of SDG Goals. [Scotland's National Action Plan](#) in itself brings the aims of Goal 17 to life, as a process of collaborative action requiring effective public, public-private and civil society partnerships, building on the experience and resources strategies of partnerships. Thematically the current 40 proposed draft actions cover a wide spectrum of SDG goals (Goals 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 16).

[Race Equality Framework for Scotland 2016-2030](#) / [Gypsy/Traveller Action Plan 2019-2021](#)

6. The SDG Goal central to both of these strategies is Goal 10 on reducing inequalities, in particular Targets 10.2 focused on the empowerment and promotion of the social, economic and political inclusion of all; 10.3 ensuring equal opportunity and reduction of inequalities of outcome and 10.4 focused on adopting relevant policies and progressively achieve greater equality.

7. However in terms of the strategy's thematic aims, the following goals are also relevant:

   - Tackling Racism; Hate crime; Participation and Representation: Goal 16
   - Education: Goal 4
   - Employability: Goal 8
   - Health: Goal 3

- Home: Goal 11
- Reducing poverty: Goals 1 & 2
- Gender equality: Goal 5

Scottish Strategy for Autism 2011-2021

8. The values of this strategy are around choice, dignity, privacy, realising potential and equality and diversity. This runs across services in a range of areas. As with the previous two strategies the SDG Goal central to both of these strategies is Goal 10 on reducing inequalities, in particular Targets 10.2, 10.3 and 10.4.

9. However in terms of the strategy's thematic aims, the following goals are also relevant:

- Safety, Participation and Representation: Goal 16
- Education: Goal 4
- Employability: Goal 8

Mental Health Strategy 2017-2027

10. The primary focus of this strategy is around delivery for mental health outcomes and the improvement of services, which is covered by SDG Goal 3: Ensuring healthy lives and promote well-being for all at all ages. In particular Target 3.4 which includes the promotion of mental health and wellbeing.

11. However there is recognition of the impacts on mental health being wider than a focus on health and therefore this strategy would also include a focus on:

- Poverty: Goals 1 & 2
- Education: Goal 4
- Employment: Goal 8
- Social Security: Goal 10
- Discrimination/equality: Goal 10
- Justice: Goal 16

Draft Framework for Taxation

12. Taxation is raised in two areas of the SDG framework. Goal 12 has a focus on ensuring sustainable consumption and production patterns, which advocates restructuring taxation to encourage more environmentally favourable behaviour (Target 12.c). Goal 17 which looks to strengthen the means of implementation also has a specific focus on resource mobilisation and improving domestic capacity for tax and other revenue collection (Target 17.1).

National Strategy for Economic Transformation

13. This strategy has the potential to support the implementation of a range of SDG Goals, including:

- Goal 1: End poverty in all its forms everywhere (Targets 1.4 and 1.5)
- Goal 5: Achieve gender equality and empower all women and girls (Target 5.5 and 5.a)
- Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (Targets 8.2, 8.3, 8.4, 8.5, 8.6 and 8.8)
- Goal 10: Reduce inequality within and among countries (Targets 10.1, 10.2, 10.3 and 10.4).
- Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (Targets 9.1, 9.2, 9.4, 9.5 and 9.c).
- Goal 12: Ensure sustainable consumption and production patterns (Targets 12.1, 12.2, 12.3, 12.6 and 12.7)
- Goal 13: Take urgent action to combat climate change and its impacts.
- Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development (Target 14.a).
- Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (Target 15.9 and 15.a).

New Scots Refugee Integration Strategy 2018-2022/ Ending Destitution Together Strategy (2021)

14. The SDG Goal central to this strategy is Goal 10 on reducing inequalities, in particular Target 10.7 with its focus the safe migration and mobility of people, including through the implementation of planned and well-managed migration policies. Also relevant are Targets 10.2, 10.3 and 10.4.

15. However in terms of the strategy's thematic aims, the following goals are also relevant:

- Education: Goal 4
- Employability: Goal 8
- Gender equality: Goal 5
- Health: Goal 3
- Home: Goal 11
- Poverty: Goals 1 & 2

Digital strategy: A Changing Nation 2021

16. Central to this strategy is SDG Goal 9 - Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation. In particular, Target 9.c, which is focused on significantly increasing access to information and communications technology and strive to provide universal and affordable access to the Internet in least developed countries by 2020. In addition Goal 16 which promotes peaceful and inclusive societies and has a focus on building effective, accountable and inclusive institutions at all levels, also has relevance here in relation to regulation of new technology (Target 16.6). As does Target 16.3 and its focus on the rule of law.

Housing to 2040

17. SDG Goal 11 is the key focus of this strategy: Make cities and human settlements inclusive, safe, resilient and sustainable. In particular Targets 11.1 ensuring access for all to adequate, safe and affordable housing and basic services; 11.2 on the provision

of access to safe, affordable, accessible and sustainable transport systems; 11.7 on the provision of universal access to safe, inclusive and accessible, green and public spaces and 11.b which has a particular focus on mitigation and adaptation to climate change.

National Legislation

18. The range of legislation welcomed by SHRC in this submission also cover a wide range of SDG Goals.

Child Poverty (Scotland) Act 2017

19. SDG Goals 1 and 2 are the primary focus of this Act – with Goal 1 focused on the elimination of poverty in all its forms and Goal 2 specifically on food poverty. The Act, however, has a cross-thematic focus recognising the impact poverty has across a wide range areas.

- Affordable and clean energy: Goal 7
- Clean water & Sanitation: Goal 6
- Decent work: Goal 8
- Education & Childcare: Goal 4
- Gender equality: Goal 5
- Health: Goal 3
- Home: Goal 11

Domestic Abuse (Scotland) Act 2018

20. SDG Goals 5 and 16 are the primary focus of this Act. In relation to Goal 5 on gender equality, Target 5.2 in particular focuses on the elimination of all forms of violence against all women and girls in the public and private spheres.

21. Goal 16 with its focus on the promotion of peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, has two particular Targets of note: Target 16.1 to significantly reduce all forms of violence and related death rates

everywhere, and 16.2 which aims to end abuse, exploitations, trafficking and all forms of violence against and torture of children.

Gender Representation on Public Boards (Scotland) Act 2018

22. SDG Goal 5 on gender equality and empower has particular relevance to this Act, especially Target 5.5 which focuses on ensuring women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

Children (Equal Protection) (Scotland) Act 2019

23. Similarly to the Domestic Abuse Act, SDG Goals 5 and 16 are the primary focus of this Act, and again Targets 5.2, 16.1 and 16.2.

The Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019

24. In addition to the general focus on eliminating poverty in all of its forms of SDG Goal 1, this Act is also connected to Goal 7 on affordable and clean energy, in particular Target 7.1 which is focused on ensuring universal access to affordable, reliable and modern energy services.

Young Persons' (Under 22s) Free Bus Travel[207]

25. SDG Goal 11 focuses on making cities and human settlements inclusive, safe, resilient and sustainable – and within this goal Target 11.2 focuses specifically on providing access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons.

26. Other SDG Goals relevant to the provision of free bus travel to young people under 22, include: reducing poverty (Goal 1); facilitating access to education (Goal 4), facilitating access to decent work (Goal 8); reducing inequalities (Goal 10) and (with an increase in greener buses) Goal 13 on climate action.

Scottish Biometrics Commissioner Act 2020

27. Goal 16 which promotes peaceful and inclusive societies and has a focus on building effective, accountable and inclusive institutions at all levels, also has relevance here in relation to regulation of new technology (Target 16.6). As does Target 16.3 and its focus on the rule of law.

Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021

28. This Act has Access to Justice (Goal 16: Targets 16.3 and 16.6), Gender Equality (Goal 5) and health and wellbeing (goal 3) as its central focus.

Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021

29. This Act has Access to Justice (Goal 16) as its central focus with Targets 16.2 and 16.3 of most relevance.

Hate Crime and Public Order (Scotland) Act 2021

30. The Hate Crime Act is similarly focused on Access to Justice and Goal 16, with Targets 16.1 and 16.6 of most relevance.

Social Security (Scotland) Act 2018,

31. Adequate social protection measures feature in a number of the SDG Goals, including Goals 1, 5 and 10. Relevant Targets include 1.3 on the implementation of nationally appropriate social protection systems and measures; 5.4 on recognising and valuing unpaid care and domestic work through social protection and 10.4 on the adoption of social protection policies, and progressively achieve greater equality.

Age of Criminal Responsibility (Scotland) Act 2019

32. This Act has Access to Justice (Goal 16) as its central focus with Targets 16.3 and 16.6 of most relevance.

[Scottish Elections (Franchise and Representation) Act 2020](#)

33. This Act has (to a limited extent) furthered the participation rights of prisoners which is the focus on Target 16.7 of Goal 16: Ensure responsive, inclusive, participatory and representative decision-making at all levels.

[Gender Recognition Reform (Scotland) Bill.](#)

34. In addition to overarching focus on Goal 5 on gender equality, the main focus of this Bill is SDG Goal 10 on reducing inequality. Of particular relevance are Targets 10.2 on the empowerment and promotion of the social, economic and political inclusion of all and 10.3 focused on ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.

[Petition PE1817 : Prohibition of the provision and the promotion of all forms of LGBT "conversion therapies"](#)

35. The main focus of this proposed legislation is SDG Goal 10 on reducing inequality and in particular Target 10.3 on ensuring equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.

[Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill](#)

36. This proposed Bill covers a wide range of themes focused on reducing inequality (Goal 10), access to inclusive education (Goal 4) and access to full and productive employment and decent work for all (Goal 8).

37. Target 10.2 - By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other

status. A range of Targets across the three goals have particular relevance, including:

- 10.3 - Ensuring equal opportunity and reducing inequalities of outcome;
- 4.a - providing education facilities that are disability sensitive and provide safe, non-violent, inclusive and effective learning environments for all;
- 4.1 - ensuring completion of education leading to relevant and effective learning outcomes.
- 4.3 - ensuring equal access to further and higher education.
- 4.4 - substantially increasing numbers of those with employability skills.
- 4.5 – elimination of gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities.
- 4.6 - ensuring improved literacy and numeracy.
- 8.5 - achieving full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.
- 8.6 - substantially reducing the proportion of youth not in employment, education or training.

Good Food Nation (Scotland) Bill

38. The SDG Goal of most relevance to this Bill is Goal 2: focused on ending hunger, achieving food security and improving nutrition and promoting sustainable agriculture. Of particular relevance are Targets 2.1 on ending hunger and ensuring access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round; 2.2 on endings all forms of malnutrition; and 2.4 on ensuring sustainable food production systems and implementing resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather,

drought, flooding and other disasters and that progressively improve land and soil quality.

39. The scope of this Bill states that Scottish Ministers must have regard, among other things, to the scope for food-related issues to affect outcomes in relation to— (a) social and economic wellbeing (Goals 1,5,8), (b) the environment (Goals 12-15), (c) health (Goal 3), and (d) economic development (Goal 8).

Human Rights Monitoring & Data Inadequacies

40. SDG Goal 17 underpins the implementation of the SDGs and one aspect of Target 17.18 focuses on significantly increasing the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts.

Civil and Political Rights

Freedom from Violence

41. A range of themes are covered in this submission under the overarching heading of freedom from violence and this covers a number of SDG Goals, although all have Goal 16 in common: which promotes peaceful and inclusive societies and has a focus on building effective, accountable and inclusive institutions at all levels

Hate Crimes

42. Goal 16 – in particular Targets 16.1 to significantly reduce all forms of violence and related death rates everywhere, 16.3 on the promote the rule of law and ensuring equal access to justice for all, and 16.6 on the development of effective, accountable and transparent institutions at all levels

Violence Against Women & Girls/ LGBT+ Gender Based Violence (GBV)

43. Goal 16 - in particular Targets 16.1 to significantly reduce all forms of violence and related death rates everywhere, and 16.2 which aims to end abuse, exploitations, trafficking and all forms of violence against and torture of children.

44. Goal 5 on Gender equality and Target 5.2 in particular on the elimination of all violence against women and girls.

Human Trafficking

45. Goal 16 - in particular Target 16.2 which aims to end abuse, exploitations, trafficking and all forms of violence against and torture of children.

46. Goal 5 on Gender equality and Target 5.2 in particular on the elimination of all violence against women and girls

47. Goal 8 on Decent work and economic growth and Target 8.7 which is focused on ending human trafficking.

Restraint and Seclusion

48. Goal 16 - in particular Targets 16.1 to significantly reduce all forms of violence and related death rates everywhere, and 16.2 which aims to end abuse, exploitations, trafficking and all forms of violence against and torture of children.

49. Goal 4 on Education and Target 4.a which is focused on the provision of safe, non-violent, inclusive and effective learning environments for all.

Access to Justice

50. A key focus of SDG Goal 16 is ensuring the provision of access to justice for all and build effective, accountable and inclusive institutions at all levels. Of particular relevance to this theme are Targets 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all; 16.6: development of effective, accountable and transparent institutions at all levels and 16.a: focused on strengthening

relevant national institutions and 16.b: the promotion and enforcement non- discriminatory laws and policies for sustainable development.

Policing

51. SDG Goal 16 is also the focus of the policing theme with a particular focus on Targets 16.1: significantly reduce all forms of violence and related death rates everywhere; 16.3: promotion of the rule of law at the national and international levels and ensure equal access to justice for all; 16.6: development of effective, accountable and transparent institutions at all levels and 16.a: focused on strengthening relevant national institutions.

Detention

52. The theme of detention covers a wide range of SDG Goals in addition to Goal 16 (and Targets 16.1, 16.3, 16.6 and 16.a), including:

- Clean water & Sanitation: Goal 6
- Decent work: Goal 8
- Education: Goal 4
- Gender equality: Goal 5
- Health: Goal 3

Technology

53. Goal 16 which promotes peaceful and inclusive societies and has a focus on building effective, accountable and inclusive institutions at all levels, also has relevance here in relation to regulation of new technology (Target 16.6). As does Target 16.3 and its focus on the rule of law.

Participation rights

54. A range of SDG Goals and their targets include the promotion of participation rights:

- Goal 5 - Gender equality (Target 5.5)

- Goal 10 – Reducing inequality (Target 10.2)
- Goal 16 - Peace Justice and Strong Institutions (Target 16.8)
- Goal 17 – Partnerships for the Goals (Target 17.7).

Economic and Social Rights

Adequate standard of living

55. This theme covers key elements of the right to an adequate standard of living, namely poverty and social security, access to food and housing. This therefore covers a number of SDG Goals and their targets as follows:

56. Goal 1 - No poverty

- Target 1.2 – reducing the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.
- Target 1.3 – Implementation of nationally appropriate social protection systems and measures for all.
- Target 1.4 – Including ensuring equality of rights to economic resources, and access to basic services.
- Target 1.5 – building resilience and reducing exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters (e.g. COVID-19).
- Target 1.b - Creating sound policy frameworks to support accelerated investment in poverty eradication actions.

57. Goal 10 – Reduce inequality

- Target 10.1 – improving the income of the bottom 40 per cent of the population.
- Target 10.2 – empowering and promoting the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.
- Target 10.4 - Adopting policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality.

58. SDG Goal 11 – Sustainable cities and communities

- Target 11.1 - Ensuring access for all to adequate, safe and affordable housing and basic services.

Education

59. The SDG Goal central to this theme is Goal 4 – which is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. The majority of this Goal's Targets are relevant to the Scottish issues as follows:

- Target 4.a – on building and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all.
- Target 4.1 - on ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.
- Target 4.3 -on ensuring equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.
- Target 4.4 - to substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.
- Target 4.5 - to eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations.
- Target 4.6 - to ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy.

60. Goal 10 on Reducing inequality is also relevant to this theme which covers a number of inequalities of outcome, which is also the focus of Target 10.3.

Right to work and fair conditions of work

61. There are three areas of focus covered under this theme relating to access to decent work, unpaid care and childcare. These are the focus of SDG Goal 10 on reducing inequality including Target 10.4 on adopting policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality; Goal 5 on Gender equality and Target 5.4 on valuing unpaid care and domestic work through the provision of public services, infrastructure and social protection policies; and Goal 4 on Education and Target 4.2 - on ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.

Health

62. Two main goals focus on access to healthcare, health inequalities and mental health, namely: Goal 3 on ensuring healthy lives and promote well-being for all at all ages and Goal 10 on reducing inequality.

63. Targets of particular relevance to the Scottish issues raised are:

- Target 3.c – on substantially increase health financing and the recruitment, development, training and retention of the health workforce.
- Target 3.4 - reducing premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well- being.
- Target 3.5 - strengthening the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol.
- Target 3.7 – on ensuring universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes,

- Target 3.8 – on achieving universal health coverage, including access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.
- Target 3.9 substantially reducing the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination.
- Target 10.3 - with the focus on ensuring equal opportunity (in access to health and mental health care and treatment) and on reducing inequalities of outcome (in this case all health and mental health outcomes).

Social Care

64. There are three main goals of focus relating to the issues raised under the theme of social care (Covid-19 deaths in care, social care funding and the National Care Service), namely: Goal 3 on ensuring healthy lives and promote well-being for all at all ages, Goal 1 on eliminating poverty and the aspect of Goal 16 focused on building effective, accountable and inclusive institutions at all levels. Relevant Targets for each issue are shown below.

- Target 1.3 – implementation of nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.
- Target 3.3 - ending epidemics of… other communicable diseases.
- Target 3.8 - achieving universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.
- Target 16.6 – Development of effective, accountable and transparent institutions at all levels.

Environmental Rights and Climate Justice

65. There are four central Goals relevant to the Scottish issues covered under this theme, namely: Goals 13 - Take urgent action to combat climate change and its impacts; Goal 11 - Make cities and human settlements inclusive, safe, resilient and sustainable; Goal 12 - Ensure sustainable consumption and production patterns; and Goal - 15 Life on Land. Relevant Targets include:

- Target 13.1 – Strengthening the resilience and adaptive capacity to climate-related hazards and natural disasters in all countries.
- Target 13.2 – Integration of climate change measures into national policies, strategies and planning.
- Target 13.3 - Improve education, awareness- raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning.
- Target 11.5 - significantly reducing the number of deaths and the number of people affected and substantially decrease the economic losses relative to gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations.
- Target 11.6 - reducing the adverse per capita environmental impact of cities, including by paying special attention to air quality and municipal and other waste management.
- Target 11.b- focused on the adoption and implementation of integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and development and implementation of holistic disaster risk management at all levels.
- Target 12.4 achieving the environmentally sound management of chemicals and all wastes, and the significant reduction of their release to air, water and soil in order to minimize their adverse impacts on human health and the environment.
- Target 12.5 - substantially reducing waste generation through prevention, reduction, recycling and reuse.
- A range of Targets within Goal 15 focused on biodiversity.

Annex 3: Summary of Recommendations

COVID-19

- Take an HRBA to recovery and the COVID Inquiry response.

Human Rights Framework

- Incorporate to the fullest extent permitted through devolution. Ensure adequate and effective remedies exist within the national legal system and resource capacity building.

- Amend required sections of the UNCRC Bill without delay.

UK Government:

- Retain the HRA 1998 and membership of the ECHR.

- Ratify and incorporate all human rights treaties without reservation, including individual communications procedures.

National laws, policies, strategies and Initiatives

- Ensure an adequately funded and independent civil society.

- Fully implement and resource SNAP2.

- Invest necessary resources in data to support government accountability.

- Address outstanding concerns in recent legislative efforts, national strategies and action plans.

- Create a system to monitor human rights progress in Scotland.

Scottish Parliament:

- Ensure SHRC has adequate funding to enable compliance with its functions in accordance with the Paris Principles.

Civil and Political Rights

Freedom From Violence

- Strengthen efforts to combat hate crimes and speech, including via the media.

- Strengthen efforts to combat violence against all women and LGBT+ people, including tackling low reporting, conviction rates and specialised assistance for survivors.

- Strengthen measures on human trafficking.

- Introduce national guidance on restraint, including a consistent approach to recording incidents.

Access to Justice

- Strengthen administrative and judicial routes to remedies ensuring they are accessible, affordable, timely and effective.

- Ensure appropriate reparations for human rights violations, including non-repetition guarantees.

Policing

- Address recommendations relating to policing without delay.

- Take urgent action on:

    High numbers of people on remand;

    Outstanding CPT recommendations;

    Significant concerns about detention conditions;

    Death in custody recommendations;

UK Government:

- Set a statutory time limit for judicial oversight of immigration detention.

Technology

- Introduce legislation regulating the design, development and application of digital technologies, ensuring human rights compliance.

Participation rights

- Set out how 'meaningful' participation good practice is resourced and normalised across the public sector.

Economic and Social Rights

Adequate standard of living

- Strengthen efforts to reduce all aspects of poverty.

- Set out how funding allocations will differ between Child Poverty Delivery plans 1 and 2 to meet targets.

- Prioritise delivery of affordable, accessible and culturally appropriate social housing/ accommodation.

Education

- Address persistent inequalities in attendance, exclusions, and attainment.

- Increase funding for Additional Support Needs.

- Intensify efforts to tackle bullying and violence in schools and online bullying.

Right to work and fair conditions of work

- Strengthen gender pay gap reporting by revising Scottish Specific Duties Regulations 2012.

- Extend pay gap reporting to other protected characteristics.

- Address outstanding childcare gaps.

-Increase social security provisions for unpaid carers.

Health

- Address staff shortages and inequalities in access to healthcare experienced by different groups.

- Investigate inappropriate use of Do Not Resuscitate.

- Address social determinants of persistent inequalities in physical and mental health outcomes.

- Address persistent failure to meet psychological therapies access targets and provide data to understand the rate of rejected referrals.

- Address recommendations from the Scottish Mental Health Law Review and the Independent Forensic Mental Health Review.

Social Care

-Ensure lessons are learned regarding failures in care provision during the pandemic.

- Adequately fund Self-Directed Support and ensure care packages removed during the pandemic are reinstated.

- Ensure the planned National Care Service is adequately funded and embeds human rights at its core.

- Ensure people with learning disabilities or autism can live independently with dignity.

Environmental Rights and Climate Justice

- Address Scotland's noncompliance with the Aarhus Convention.

- Ensure Scotland's emissions targets are met and set out how Scotland will address biodiversity depletion.

- Intensify efforts to mitigate impacts of climate change.

Annex 4: Annotated References

[1] See here for a wide range of briefings produced by SHRC during the pandemic:
- https://www.scottishhumanrights.com/covid-19/

[2] See:
- https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2020/09/the-impacts-of-covid-19-on-equality-in-scotland/documents/full-report/full-report/govscot%3Adocument/Covid%2Band%2BInequalities%2BFinal%2BReport%2BFor%2BPublication%2B-%2BPDF.pdf
- https://nationalperformance.gov.scot/scotlands-wellbeing-impact-covid-19-chapter-4-communities-poverty-human-rights
- https://www.resolutionfoundation.org/publications/the-economic-effects-of-coronavirus-in-the-uk/
- https://fraserofallander.org/what-does-todays-labour-market-and-universal-credit-data-tell-us-about-the-impact-of-covid-19-on-scotland/;
- https://fraserofallander.org/emerging-indicators-of-impacts-of-covid-19-on-the-economy-and-households-in-scotland/;
- https://fraserofallander.org/the-economy-remains-on-life-support-but-its-pulse-is-still-beating-latest-real-time-indicators-of-the-scottish-economy/;
- https://fraserofallander.org/what-can-the-universal-credit-data-tell-us-about-local-impacts-in-scotland/;
- https://fraserofallander.org/what-do-the-latest-indicators-tell-us-about-the-impact-of-the-coronavirus-on-the-scottish-economy/
- https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/114973.aspx
- https://www.resolutionfoundation.org/publications/growing-pains-the-impact-of-leaving-education-during-a-recession-on-earnings-and-employment/

[3] See https://data.gov.scot/coronavirus-covid-19/equality.html

[4] Hon. Lady Poole QC, Senator of the College of Justice of Scotland, will chair the independent public inquiry examining the strategic response to the COVID-19 pandemic in Scotland. The inquiry will cover 12 areas of investigation, each covering a strategic element of the handling of the pandemic, to identify lessons to be learned and recommendations as soon as practicable. The period covered by the inquiry will be from 1 January 2020 to 31 December 2022, but it will also consider pandemic planning undertaken prior to this. See:
- https://www.gov.scot/groups/scottish-covid-19-inquiry/

The UK Covid Inquiry will also cover Scotland for some aspects, see:
- https://www.gov.uk/government/news/covid-19-inquiry-terms-of-reference

[5] See:
- https://www.coe.int/en/web/portal/-/the-uk-ratifies-the-lanzarote-convention-to-protect-children-against-sexual-violence

[6] No other progress has been made towards the ratification of outstanding international human rights treaties, Optional Protocols or removal of existing reservations by the State.

[7] The Independent Human Rights Act Review took evidence from across the UK for nine months, producing a detailed report and concluding there's no case for the kind of widespread reform the UK Government has put forward.
- See https://www.gov.uk/government/consultations/human-rights-act-reform-a-modern-bill-of-rights

[8] The Scottish Parliament passed motions in support of the Act in 2014, 2017 and again on 4 March 2021:
- http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10722&i=98397
- http://www.parliament.scot/parliamentarybusiness/report.aspx?r=9616&i=87353

[9] The Human Rights Act is a pillar of the constitutional framework of devolution in Scotland. Convention rights are protected in Scotland under both the Act and the Scotland Act. Any change to the Act could upset this constitutional arrangement.

- https://www.gov.scot/publications/human-rights-act-letter-to-the-lord-chancellor/
- https://www.gov.scot/publications/human-rights-act-reform-consultation-scottish-government-response/

[10] See:

- https://hrcscotland.org/2022/03/11/46-organisations-join-consortium-to-say-no-to-human-rights-act-reform/

[11] See:

- https://www.scottishhumanrights.com/news/no-case-for-amending-the-human-rights-act-commission-welcomes-joint-committee-on-human-rights-report/

[12] There have been many recent expressions of support for strengthening human rights in the Scottish Parliament, for example during consideration of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. See also, note 12.

[13] 170 organisations from across civil society have signed the Scotland Declaration on Human Rights, expressing their united support for ensuring Scotland is a world leader in rights protection and implementation, see:

- https://humanrightsdeclaration.scot/
- https://hrcscotland.org/wp-content/uploads/2022/01/Final-Exec-Summary-Capacity-Reiew-of-Scot-Civil-Society-on-Human-Rights-Jan-2022.pdf

[14] See recommendations from the First Minister's Advisory Group on Human Rights Leadership:

- https://humanrightsleadership.scot/

See recommendations from the National Taskforce for Human Rights Leadership:

- https://www.gov.scot/groups/national-taskforce-for-human-rights-leadership/

The Scottish Government has also accepted all recommendations for the new Human Rights Bill, see:

- https://www.gov.scot/news/new-human-rights-bill/

It has also restated a its commitment to all 30 recommendations in its Programme for Government and its plans to consult within next 14 months, see:

- https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/

[15] The Taskforce's key recommendations on rights to be included within the framework include the following, so far as possible within devolved competence:
• Reaffirming the relevant rights in the Human Rights Act;
• Incorporation of the International Covenant on Economic, Social and Cultural Rights
• Incorporation of the Convention on the Elimination of All Forms of Discrimination against Women
• Incorporation of the Convention on the Elimination of All Forms of Racial Discrimination
• Incorporation of the Convention on the Rights of Persons with Disabilities
• A right to a healthy environment for everyone
• A right of older people to a life of dignity and independence
• Equality rights for LGBTI people.

[16] Sufficient resourcing will be required for capacity building and a commitment to the maximisation of available resources will be required in order to deliver progressive realisation.

[17] The Bill aims to incorporate the UNCRC into Scots law to the maximum extent of the Scottish Parliament's powers.

[18] The latest update on progress can be accessed here:

- https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-education-children-and-young-people-committee/correspondence/2021/scottish-governments-response-to-uk-supreme-courts-judgment-on-un-convention-rights-of-the-child

Together – the Scottish Alliance for Children's Rights, set out the key elements of the UN Supreme Court Decision - whereby the judges unanimously decided that four sections of the Bill go beyond the powers of the Scottish Parliament. Their decision focused solely on technical matters, see

- https://togetherscotland.blog/2021/10/06/supreme-court-judgment-heres-what-you-need-to-know/

[19] This is in accordance with the UN Paris Principles - adopted by General Assembly Resolution 48134 of 20 December 1993. See:

- https://www.ohchr.org/Documents/Countries/NHRI/GANHRI/EN-SCA-Report-June-2021.pdf

[20] Ibid.

[21] Ibid.

22 This was something particularly noted during COVID-19, when many organisations covered gaps in public sector services.

23 See:
- https://hrcscotland.org/2022/01/27/increasing-number-of-scottish-civil-society-organisations-engaging-with-human-rights-read-new-report/

24 For an independent evaluation of SNAP, see:
- http://www.snaprights.info/evaluation

For further information on SNAP, see:
- https://www.scottishhumanrights.com/projects-and-programmes/scotlands-national-action-plan/
- http://www.snaprights.info/

25 This has included a dual process of evidence collection and a national participation process.
- see http://www.snaprights.info/national-participation-process

This process has been delayed by the disruption caused by COVID. Short term funding has been provided by the Scottish Government to fund a Secretariat to finalise this process. The aim is for this to be completed in 2022.

26 This will be co-chaired by the Scottish Government and SHRC, and will comprise of rights holders, civil society and public bodies.

27 This framework sets out the Scottish Government's approach to promoting race equality and tackling racism and inequality between 2016 and 2030.
- See https://www.gov.scot/publications/race-equality-framework-scotland-2016-2030/

28 See paragraph 14 on Data inadequacies for further details.

29 For a more in depth review of the lack of data to enable a full understanding of structural inequalities faced by minority ethnic communities in Scotland, see:
- https://nen.press/wp-content/uploads/2021/10/ethnicity_poverty_and_the_data_in_scotland.pdf

It is also not possible for public authorities to meet some of their Public Sector Equalities Duties, see:
- See https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2020/11/15/Race-Equality--Employment-and-Skills--Making-Progress-/EHRiCS052020R3.pdf

30 The Joint action plan by the Scottish Government and the Convention of Scottish Local Authorities (COSLA) was developed to address the significant and persistent poorer outcomes experienced by members of Scotland's Gypsy/Travellers' communities, in terms of: living standards, education, health, life expectancy, culturally sensitive accommodation, employment, and extreme and persistent discrimination, stereotyping and hostility.
- See https://www.gov.scot/publications/improving-lives-scotlands-gypsy-travellers-2019-2021/

31 See https://www.gov.scot/publications/scottish-strategy-autism/

32 See:
- https://www.gov.scot/publications/evaluation-scottish-strategy-autism/;
- https://www.autism.org.uk/what-we-do/news/scotland-cross-party-group-on-autism-report;

33 See https://www.gov.scot/publications/mental-health-strategy-2017-2027/

34 See https://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180913_mental_health.pdf

35 See https://consult.gov.scot/financial-strategy/tax-policy-and-the-budget-a-framework-for-tax/

36 See:
- https://www.gov.scot/news/delivering-economic-transformation/
- https://www.gov.scot/publications/scotlands-national-strategy-economic-transformation/

37 Not all fiscal levers are within the Scottish Government's powers, however, there are a range of options within devolved competencies it could pursue to support COVID-19 economic and social recovery, e.g. further amendments to Income Tax; reforming Scottish property taxes; excluding tax avoiders from government bailouts; levering tax as a tool for behavioural change; and new taxes – including Local Wealth Taxes.
- See https://www.scottishhumanrights.com/media/2235/tax-policy-and-the-budget-a-framework-for-tax-shrc.pdf

The Economic Strategy does not however present an understanding that human rights should be a core foundation of economic policy-making process rather than a side project.

38 Both of these strategies were introduced to support the integration of refugees and asylum seekers in Scotland's communities and to ensure that people living in communities across Scotland do not experience destitution because of their immigration status.

- https://www.scottishrefugeecouncil.org.uk/wp-content/uploads/2019/10/New_Scots_2018_-_2022.pdf
- https://www.gov.scot/publications/ending-destitution-together/

The Scottish Government must now use all of its powers to the fullest extent to protect the human rights of people in the immigration system, especially in light of proposals within the UK Government's Nationality and Borders Bill

- See https://bills.parliament.uk/bills/3023

[39] See:

- https://www.gov.scot/publications/a-changing-nation-how-scotland-will-thrive-in-a-digital-world/
- https://www.scottishhumanrights.com/news/commission-welcomes-human-rights-focus-in-new-digital-strategy/

[40] See:

- https://www.gov.scot/collections/housing-to-2040/

[41] Child Poverty (Scotland) Act 2017 See https://www.legislation.gov.uk/asp/2017/6/contents/enacted - The Act introduced child poverty reduction targets – which were unanimously agreed by the Scottish Parliament. They are to reduce child poverty to under 18% by 2023/24 & to under 10% by 2030.

[42] This introduces a statutory offence of Domestic Abuse against a partner or ex-partner, and includes psychological and emotional treatment, and coercive and controlling behaviour.

- See https://www.legislation.gov.uk/asp/2018/5/contents

[43] The Act sets out a gender representation objective for public boards to have women comprise 50% of their non-executive members.

- See https://www.gov.scot/publications/gender-representation-public-boards-scotland-act-2018-statutory-guidance/

[44] SHRC welcomed the Children (Equal Protection from Assault) (Scotland) Act 2019, however, we noted it was only one step towards a comprehensive strategy for the prevention and elimination of violence against children and young people and respect for human rights. See:

- https://www.legislation.gov.uk/asp/2019/16/enacted

[45] This Act sets statutory targets for reducing fuel poverty, introduces a new definition which aligns fuel poverty more closely with relative income poverty and requires Scottish Ministers to produce a comprehensive strategy to show how they intend to meet targets.

- See http://www.legislation.gov.uk/asp/2019/10/enacted

[46] All young people and children aged 5-21 years can apply for a card to access the Young Persons' (Under 22s) Free Bus Travel Scheme, which began on 31 January 2022. Approximately 930,000 young people will join the third of Scotland's population who already benefit from free bus travel through the Older and Disabled Persons Free Bus scheme. See:

- https://www.gov.scot/news/free-bus-travel-for-under-22s/
- https://www.transport.gov.scot/concessionary-travel/young-persons-free-bus-travel-scheme

[47] See:

- https://www.legislation.gov.uk/asp/2020/8/contents

[48] This introduces a statutory duty on health boards to provide person-centred, trauma-informed health care and forensic medical examinations for victims of sexual crime.

- See https://www.legislation.gov.uk/asp/2021/3/contents/enacted

[49] This creates a new independent body, Redress Scotland, to administer a scheme making financial payments to survivors of historical child abuse in care in Scotland.

- See https://www.legislation.gov.uk/asp/2021/15/contents

[50] See:

- https://www.legislation.gov.uk/asp/2021/14/contents

[51] See:

- https://www.legislation.gov.uk/asp/2018/9/enacted

[52] A due regard duty would have meant a significant additional step in strengthening this legislation and filling an accountability gap in relation to the right to social security.

[53] See:

- https://www.legislation.gov.uk/asp/2019/7/contents/enacted

[54] SHRC's view is that Scotland should raise the age of criminal responsibility to a minimum of 14, in line with the majority of European nations and the Council of Europe Parliamentary Assembly's Resolution.

The new law also allows police to hold information on the behaviour of <u>all</u> children under 12, without many of the checks and protections that previously existed, which could have a lifelong impact on children. Scottish Government must monitor this for unintended consequences of the ability of the police to hold information on all children.

[55] See:

- https://www.legislation.gov.uk/asp/2020/6/contents/enacted

[56] Rights extended for Scottish Parliament and local government elections.

[57] Responding to Human Rights judgments, see:

- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1038220/human-rights-judgments-response-2021.pdf#:~:text=The%20implementation%20%28or%20%E2%80%98execution%E2%80%99%29%20of%20judgments%20of%20the,State%20of%20the%20Council%20of%20Europe%20is%20represented.

[58] SHRC believes the Scottish Parliament should gone much further, taking the opportunity to demonstrate human rights leadership in taking more progressive steps which foster inclusion and democratic participation and contribute towards the social rehabilitation of prisoners. See:

- https://www.scottishhumanrights.com/media/1838/prisoner-voting-consultation-march-2019-v2.docx

[59] See:

- https://www.gov.scot/publications/gender-recognition-reform-scotland-bill-analysis-responses-public-consultation-exercise/

[60] The proposals include shortening the process for obtaining legal recognition, removal of the requirement for a diagnosis of gender dysphoria and abolishment of the Gender Recognition Panel which will move legal gender recognition in Scotland closer to the standards set out both in human rights law and in regional and international guidance on the realisation of rights in this area. See SHRC's full submission here:

- https://www.scottishhumanrights.com/media/2001/2020_03_25_shrc-grr-scotland-bill-response-online.docx

There has also been recent Scottish Parliamentary debate where cross party support was demonstrated, see:

- https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13640&i=123796

[61] See https://petitions.parliament.scot/petitions/PE1817

Following confirmation that the UK Government legislation wouldn't cover Scotland, the Scottish Government has committed to introducing legislation by the end of 2023 and has set up an expert working group to advise them on a law banning it, which will start shortly and will run until the Summer of 2022. See:

- https://www.gov.scot/news/ending-conversion-practices/?msclkid=971ca066a6dd11ec97bc43303e90e02c

[62] For SHRC's full submission to the Equalities, Human Rights and Civil Justice Committee of the Scottish Parliament call to submit views on a petition regarding ending "conversion therapy". See:

- https://www.scottishhumanrights.com/media/2216/21_08_-submission-ehrcjc-ending-conversion-therapy.pdf

This is also supported by a position supported by the Scottish Parliament EHRCJ Committee and the Scottish Government. See:

- https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRCJ/2022/1/25/8c18e05c-08ab-4c7d-992b-4b0467541d70/EHRCJS062022R1.pdf;
- https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/

In its Programme for Government 2021-22 the Scottish Government stated that it would bring forward "legislation that is as comprehensive as possible within devolved powers by the end of 2023, if UK Government proposals do not go far enough".

[63] See https://www.parliament.scot/bills-and-laws/bills/disabled-children-and-young-people-transitions-to-adulthood-scotland-bill

This Bill has been introduced due to previous concerns- There has long been criticism over transition support from school for disabled young people and those with learning disabilities. See:

- https://www.jrf.org.uk/report/moving-adulthood-young-disabled-people-moving-adulthood https://www.iriss.org.uk/resources/esss-outlines/disability-poverty-transitions
- https://fraserofallander.org/learning-disabilities-and-scotlands-labour-market/
- https://www.scie.org.uk/publications/tra/files/literature.pdf
- https://healthandcare.scot/default.asp?page=story&story=2948

[64] See:
- https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/good-food-nation-scotland-bill/introduced/bill-as-introduced.pdf

[65] SHRC has argued that it is disappointing that the Bill is not framed in terms of the ambition to achieve a just transition to a fair, healthy and sustainable food system, and does not require that food plans set out the steps that will be taken to eradicate hunger and progressively realise the rights to food, health, equality, and a healthy environment. See:
- https://www.scottishhumanrights.com/media/2269/gfn-response-final.pdf

[66] SHRC welcomed links made to the SDGs and the inclusion of a specific National Outcome on human rights in Scotland's National Performance Framework, see:
- https://nationalperformance.gov.scot/

The human rights outcome: "*we respect, protect and fulfil human rights and live free from discrimination*" is one of eleven National Outcomes. However, current NPF indicators, do not enable the meaningful measurement of human rights progress.

[67] SHRC acknowledges the launch of the first phase of the Equality Data Improvement Programme (2021) - https://www.gov.scot/groups/equality-data-improvement-programme-edip-group/#:~:text=In%20April%202021%2C%20the%20Scottish,the%20programme%20in%20late%202022., However, at present 'evidence-based' policy and the adequate assessment of whether Scotland is meeting its international human rights obligations is not possible. Concern has been raised repeatedly by UN treaty bodies.

[68] **Ethnic minorities:**
- https://www.jrf.org.uk/file/58804/download?token=O_MIJydO&filetype=briefing;
- https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2021/3/24/93abd7c0-1d12-40b8-bd41-d4356ecf62a4/EHRiC2021R3.pdf ;
- https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=12832;

Religious minorities
- https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2021/3/24/93abd7c0-1d12-40b8-bd41-d4356ecf62a4/EHRiC2021R3.pdf

Disabled people
- https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2021/3/24/93abd7c0-1d12-40b8-bd41-d4356ecf62a4/EHRiC2021R3.pdf

People with learning disabilities
- https://fraserofallander.org/publications/learning-disabilities-invisible-no-more/;
- https://pureportal.strath.ac.uk/en/publications/invisible-no-more-recommendations-to-build-evidence-based-effecti;
- https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2021/3/24/93abd7c0-1d12-40b8-bd41-d4356ecf62a4/EHRiC2021R3.pdf ;
- https://www.parliament.scot/-/media/files/committees/equalities-human-rights-and-civil-justice-committee/20211019-annexe-from-cabsecsjhlg-re-14-sept.pdf
- https://www.gov.scot/publications/coming-home-implementation-report-working-group-complex-care-delayed-discharge/pages/3/

Prisoners
- https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/994/994.pdf
- https://www.scottishhumanrights.com/media/2027/20_05_letter-to-justice-committe-prisons-covid-vfinal2.pdf ;
- https://www.scottishhumanrights.com/media/2043/shrc-letter-to-cabinet-secretary-for-justice-june-2020.pdf;
- https://www.scottishhumanrights.com/media/2143/letter-to-sps-sep-2020.pdf ;
- https://www.scottishhumanrights.com/media/2145/letter-to-humza-yousaf-msp-15012021.pdf

[69] See:
- https://www.copfs.gov.uk/images/Documents/Statistics/Hate%20Crime%20in%20Scotland%202020-21/Hate%20Crime%20in%20Scotland%202020-21.pdf

[70] There were 1,580 sexual orientation motivated charges; 448 disability motivated charges; 46 charges reported with an aggravation of transgender identity. Research has also revealed that 83% of trans women have experienced hate crime at some point in their lives. Religious aggravation reported 573 charges. Recent

research into Islamophobia also revealed that many who felt that they had been victims of hate crime (often multiple times) saw no point in reporting to police, for fear of not being taken seriously, retribution or concerns over institutional racism in the police. See:

- https://www.copfs.gov.uk/images/Documents/Statistics/Hate%20Crime%20in%20Scotland%202020-21/Hate%20Crime%20in%20Scotland%202020-21.pdf
- https://www.equality-network.org/wp-content/uploads/2017/10/en_hc17-full_final1alores.pdf
- https://eprints.ncl.ac.uk/fulltext.aspx?url=275641%2f983D9A24-4271-4F75-B52B-25B164DDC243.pdf&pub_id=275641&ts=637810554833945882

[71] The Hate Crime and Public Order (Scotland) Act 2021- https://www.legislation.gov.uk/asp/2021/14/contents provides for consolidating, modernising and extending existing hate crime legislation. The provisions ensure that characteristics currently protected within the hate crime legislative framework continue to be protected to the same extent with updated language, including the definition of sexual orientation and transgender identity.

[72] Current data collection methods do not provide an accurate measurement – the new Act will require the annual publication of police statistics on hate crime, as well as conviction statistics from the courts.

[73] 89% believed this to be the case for print media and 85% for broadcast media.

- See https://eprints.ncl.ac.uk/fulltext.aspx?url=275641%2f983D9A24-4271-4F75-B52B-25B164DDC243.pdf&pub_id=275641&ts=637810554833945882

[74] See

- oro.open.ac.uk/53804/1/Women and Equalities- sexual harassment %28Barker %26 Jurasz - March 2018%29.pdf
- https://dera.ioe.ac.uk/34600/1/uuk-changing-the-culture-two-years-on.pdf

[75] See

- https://www.tandfonline.com/doi/abs/10.1080/13562517.2017.1414788

[76] See:

- https://www.dailyrecord.co.uk/news/local-news/stop-discrimination-gypsy-travellers-engage-24325310;
- https://scotland.shelter.org.uk/housing_advice/complaints_and_court_action/discrimination_and_harassment/discrimination_against_gypsiestravellers;
- https://www.bbc.co.uk/news/uk-scotland-42193431;

[77] See:

- https://news.stv.tv/sport/football/scottish-football-to-boycott-social-media-over-racist-abuse
- https://young.scot/get-informed/national/iys-interview
- https://www.bbc.co.uk/news/uk-scotland-glasgow-west-56943542;

[78] See:

- https://eprints.ncl.ac.uk/fulltext.aspx?url=275641%2f983D9A24-4271-4F75-B52B-25B164DDC243.pdf&pub_id=275641&ts=637810554833945882
- https://www.scotsman.com/news/opinion/columnists/scotland-must-bring-online-racists-and-sectarian-bigots-to-book-scotsman-comment-3307752 ;

[79] See http://www.healthscotland.scot/health-inequalities/what-are-health-inequalities

[80] This represents an increase for the fifth year in a row.

- See https://www.parliament.scot/~/media/committ/2558

[81] See:

- https://www.zerotolerance.org.uk/vaw-facts/

A small-scale study in Glasgow showed that 73% of the 62 participating disabled women had experienced domestic abuse, and 43% had been sexually assaulted.

- See https://www.parliament.scot/~/media/committ/2558

[82] See:

- https://www.gov.scot/publications/coronavirus-covid-19-domestic-abuse-forms-violence-against-women-girls-during-phases-1-2-3-scotlands-route-map-22-11-august-2020/ https://www.togetherscotland.org.uk/news-and-events/news/2020/07/covid-19-examining-the-impact-of-the-pandemic-on-violence-against-women-and-girls/
- https://www.cypcs.org.uk/coronavirus/independent-impact-assessment/pandemic-impact-domestic-abuse/
- https://safelives.org.uk/Safe_at_Home_Scotland

[83] Moreover - at least 39% of the 13,131 sexual crimes recorded in 2020-21 by the police related to a victim under the age of 18. See:
- https://www.parliament.scot/~/media/committ/2558
- https://www.zerotolerance.org.uk/vaw-facts/

[84] Lowest recorded level since 1974. See
- https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2020/03/monthly-safer-communities-and-justice-briefs/documents/2021/monthly-safer-communities-and-justice-brief-march-2021/monthly-safer-communities-and-justice-brief-march-2021/govscot%3Adocument/Justice%2Bstatistics%2B-%2BMonthly%2BSafer%2BCommunities%2Band%2BJustice%2BBrief%2B-%2BMarch%2B2021.pdf

Multiple factors lie behind the long term increase in recorded sexual crime including a greater willingness of victims to come forward, more historical reporting, more online offending and the impact of new legislation. The actual figures are reported to be higher than these statistics suggest due to low reporting of these crimes. The Scottish Crime and Justice Survey 2019 - 2020 showed that only 22% of victims/survivors of rape and 12% of women who were victim-survivors of other type of sexual offence reported it to the police, see:
- https://www.zerotolerance.org.uk/cmsplus/content.php?pagename=vaw-facts

[85] The conviction rate for rape and attempted rape in 2019-2020 also fell by 8%. See:
- https://www.zerotolerance.org.uk/vaw-facts/

The Lord Advocate has noted this issue and has recognised that action is needed, although there are no specifics available yet, see:
- https://www.bbc.co.uk/news/uk-scotland-59151540?msclkid=308abc1da6de11ec9a197c3c10b5b812

[86] More research on LGBT+ people's experiences of GBV is needed.
See:
- https://lgbtdomesticabuse.org.uk/media/1462/out-of-sight.pdf;
- https://www.stonewallscotland.org.uk/lgbt-scotland-hate-crime-and-discrimination;
- http://www.healthscotland.scot/media/2099/gbv-domestic-abuse-march2019.pdf ;
- https://safelives.org.uk/node/1029;
- https://galop.org.uk/hate-crime-report-2021/;
- https://galop.org.uk/resource/the-use-of-sexual-violence-as-an-attempt-to-convert-or-punish-lgbt-people-in-the-uk/

[87] See:
- https://lgbtdomesticabuse.org.uk/blog/2022/lgbt-people-s-experiences-of-domestic-abuse-digital-seminar/
- https://safelives.org.uk/practice_blog/barriers-accessing-services-lgbt-victims-and-survivors

[88] This is 3% from a total of 12,451 – which was an increase from 10,613 referred in 2020. Approximately one quarter of whom were children and young people. See:
- https://www.gov.uk/government/collections/national-referral-mechanism-statistics

[89] This included: 4 in 2017 (2 for sexual and 2 for labour exploitation)/ 5 in 2018 (3 for sexual and 2 for labour exploitation)/ 4 in 2019 (1 for sexual and 3 for labour exploitation)/ 1 in 2020 (for sexual exploitation).
- https://rm.coe.int/greta-third-evalution-report-on-the-united-kingdom/1680a43b36

[90] Grave concern has been expressed over the potential negative impacts on survivors of trafficking if the UK Government's Nationality and Borders Bill is passed. See:
- https://bills.parliament.uk/bills/3023
- https://www.justrightscotland.org.uk/2022/02/a-joint-statement-on-the-borders-bill-not-in-our-name/
- https://www.justrightscotland.org.uk/wp-content/uploads/2022/02/Legal-Opinion-FINAL.pdf

The Scottish Parliament voted by majority to reject the bill on February 22nd 2022. They also agreed that parts of the bill affect laws that the Scottish Parliament has control over. These include the way children and young people are treated in the asylum system and how survivors of human trafficking are identified and supported. The UK Parliament can now decide whether to change the Bill in line with the Scottish Parliament's concerns, or they can pass it as it is.

[91] See:
- https://www.legislation.gov.uk/asp/2015/12/contents/enacted

[92] See:
- https://www.scottishrefugeecouncil.org.uk/scottish-parliament-votes-against-the-borders-bill/

[93] Investigation by the Children and Young Persons Commissioner for Scotland in 2018, see:
- https://www.cypcs.org.uk/investigations/investigation-restraint-and-seclusion/

[94] At the end of 2019, CYPCS worked with the Equality and Human Rights Commission Scotland to bring judicial review proceedings against Scottish Ministers for breach of multiple obligations under the European Convention on Human Rights and various provisions of the Equality Act 2010.

[95] A number of different barriers exist, including: complexity, poor access to information; limitations on standing; short-time limits for taking cases; prohibitive costs; and lack of access to legal advice, legal aid and independent advocacy. See:
- https://hrcscotland.org/wp-content/uploads/2018/11/final-overcoming-barriers-to-pil-in-scotlnd-web-version.pdf

SHRC received evidence about the lack of remedial system that is cheap or free, easily understandable, as informal and 'person-friendly' and timely. See report on "All our rights in law" at:
- https://hrcscotland.org/wp-content/uploads/2021/03/HRCS_all-our-rights_report_48pp_web_single-pages.pdf

[96] See:
- https://www.scottishhumanrights.com/media/2163/remedies-for-economic-social-and-cultural-rights.pdf

[97] See:
- https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/documents/

[98] See:
- https://www.lawscot.org.uk/news-and-events/law-society-news/england-and-wales-funding-boost-underlines-scottish-legal-aid-crisis/?msclkid=9a8ee719a6de11ecb7c5b89d0322609e
- https://www.lawscot.org.uk/news-and-events/law-society-news/comment-on-programme-for-government-2021-22/

[99] The final report included 81 recommendations for improvements, with an additional 30 identified in a preliminary report in June 2019.

[100] Police Scotland were found guilty in September 2021 of corporate criminal liability after avoidable failures in its call-handling system "materially contributed" to the death of Lamara Bell in 2015. See:
- https://www.copfs.gov.uk/media-site/media-releases/1978-hma-v-the-office-of-the-chief-constable-of-the-police-service-of-scotland

This resulted in an independent assurance review of the operation, systems and processes in place in Police Scotland's Contact, Command and Control Division. HMICS published an update report in 2018 confirming that all 30 of the recommendations relating to their initial assurance review had been undertaken.

[101] See:
- https://www.spa.police.uk/strategy-performance/independent-advisory-group-coronavirus-powers/

[102] Remand prisoners are those detained while awaiting trial and have not been convicted of a crime.

[103] See:
https://howardleague.scot/news/2021/may/scandal-remand-scotland-report-howard-league-scotland-%E2%80%93-may-2021

[104] A number of recommendations made by the CPT in 2018 and 2019 repeat concerns that the Committee raised on its visit in 2012 and in some instances even earlier, with one recommendation dating back as far as 1994. These remain outstanding, see:
- https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2021/08/NPM_report_FINAL.pdf

[105] Concerns exist over: severe overcrowding; segregation; solitary confinement, restraint and inappropriate use of strip searching in Young Offenders Institutions; poor material living conditions, especially for older prisoners, disabled prisoners and others needing social care; limited access to purposeful activity; lack of timely access to appropriate psychiatric facilities or beds in appropriately secure facilities for women; increasing levels of self-harm and suicide; and high levels of mental ill-health, especially for women and young people.

Overcrowding: Research has confirmed that overcrowding is the single most pressing issue of the Scottish prison system, prior to and during the COVID-19 pandemic. Barlinie is currently running at 132% capacity. Many prisoners are housed two prisoners to a single adapted cell. At the start of the Pandemic there were concerns regarding overcrowding, and calls from many sectors to urgently reduce the number of prisoners

across the prison estate. Some progress was made at the start of the pandemic but this has since has reverted. See
- https://rm.coe.int/rap-cha-uk-40-2021/1680a1b556 ;
- https://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx

Solitary confinement and restraint: See
- https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2021/08/NPM_report_FINAL.pdf
- https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/994/994.pdf

Strip search: Concerns have been raised about the inappropriate use of strip searching - which was tragically named as a factor in the suicide of 21 year old Katie Allan whilst she was in HMP & YOI Polmont.
- https://www.falkirkherald.co.uk/news/crime/parents-call-reforms-after-polmont-yoi-death-234788
- https://www.prisonsinspectoratescotland.gov.uk/sites/default/files/publication_files/Report%20on%20Expert%20Review%20of%20Provision%20of%20Mental%20Health%20Services%20at%20HMP%20YOI%20Polmont%20-%20Final%20Version.pdf

Older prisoners: The number of older prisoners doubled between 2013 and 2017 and increased again by 46 percent between 2017- 2020. This has been due to a range of factors including: longer life expectancy; longer sentences for serious crimes; and an increased number of convictions for historic cases.
See:
- https://www.prisonsinspectoratescotland.gov.uk/publications/hmips-who-cares-follow-review-lived-experience-older-prisoners-scotlands-prisons
- https://www.prisonsinspectoratescotland.gov.uk/publications/who-cares-lived-experience-older-prisoners-scotlands-prisons

Disabled prisoners and others needing social care: See
- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

Mental health: Female prisoners suffering from severe mental health disorders are not being transferred to an appropriate psychiatric facility within two weeks. This was a recommendation the Barron Review, accepted by Government but not yet implemented. See:
- https://www.gov.scot/publications/independent-forensic-mental-health-review-final-report/
- https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2021/08/NPM_Executive_Summary_FINAL.pdf

Self-harm: A Freedom of Information request revealed that there were more than 635 self-harm incidents in Scottish prisons in 2021. This represents a 22% increased since 2017. See
- https://www.liammcarthur.org.uk/mcarthur_reveals_635_self_harm_incidents_in_prisons_in_2021

Suicide: See:
- https://www.sccjr.ac.uk/news-events/news/less-isolation-and-more-access-to-family-crucial-for-young-peoples-wellbeing-in-custody/
- https://www.scotsman.com/health/suicide-rate-scottish-prisons-higher-previous-estimates-1416908
- https://www.sps.gov.uk/Corporate/Information/PrisonerDeaths.aspx
- https://www.edinburghlive.co.uk/news/edinburgh-news/figures-show-worrying-rise-death-22838872

Young people & mental health: See:
- https://www.prisonsinspectoratescotland.gov.uk/publications/report-expert-review-provision-mental-health-services-hmp-yoi-polmont

[106] The review was co-chaired by SHRC, Her Majesty's Inspectorate for Prisons Scotland and Families Outside. See:
- https://www.prisonsinspectoratescotland.gov.uk/publications/independent-review-response-deaths-prison-custody

Justice Secretary Keith Brown accepted in principle the review's recommendations and has stated the Scottish Government's intention to carefully consider the detail and take forward improvements, as a matter of priority, including the key recommendation of an independent body separately examining every death in custody. See:
- https://www.gov.scot/news/death-in-custody-review/

[107] The review makes 26 other recommendations.

[108] SHRC has made this point in its recent submission to a government consultation on the Investigation of deaths occurring during compulsory care and treatment under mental health legislation in Scotland. See:

- https://www.scottishhumanrights.com/media/2284/investigating-deaths-during-mh-detention-20220214-final.pdf

[109] Dungavel Immigration Removal Centre remains open after the Home Office's plan to close it was rescinded in February 2017. A recent unannounced inspection showed a number of key improvements, however concerns were raised about Detainees who pose risks to women being held in a centre with a mixed population; detainee custody officers complaining of low morale and understaffing and length of detention concerns.
- https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2021/11/Dungavel-web-2021.pdf

[110] The longest detained person had been held for almost a year with little prospect of him being removed in the near future. Many individuals who had received bail in principle also continued to be held because of a lack of suitable release addresses.

[111] Businesses have also due diligence obligations under international law and set out in the UN Guiding Principles on Business and Human Rights to respect human rights. There is a general lack of IT literacy where most people don't understand the very technical issues that exist or their potential implications. There is a lack of legislation regulating the overall design, development and application of new digital technologies. See:
- https://www.scottishhumanrights.com/media/2231/human-rights-and-emerging-technologies-in-policing-issue-paper-vfinalforonline.pdf

[112] See:
- https://www.scottishhumanrights.com/news/commission-welcomes-scottish-biometrics-commissioner-act/

This legislation has created a new Biometrics Commissioner to oversee the acquisition, retention, use and destruction of biometric data by police in Scotland. The Commissioner will also oversee a Code of Practice to guide the use of biometric data such as fingerprints, DNA, and facial and voice recognition. This is a significant step in developing better protection for people's human rights in the area of biometrics and forensics, which will help to ensure that use of such technologies by the police in Scotland complies with human rights standards. See:
- https://www.parliament.scot/-/media/files/legislation/bills/current-bills/scottish-biometrics-commissioner-bill/stage-3/bill-as-passed-scottish-biometrics-commissioner-bill.pdf

[113] This Strategy aims to address many of the concerns over the digital divide that exists in Scotland – for example - getting online in the most deprived areas is lower (82%) than in the most affluent areas (96%).
- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/03/a-changing-nation-how-scotland-will-thrive-in-a-digital-world/documents/a-changing-nation-pdf-version/a-changing-nation-pdf-version/govscot%3Adocument/DigiStrategy.FINAL.APR21.pdf

88% of households have access to internet in Scotland, however 21% of adults in social housing don't use internet and only 50% over 60s in most deprived areas use internet. See:
- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/08/womens-health-plan/documents/womens-health-plan-plan-2021-2024/womens-health-plan-plan-2021-2024/govscot%3Adocument/womens-health-plan-plan-2021-2024.pdf

[114] For example – this year's Programme for Government makes numerous references to the need to consult with people and has a noted focus on promoting democratic participation. See:
- https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/documents/

[115] For example Scotland's Climate Assembly – see https://www.climateassembly.scot/

[116] 'Consultation' or 'engagement with stakeholders' often does not equate with good participative engagement. Historically, not all government consultative processes have provided sufficient time for meaningful engagement and the participation of those whose voices are least often heard, often requires additional time and support.
See:
- https://www.scottishhumanrights.com/media/1804/7-snap-all-our-rights-report-vfinal-word-march-2018.docx;
- https://www.scottishhumanrights.com/media/2014/scotland-2019-obi-report-vfinal.pdf;
- https://www.scottishhumanrights.com/media/2251/paid-participation-report-vfinal.pdf;
- https://www.scottishhumanrights.com/blog/a-rights-based-scotland-where-participation-by-people-with-lived-experience-is-recognised-and-valued-on-an-equal-footing-with-professional-expertise/

[117] Over the last decade nearly 100 cuts have been made to social security entitlement and the value of payments has fallen as social security rates have been either frozen or increased by less than inflation.

- See https://tfn.scot/news/protesters-turn-out-against-uinversal-credit-cut

Some of the recent measures include the social security cap for more than two children, the so called "rape clause", where women can claim for a third or subsequent child if it was conceived "as a result of a sexual act which you didn't or couldn't consent to" or "at a time when you were in an abusive relationship, under ongoing control or coercion by the other parent of the child"; a five week wait for a claimants 1st payment of Universal Credit; the social security sanction regime and the so called "bedroom tax" - also known as under occupancy charge or spare room subsidy) means that you will receive less in Housing Benefit or Housing Costs Element in a Universal Credit claim if you live in a Housing Association or Council property and you are deemed to have one or more spare bedrooms.

The Special Rapporteur on Extreme Poverty has described these measures as "*deliberately retrogressive*" and "*unconscionable*." See Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights.

- https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881

[118] **Disabled people**

42% of children in relative poverty in 2017-20 were in a family with at least one disabled person. Pre-Covid disabled people in Scotland spent on average £632 a month on excess costs (the highest excess costs in the UK) related to living as disabled (including increased use of heating, special equipment, and care costs. Once these costs are accounted for, which is 48% of disabled households in Scotland are living in poverty (half a million disabled people and their families). See:

- https://www.ercs.scot/wp/wp-content/uploads/2021/10/HRHE-and-disabled-peoples-rights-Final-Sept-2021.pdf
- https://www.jrf.org.uk/report/poverty-scotland-2021

Legacy social security benefits were not raised in line with the £20 Universal Credit uplift during COVID-19 – this has particularly impacted disabled people. Twenty percent of disabled women reported losing government support since the start of the crisis. See:

- https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-disabled-women.pdf

Children and young people

- https://www.jrf.org.uk/report/poverty-scotland-2021; http://www.healthscotland.scot/population-groups/children/child-poverty
- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

Women

Gendered issues in the social security system long pre-date the pandemic; and cuts and policy changes since 2010 have increased children's, women's and in-work poverty. Being in employment is not necessarily protective against poverty and women are more likely to be in working poverty than men See:

- https://wbg.org.uk/wp-content/uploads/2021/10/Social-security_-Autumn-2021-pre-Budget-Briefing-1-1.pdf

Women are heavily over represented in occupations which tend to be lower paid and undervalued compared to those which are male dominated, this is damaging for health and one of the main causes of poor health and health inequalities. See:

- https://www.gov.scot/publications/fairer-scotland-women-gender-pay-gap-action-plan/
- http://www.healthscotland.scot/health-inequalities/fundamental-causes/poverty/overview-of-poverty

Lone parents

Between 2017 and 2020 the poverty rate in Scotland was highest for single women with children – See:

- https://data.gov.scot/poverty/
- https://wbg.org.uk/wp-content/uploads/2021/10/Social-security_-Autumn-2021-pre-Budget-Briefing-1-1.pdf

Minority ethnic households

The cumulative changes to public spending from 2010–2011 to 2021–2022 fall the hardest on Black households, see:

60

- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland

One main driver of poverty for minority ethnic groups is the combination of the minority ethnic pay gap and the large wealth gap between white and minority ethnic families in the UK. See:

- https://www.runnymedetrust.org/blog/the-colour-of-money-race-and-economic-inequality

[119] That is 260,000 children. See:

- https://www.parlamaid-alba.scot/~/media/committ/664

Relative Poverty is defined as below 60% of the median UK income in the current year after housing costs.
[120] See:

- https://www.gov.scot/publications/poverty-income-inequality-scotland-2016-19/
- https://www.ippr.org/blog/covid-19-how-are-families-with-children-faring-so-far

[121] See:

- https://www.gov.scot/publications/poverty-income-inequality-scotland-2016-19/
- https://www.ippr.org/blog/covid-19-how-are-families-with-children-faring-so-far

[122] Scotland has concerning food insecurity, especially amongst are children. See:

- https://www.scottishhumanrights.com/media/1845/good-food-nation-shrc-consultation-response-final-4-april-2019.docx
- https://www.bbc.co.uk/news/uk-scotland-60764442

There has been a 43% increase in the number of food parcels distributed 2016-2020 in Scotland. The Trussell Trust cite that the top four reasons for referral to a food bank were 'low income, 'benefit delay', 'benefit change' and 'debt'. See:

- http://www.scottishhumanrights.com/media/1845/good-food-nation-shrc-consultation-response-final-4-april-2019.docx
- https://www.trusselltrust.org/news-and-blog/latest-stats/end-year-stats/

None of Scotland's dietary goals have been met since their introduction in 1996 – See:

- https://www.foodstandards.gov.scot/downloads/Scottish_Dietary_Goals_-_Adapt_it_sheet.pdf

[123] Prior to the current energy crisis 25% of Scottish households were already estimated to live in fuel poverty, with rates varying by housing sector, geography, fuel type, on/off grid and payment type.
Overall rates of fuel poverty differed between the social (37%) and private sector (20%)
Rates of fuel poverty increased in remote rural areas (from 33% to 43%), increasing the gap when comparing overall urban (24%) to overall rural areas (29%).
Levels of fuel poverty among households using electricity as their primary heating fuel have remained the highest, at 43%, compared to households using gas (22%), oil (28%) and other fuel types (31%) as their primary heating fuel in 2019.
17% of households in Scotland living off the gas grid and reliant on electricity or solid fuel, with bills on average 50% higher than the average Scottish dual fuel bill and 100% higher than the average such bill for the UK.
A higher proportion of households with a pre-payment meter (PPM; electricity, gas or both) were in fuel poverty compared to those without a PPM, 36% compared to 22% respectively.

- https://www.gov.scot/publications/scottish-house-condition-survey-2019-key-findings/pages/6/

[124] See summary here: https://www.scottishhumanrights.com/media/2065/social-security-briefing-shrc-220720.pdf

[125] See https://www.gov.scot/publications/child-chance-tackling-child-poverty-delivery-plan-2018-22/
The plan identifies six priority families as at highest risk of child poverty :

- lone parents,
- minority ethnic families,
- families with a disabled adult or child,
- families with young mothers aged under 25,
- families with a child under one
- larger families (3+ children)

Currently 8 in 10 children living in poverty belong to one of these groups and despite Ethnic Minority children making up 7% of the population they account for 16% of children living in poverty – see:

- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland

[126] Pre-COVID impact analysis by the Resolution Foundation suggested this may rise to 29 per cent by 2023/24, with the Scottish Government's own figures suggesting a figure of 38 percent by 2030 in the absence of significant policy change. See:

- https://www.resolutionfoundation.org/publications/wrong-direction-can-scotland-hit-its-child-poverty-targets/

- http://uwsoxfampartnership.org.uk/wp-content/uploads/2019/06/On-Target-July-2019-Web-FINAL.pdf

The Joseph Rowntree Foundation, Fraser of Allander Institute and the Poverty & Inequality Commission have all noted that to meet its child poverty targets action will be required from the Scottish Government at a much greater pace and scale, and with significantly higher levels of investment. See:

- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland;
- https://www.jrf.org.uk/report/poverty-scotland-2021;
- https://povertyinequality.scot/publication/poverty-and-inequality-commission-response-to-the-social-security-committees-inquiry-into-benefit-take-up/
- https://fraserofallander.org/wp-content/uploads/2021/06/Child-Poverty-Final.pdf
- https://fraserofallander.org/is-child-poverty-heading-in-the-right-direction-taking-stock-ahead-of-the-second-tackling-child-poverty-delivery-plan/

The Scottish Government has committed to doubling the Scottish Child Payment to £20 per week by April in its 2022-2023 budget. A further increase of £5 to £25 by the end of 2022 was also announced in response to the cost of living crisis. However, this will not be enough to meet the interim child poverty targets. Modelling suggests the government would need to increase the Scottish Child Payment to £40 per week - see

- https://www.parlamaid-alba.scot/~/media/committ/663

IPPR Scotland research findings has found that the Scottish Child Payment will lift upwards of 30,000 children out of poverty by the end of 2022, though this figure falls short of the Scottish Government's interim targets for child poverty. The think tank suggests the value of the payment will have to double from £20 to £40 by the end of the current parliamentary session to ensure targets are met.

- https://www.savethechildren.org.uk/content/dam/gb/reports/scotland-tackling-child-poverty-and-destitution_003.pdf

[127] At present an estimated 50,000 children live in poverty only after housing costs, therefore the cost of housing is locking these children into poverty. See:

- https://www.parlamaid-alba.scot/~/media/committ/663

Over half (51%) of minority ethnic people living in poverty are in unaffordable housing, compared to 44% for white people in poverty. See:

- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland

Women's housing situation differs from that of men, and is generally poorer, in terms of affordability, ownership, safety and overcrowding. See:

- https://wbg.org.uk/wp-content/uploads/2021/10/Housing_-Autumn-2021-pre-Budget-Briefing-1-1.pdf
- https://scotland.shelter.org.uk/media/press_releases/scotlands_housing_system_failing_15million_people

One fifth of renters say they must decide between paying rent or bills/food. See:

- https://fraserofallander.org/coronavirus-impact-on-economy-society-17-experts/

[128] See:

- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/03/housing-2040-2/documents/housing-2040/housing-2040/govscot%3Adocument/housing-2040.pdf

[129] See:

- https://scotland.shelter.org.uk/housing_policy/key_statistics/homelessness_facts_and_research

[130] 11,804 children were in households assessed as homeless in 2020-2021 , see:

- https://scotland.shelter.org.uk/housing_policy/key_statistics/homelessness_facts_and_research and https://www.gov.scot/publications/homelessness-scotland-2020-2021/

[131] LGBT young people are reportedly over-represented in youth homelessness figures, accounting for 24% of young homeless people. In addition, 69% of homeless LGBT young people had experience of violence, abuse or rejection at home, expressing fear that this could be exacerbated by the current lockdown. See:

- https://homelessnetwork.scot/2020/04/26/inequality-homelessness-covid-19/

[132] The Homeless Network Scotland also reported that 80% of transgender people have experienced abuse from a current or former partner and transgender young people who are not yet 'out' may struggle with increased stress during lockdown – see: ibid.

[133] Young people have always been one of the groups at a higher risk of homelessness in normal times, something which has been exacerbated further by COVID-19. See:

- https://fraserofallander.org/coronavirus-impact-on-economy-society-17-experts/

134 See https://homelessnetwork.scot/2020/04/26/inequality-homelessness-covid-19/

135 See https://www.gov.scot/publications/ending-destitution-together/pages/9/

136 £20 million has been allocated to be invested to provide more and better accommodation for Gypsy/Traveller communities as part of Scotland's first long-term national housing strategy, will enable local authorities to improve existing sites and expand provision over the next five years. See:
- https://www.gov.scot/news/supporting-gypsy-and-traveller-communities/#:~:text=Up%20to%20%C2%A320%20million,over%20the%20next%20five%20years.

137 See:
- https://www.gov.scot/publications/scotland-sustainable-development-goals-national-review-drive-action/
- https://www.gov.scot/publications/gypsy-travellers-scotland-comprehensive-analysis-2011-census/pages

138 See:
- https://www.gov.scot/publications/closing-poverty-related-attainment-gap-report-progress-2016-2021/pages/9/
- https://policyscotland.gla.ac.uk/wp-content/uploads/2020/06/Black_ScottishAttainmentandCovid_20200904.pdf

139 The gap between the most and least deprived areas in 2019/20 for leavers with 1 pass or more at SCQF L4 or better is 7.1 % points; SCQF L5 or better is 20.8 % points; SCQF L6 or better is 36.1 % points. See:
- https://www.gov.scot/publications/summary-statistics-attainment-initial-leaver-destinations-no-3-2021-edition/

140 The gap between those with ASN and no ASN in 2019/20 for leavers with 1 pass or more at SCQF L4 or better is 7.7 % points; SCQF L5 or better is 22.1 % points; SCQF L6 or better is 31.8 % points. See:
- https://www.gov.scot/publications/summary-statistics-attainment-initial-leaver-destinations-no-3-2021-edition/

141 Spend per pupil has decreased notably – with the 24.6% decrease in funding represents £4276 to £3224 in cash terms.
- https://www.heraldscotland.com/politics/19403336.per-pupil-funding-children-additional-support-needs-drops/
- https://tfn.scot/news/cash-shortfall-sees-support-for-learning-disabled-children-slashed-as-number-rise

142 Education (Additional Support for Learning) (Scotland) Act 2004 (as amended 2009) places duties on education authorities to identify, provide for and review the additional support needs of all their pupils. A statutory Code of Practice accompanies the Act.

143 Between 2012 and 2020 – the number of full-time equivalent ASN teachers (publicly funded primary, secondary, special & centrally employed) decreased by 553 to 2836 = 16.3% decreased and an all-time low. See:
- https://tfn.scot/news/cash-shortfall-sees-support-for-learning-disabled-children-slashed-as-number-rise

144 See:
- https://www.stonewallscotland.org.uk/scotland-research/education/school-report-scotland

145 Scotland's national approach to addressing bullying makes little reference to misogyny or gender based harassment.
- https://archive2021.parliament.scot/S5_Equal_Opps/General%20Documents/Children_in_Scotland_-_commissioned_by_EHRiC.pdf

One recent example - An investigation has been launched at a Perthshire school after claims by a pupil that racial and sexual discrimination were "rife."
- https://www.bbc.co.uk/news/uk-scotland-tayside-central-60293759

There were 2,251 racist incidents recorded in Scotland's schools over the last 3 years (a likely underestimate due to underreporting).
- https://www.scotsman.com/news/politics/thousands-racist-incidents-scottish-schools-3086336
- Show Racism the Red Card, www.theredcard.org

146 See:
- https://www.tes.com/magazine/news/general/intensification-islamophobia-scottish-schools

- https://anassarwar.co.uk/islamophobia-public-inquiry/

[147] In addition 59% witnessed an increase in prejudice-based posts, comments or attitudes. See:
- https://www.tie.scot/s/TIE-ONLINE-IN-LOCKDOWN-REPORT.pdf

[148] The LGBTI Inclusive Education Working Group made 33 recommendations, which the Scottish Government has accepted in full. See:
- https://www.gov.scot/news/milestone-for-equality-in-schools/

[149] See:
- https://www.gov.scot/publications/race-equality-and-anti-racism-in-education-programme-stakeholder-network-group-minutes-november-2021/?msclkid=8827005ea6d811ec80e7f03e6448e235
- https://education.gov.scot/education-scotland/news-and-events/news/race-equality-resource-launched-by-the-cabinet-secretary-for-education/?msclkid=8826dfe7a6d811ec9f53f7505e2af2f5

[150] **Ethnic minorities**

The labour market remains deeply unequal five years on from the publication of the Race Equality Framework, with higher levels of poverty in minority ethnic communities now and with the gap between white and minority ethnic poverty growing. In Scotland just less than 1 in 10 (9%) white workers were underemployed in 2019, while 15% of minority ethnic workers in Scotland were. It is not possible to break down ethnicity for most groups due to a lack of available data.

People from minority ethnic background working in Scotland are likely to be paid less, be on an insecure contract and not get the hours that they want. See:
- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland

Gypsy/Travellers
- https://www.gov.scot/publications/improving-lives-scotlands-gypsy-travellers-2019-2021/documents/

Transgender people

Research has found that more than 50% of survey respondents said they found getting into work difficult or challenging and 40% said their trans identity had a quite or very negative impact on their job prospects. Moreover, harassment at work, including misgendering, explicitly transphobic statements, verbal abuse and discrimination was experienced by 60%; with only a minority reporting it. See:
- https://www.lgbthealth.org.uk/wp-content/uploads/2021/08/Trans-People-and-Work-Survey-Report-LGBT-Health-Aug-2021-FINAL.pdf

Migrant workers

Many migrant women are on zero-hours contracts with no guaranteed wage or access to sick pay. See:
- https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-migrant-women.pdf

Asylum seekers

People seeking asylum in the UK are not allowed to work and are provided with £5.66 per day on which to support themselves. See:
- https://www.scottishrefugeecouncil.org.uk/working-for-change/policy-campaigns/right-to-work/

Disabled people

53.4% of disabled women are employed compared with 71.8% of non-disabled women in the UK. Disabled women's employment has increased by 11.6% in the past 7 years however they are more likely to be underemployed and in low-paid jobs. See:
- https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-disabled-women.pdf

People with learning disabilities

Of the limited available data - employment rates for people with learning disabilities have not improved over the past decade, despite record employment figures being reached for the wider population in the period before the pandemic. See:
- https://fraserofallander.org/wp-content/uploads/2021/03/Learning-disabilities-employment-final.pdf

Zero hour contracts, underemployment and low pay also persist, see:
- https://www.resolutionfoundation.org/publications/low-pay-britain-2021/

The pandemic impacts on employment have also not been felt equally. See:
- https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-28-09-2021?meeting=13327&iob=120886

Many migrant women were not eligible for coronavirus income support and No Recourse to Public Funds meant they could not access Universal Credit and other income-support benefits. See:

- https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-disabled-women.pdf

[151] See:

- https://www.gov.scot/publications/international-mechanisms-revalue-womens-work-research-exploring-evaluating-international-mechanisms-aim-revalue-result-revaluation-womens-work/

[152] In 2020 the gender pay gap in Scotland was:

10.9% median (10.4% mean) when comparing of men's and women's overall average hourly earnings; 3% median (7.5% mean) when comparing men's and women's full-time average hourly earnings (excluding overtime); and 24.4% median (29.7% mean) when comparing men's full-time average hourly earnings with women's part-time average hourly earnings. See:

- https://www.closethegap.org.uk/content/resources/Working-Paper-22---Gender-Pay-Gap-Statistics-2021.pdf
- https://www.gov.scot/isbn/9781800045972

Pre-pandemic young women under 25 were already facing disadvantage in employment in a gender earnings gap (32.8 per cent for 18-21 age group and 19 per cent for 22-29 age group), discrimination and sexual harassment. See:

- https://wbg.org.uk/wp-content/uploads/2020/11/young-women-with-cover.pdf

[153] In 2019, minority ethnic workers in Scotland were, on average, paid £10.99 per hour compared to white workers who were paid £12.25 per hour (£1.26 more per hour). For a full-time worker, working 35 hours a week, this would total a difference of £2,300 a year between the 'average' workers from a minority ethnic and white background. See:

- https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/ethnicitypaygapreferencetables
- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland

[154] Scotland's disability pay gap worsened between 2018 and 2019. In 2019, average pay for disabled employees in Scotland was 16.5% lower than non-disabled employees. See:

- https://www.gov.scot/publications/fairer-scotland-disabled-people-employment-action-plan-year-2-progress-report/documents/

The gap for disabled women is significantly higher at 36% (median earnings compared to a non-disabled man), equivalent to less £7,020 per year. See:

- https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-disabled-women.pdf

[155] There are no sanctions for employers who fail to comply with equal pay legislation and remedies, and it is lengthy and expensive legal action to challenge.

[156] The Scottish Government's most recent Economic Strategy (published February 2022) has highlighted the need to "Take further steps to remove barriers to employment and career advancement for disabled people, women, those with care experience and people from minority ethnic groups. We will set these out the forthcoming refreshed 'A Fairer Scotland for Disabled People: Employment Action Plan' and the Gender Pay Gap Action Plan, and a new ethnicity pay gap strategy and plan". See:

- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/03/scotlands-national-strategy-economic-transformation/documents/delivering-economic-prosperity/delivering-economic-prosperity/govscot%3Adocument/delivering-economic-prosperity.pdf

The Scottish Government could look to California and Iceland, where pay gap reporting measures are extended to race and ethnicity. They should explore whether and how there could be further extension to cover other protected characteristics in Scotland, as well as reporting on pay gaps between workers on standard and nonstandard contracts, as introduced in Japan. See:

- https://www.gov.scot/publications/international-mechanisms-revalue-womens-work-research-exploring-evaluating-international-mechanisms-aim-revalue-result-revaluation-womens-work/

[157] See:

- https://www.fawcettsociety.org.uk/value-cared-work

61% of Scotland's 1.1 million unpaid carers are women, see:

- https://www.carersuk.org/images/CarersWeek2020/CW_2020_Research_Report_WEB.pdf

The vast majority, 92%, of lone parents in Scotland are women, see:

- http://healthscotland.scot/media/3133/child-poverty-in-scotland_priority-groups_lone-parent-families_briefing.pdf

[158] This figure is almost double that of the least deprived, see:

- https://oxfamapps.org/scotland/2020/01/20/unpaid-care-worth-36bn/#:~:text=Oxfam%20Scotland%20analysis%20shows%20the,who%20are%20sick%20or%20disabled.

[159] See:

- https://www.mygov.scot/childcare-costs-help/funded-early-learning-and-childcare
- https://www.parlamaid-alba.scot/-/media/files/committees/meeting-papers/education-children-and-young-people-committee/ecyp-paper-3-legacy-paper-cover-note-and-annex.pdf

[160] See:

- https://www.parlamaid-alba.scot/~/media/committ/664

[161] The Scottish Government could develop some form of Equal Pay Certification, drawing on Iceland's example, to strengthen compliance. There are a number of international examples, gender pay gap reports or action plans require the involvement of trade union or employee representatives. See:

- https://www.gov.scot/publications/international-mechanisms-revalue-womens-work-research-exploring-evaluating-international-mechanisms-aim-revalue-result-revaluation-womens-work/

[162] For example, 71% of EU migrants who are 'key workers' would not be eligible for a UK work visa under the new immigration system. This includes essential non-medical NHS staff and social care workers.

- https://wbg.org.uk/wp-content/uploads/2021/10/Health_-Autumn-2021-pre-Budget-Briefing.pdf

[163] Staff shortages have been noted in many areas of health provision, mental health and social care.

- https://www.nursingtimes.net/news/workforce/nurse-staffing-shortfall-in-scotland-now-at-record-high-08-11-2021/
- https://www.bbc.co.uk/news/uk-scotland-59078331
- https://www.mwcscot.org.uk/news/commission-publishes-14-local-visit-reports-16-march-2022

[164] See:

- https://digitalpublications.parliament.scot/ResearchBriefings/Report/2021/10/15/ff1f3d0e-f5db-4d5b-a3e1-ca8e9de6f7db
- https://spice-spotlight.scot/2021/06/23/life-in-the-pandemic-for-lesbian-gay-bisexual-transgender-lgbt-people-in-scotland/

[165] The majority of relevant Scottish Government policy frameworks continue to make very little reference, if any, to the sexual and reproductive health of disabled people. For example, the government's key strategy for delivering on the rights articulated in the CRPD for disabled people, does not mention reproductive and sexual health.
Also See:

- https://www.engender.org.uk/content/publications/1557327269_Engender-note-on-Equally-Safe-A-consultation-on-legislation-to-improve-forensic-medical-services-for-victims-of-rape-and-sexual-assault.pdf
- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

[166] See:

- https://www.scottishhumanrights.com/media/1559/crpdfeb2017ukimuksubmission.pdf

The UN Committee on the Rights of Persons with Disabilities noted their concern in its 2017 concluding observations – see:

- https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fGBR%2fCO%2f1&Lang=en

[167] This was the case in particular for on people with learning disabilities and Alzheimer's and older people.
Legal Guardians had definitely been consulted for only 33% of people who lack capacity and had DNRs.
For another 42% it was not clear whether they had been involved and in the remaining 25% of cases relatives had not been consulted. See :

- https://www.mwcscot.org.uk/news/new-data-shows-rise-numbers-guardianship-orders-scotland
- https://healthandcare.scot/default.asp?page=story&story=2144
- https://www.theguardian.com/world/2021/feb/13/new-do-not-resuscitate-orders-imposed-on-covid-19-patients-with-learning-difficulties

The Care Quality Commission said in December 2020 that inappropriate Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) notices had caused potentially avoidable deaths in 2020 –

- https://www.theguardian.com/society/2020/dec/03/do-not-resuscitate-orders-caused-potentially-avoidable-deaths-regulator-finds
- https://www.ageuk.org.uk/scotland/latest-news/2020/november/watch-serious-concerns-over-dnar-forms/

[168] For example, after adjusting for age:

Alcohol-specific death rates in the most deprived areas were 4.3 times more than those in the least deprived areas.

Avoidable mortality rates in the most deprived areas were 4.5 times more than those in the least deprived areas

Drug death rates in the most deprived areas were 18 times more than those in the least deprived areas. This ratio has doubled since the early 2000s.

Suicide rate in the most deprived areas is 3 times more than in the least deprived areas.

- https://www.nrscotland.gov.uk/files/statistics/avoidable-mortality/2019/avoidable-mortality-19-report.pdf
- https://www.nrscotland.gov.uk/files//statistics/drug-related-deaths/20/drug-related-deaths-20-pub.pdf
- https://www.nrscotland.gov.uk/files/statistics/probable-suicides/2020/suicides-20-report.pdf
- https://www.gov.scot/publications/long-term-monitoring-health-inequalities-march-2022-report/

People living in the most deprived areas of Scotland were 2.4 times more likely to die of COVID-19 than those in the least deprived areas. See:

- https://www.bbc.co.uk/news/uk-scotland-58391579#:~:text=The%20report%20said%20the%20general,early%20stages%20of%20the%20pandemic.
- https://www.ed.ac.uk/usher/anaesthesia/news-views/study-shows-that-poverty-is-linked-to-higher-risk

There are substantial inequalities in child unhealthy weight where risk of overweight or obesity has increased in the most deprived areas but decreased in the least deprived areas. See:

- https://www.isdscotland.org/Health-Topics/Child-Health/Publications/2019-12-10/2019-12-10-P1-BMI-Statistics-Publication-Summary.pdf

[169] These inequalities are reflected in the higher COVID infection rates, more severe outcomes and increased mortality experienced by adults with learning/ intellectual disabilities in the first wave of the pandemic, with people in the learning/intellectual disabilities population more than three times more likely to die from COVID-19 than those in the general population. See:

- http://www.sldo.ac.uk/our-research/life-expectancy-and-mortality/covid-19/

Life expectancy for women with learning disabilities is 18 years less than women in the general population. See:

- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/08/womens-health-plan-easy-read/documents/womens-health-plan-plan-2021-2024-easy-read-summary/womens-health-plan-plan-2021-2024-easy-read-summary/govscot%3Adocument/womens-health-plan-plan-2021-2024-easy-read-summary.pdf

[170] See:

- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf ; http://www.sldo.ac.uk/our-research/life-expectancy-and-mortality/covid-19/
- https://www.healthcareimprovementscotland.org/our_work/inspecting_and_regulating_care/prisoner_healthcare.aspx#:~:text=Healthcare%20Improvement%20Scotland%20works%20with,update%20their%20annual%20self%2Devaluation.

[171] See:

- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/08/womens-health-plan/documents/womens-health-plan-plan-2021-2024/womens-health-plan-plan-2021-2024/govscot%3Adocument/womens-health-plan-plan-2021-2024.pdf

[172] Police Scotland data do show an 8% decrease for 2021, however, National Records Scotland data for 2021 will not be published until July 2022. Police Scotland's method of recording differs from the official statistics produced by National Records Scotland. See:

- [Suspected drug deaths in Scotland fall in latest figures (msn.com)](#)

[173] See:
- https://www.audit-scotland.gov.uk/uploads/docs/report/2022/briefing_220308_drugs_alcohol.pdf
- https://www.nrscotland.gov.uk/files//statistics/drug-related-deaths/20/drug-related-deaths-20-pub.pdf

[174] A further range of issues include:
- A disproportionate proportion of minority ethnic people are subject to compulsory treatment orders - See https://www.mwcscot.org.uk/sites/default/files/2021-09/Racial-Inequality-Scotland_Report_Sep2021.pdf.
- Higher levels of all types of treatment orders for individuals from the most deprived areas - See https://www.mwcscot.org.uk/sites/default/files/2021-09/MentalHealthAct_MonitoringReport_Sep2021.pdf.
- The number of people in Scotland being held in excessive security – seehttps://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf.
- Young people being admitted to non-specialist (mostly adult) wards, with limited access to appropriate advocacy - see https://www.mwcscot.org.uk/sites/default/files/2021-10/YP-Monitoring-2020-21_October2021.pdf

[175] A target was set target of ensuring access to psychological therapies within 18 weeks.

[176] Audit Scotland stated that children and young people waiting more than a year for treatment has trebled in last 12 months (it was 18% in March 2021) which is 'a real marker of the pandemic'.
- https://www.audit-scotland.gov.uk/report/blog-child-and-adolescent-mental-health-services
- https://www.bbc.co.uk/news/uk-scotland-60750321

[177] See:
- https://publichealthscotland.scot/publications/psychological-therapies-waiting-times/psychological-therapies-waiting-times-quarter-ending-september-2021/

[178] It notes that 23.5% of referrals to CAMHS were rejected in 2020/21, but there is a lack of national data to understand if they accessed alternative services and what impact that had. See:
- https://www.audit-scotland.gov.uk/report/blog-child-and-adolescent-mental-health-services

Often it is not clear why children and young people are refused referrals, see:
- https://www.bbc.co.uk/news/uk-scotland-60158804

Audit Scotland's review concluded that: "The system is complex and fragmented, and access to services varies throughout the country. This makes it difficult for children, young people, and their families and carers to get the support they need".

[179] See:
- https://www.gov.scot/publications/scottish-health-survey-2019-volume-1-main-report/pages/5/

[180] See:
- http://www.healthscotland.scot/health-topics/mental-health-and-wellbeing/children-and-young-peoples-mental-health
- http://www.healthscotland.scot/health-topics/mental-health-and-wellbeing/children-and-young-peoples-mental-health-indicators
- https://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180913_mental_health.pdf

[181] Adults living in the most deprived areas in Scotland are approximately twice as likely to have common mental health problems as those in the least deprived areas (22% versus 11%); See:
- http://www.parliament.scot/S5_HealthandSportCommittee/Inquiries/201609_MH029_NHS_Health_Scotland.pdf

Major risk factors for mental health problems include poverty, poor education, unemployment, social isolation/exclusion and major life events. See:
- https://www.scotpho.org.uk/comparative-health/burden-of-disease/overview/

[182] The suicide rate in Scotland's most deprived areas is three times the rate in the least deprived areas.
- https://www.nrscotland.gov.uk/files/statistics/probable-suicides/2020/suicides-20-report.pdf
- https://www.publichealthscotland.scot/publications/suicide-statistics-for-scotland/suicide-statistics-for-scotland-update-of-trends-for-the-year-2020/

[183] See:
- https://nationalperformance.gov.scot/scotlands-wellbeing-impact-covid-19-chapter-1-introduction

- https://www.mentalhealthtoday.co.uk/news/therapy/one-in-three-say-they-don-t-have-the-skills-to-deal-with-their-mental-health-finds-mind

This also impacted on Care Experienced young people and young carers, LGBT+ young people. Research has found an increase in negative emotional wellbeing during COVID-19 restrictions (43% of participants reported negative emotional wellbeing, with 69% of LGBTQI+ youth in this category). 84% of participants and 96% of trans participants experienced mental health difficulties - once restrictions have ended these issues will endure. See:

- https://digitalpublications.parliament.scot/ResearchBriefings/Report/2021/10/15/ff1f3d0e-f5db-4d5b-a3e1-ca8e9de6f7db
- https://spice-spotlight.scot/2021/06/23/life-in-the-pandemic-for-lesbian-gay-bisexual-transgender-lgbt-people-in-scotland/

[184] 53% of older people surveyed said that the pandemic had left them feeling more lonely. A third (34%) of older people felt their mental health had gotten worse in the past 5 years.
See https://www.ageuk.org.uk/globalassets/age-scotland/documents/policy-and-research/high-4967-scotinfrom-age-scotland-big-survey---summary.pdf

[185] SHRC has called for a comprehensive review of mental health legislation for a long time. We particularly welcome that the review will focus on improving compliance with the full range of people's rights, including the UN Disability Convention and the European Convention on Human Rights. Importantly, it will also consider the role of incapacity legislation which presents similar challenges in realising people's human rights.

- https://www.scottishhumanrights.com/news/commission-welcomes-the-review-of-the-scottish-mental-health-act/

[186] SHRC welcomes the emphasis placed on taking a human rights based approach in the report, informed by the Panel Principles, listening to and highlighting the voices of people with lived experience of forensic mental health services. The report recommendations set out how the rights of people receiving mental health services in Scotland can be respected, protected and fulfilled. See

- https://www.scottishhumanrights.com/news/commission-welcomes-recommendations-from-independent-forensic-mental-health-review/

[187] Data released by the National Records of Scotland shows that 46% of COVID-19 deaths registered to date relate to deaths in care homes, see:

- https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/general-publications/weekly-and-monthly-data-on-births-and-deaths/deaths-involving-coronavirus-covid-19-in-scotland

[188] In summer 2020, SHRC carried out monitoring research into the impact of the COVID-19 pandemic, and how it has been managed, on people's rights in the context of care at home and support in the community. The report makes 24 recommendations, some of which call for urgent action to resolve immediate human rights concerns. See:

- https://www.scottishhumanrights.com/media/2102/covid-19-social-care-monitoring-report-vfinal.pdf
- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

[189] See:

- https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-equalities-human-rights-and-civil-justice-committee/correspondence/2021/budget-2022-23-pre-budget-scrutiny
- https://www.iriss.org.uk/resources/insights/self-directed-support-ten-years
- https://tfn.scot/tfn-news/local-authorities-need-to-do-more-to-implement-social-care-reform
- https://www.audit-scotland.gov.uk/uploads/docs/report/2017/nr_170824_self_directed_support.pdf

[190] A Freedom of Information request showed that in the region of 4000 care packages had been ceased or reduced across Scotland compared to January 2020. Research in Glasgow found almost 2000 people's care packages were affected. See:

- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

[191] The report detailed how the removal of care plans during COVID-19 had a direct and detrimental effect on people's rights, including potential unlawful interferences and non-compliance with rights contained in the European Convention on Human Rights and the United Nations Convention on the Rights of Persons with Disabilities. See:

- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

[192] Concerns over funding planned for the new National Care Service (NCS) - The true cost of implementing the Feeley review (See https://www.gov.scot/groups/independent-review-of-adult-social-care/) and setting up a NCS could end up being double what the Scottish government has pledged. See:

- https://www.healthandcare.scot/default.asp?page=story&story=2911
- https://www.cosla.gov.uk/__data/assets/pdf_file/0025/28780/National-Care-Service-Consultation-Response-COSLA.pdf
- https://www.cih.org/media/vcnhhwga/national-care-service-consultation.pdf

[193] See:

- https://www.scottishhumanrights.com/media/2237/ncs-consultation-response-vfinal.pdf

[194] Due to lack of support to live in their own communities close to family, official data reveals that over 1,000 adults have been sent by Scottish local authorities to live 'out of area', meaning not in their home local authority area. Beyond this, a further 67 people are living in hospital. 22% of these people have been there for more than 10 years. See:

- https://www.gov.scot/publications/independent-forensic-mental-health-review-interim-report/pages/12/

SHRC has raised this issue in its submissions to the UN Committee on the Rights of Persons with Disabilities and the CoE European Social Charter reviews see:

- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

Concern has also been raised by the UN Committee on the Rights of Persons with Disabilities.

[195] See:

- https://www.gov.scot/publications/coming-home-implementation-report-working-group-complex-care-delayed-discharge/pages/3/
- https://www.enable.org.uk/myownfrontdoor-campaign-launches/
- https://www.gov.scot/publications/independent-forensic-mental-health-review-interim-report/pages/12/

[196] See https://www.gov.scot/publications/coming-home-implementation-report-working-group-complex-care-delayed-discharge/#page-top

[197] See:

- https://www.scottishhumanrights.com/our-law-and-policy-work/environment-and-climate/#the-right-to-a-healthy-environment-intro-26823
- https://www.gov.scot/publications/national-taskforce-human-rights-leadership-report/pages/13/
- https://togetherscotland.blog/2021/11/08/the-link-between-a-healthy-environment-and-childrens-rights/
- https://www.scotlink.org/plans-for-human-right-to-a-healthy-environment-in-scots-law-welcomed/
- https://www.ercs.scot/an-enforceable-human-right-to-a-healthy-environment/

[198] This was most noted most recently in August 2021.

[199] Aarhus Meeting of the Parties (2011), Decision IV/9i on compliance by the United Kingdom of Great Britain and Northern Ireland, (2014), Decision V/9n on compliance by the United Kingdom of Great Britain and Northern Ireland Paragraph 2(a); (2017) Decision VI/8k concerning compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention; Aarhus Convention Compliance Committee (Aug 2021), Report of the Compliance Committee on compliance by the United Kingdom of Great Britain and Northern Ireland – Part I and Part II. See:

- https://www.ercs.scot/wp/wp-content/uploads/2021/10/HRHE-and-disabled-peoples-rights-Final-Sept-2021.pdf

[200] See:

- https://www.gov.scot/environment-and-climate-change/

Transport in Scotland is a major contributor to Scotland's emissions which have only fallen by 2-3% since 1990. Although Scotland's economy-wide emissions targets are 75% reduction by 2030, 90% reduction by 2040 and net-zero by 2045, from a 1990 baseline, analysis conducted by the Scottish Government using the TIMES model has assigned the transport sector its own emissions envelope of 56% reduction by 2030, 70% reduction by 2040 and net-zero by 2045, from a 1990 baseline. See:

- https://www.transport.gov.scot/media/50338/decarbonising-the-scottish-transport-sector-summary-report-september-2021.pdf

[201] Official analysis by NatureScot, shows that Scotland has also failed to meet 11 of 20 agreed UN targets to protect the environment while one in five animals and plants deemed important to the nation by ministers are under threat. See:

- https://ww2.rspb.org.uk/Images/A%20LOST%20DECADE%20FOR%20NATURE_tcm9-481563.pdf and https://www.heraldscotland.com/news/19281510.bid-give-scots-legal-human-right-healthy-environment---ministers-miss-targets-stop-species-extinction/

[202] The 3rd UK Climate Change Risk Assessment show an increase the urgency scores for 25 risks from climate change in Scotland have increased since the previous CCRA five years ago. Only one risk has decreased and some new risks have emerged. See:

- https://www.theccc.org.uk/publication/independent-assessment-of-uk-climate-risk/

[203] Scotland's climate is changing, but action to adapt to critical impacts such as wetter winters and rising sea levels has stalled, posing risks to people, infrastructure and business. See:

- https://www.theccc.org.uk/2022/03/15/scotland-is-not-yet-climate-ready/

[204] See :

- http://www.upr-info.org/sites/default/files/general-document/pdf/oif_guide_upr_implementation.30.04.2013_e.pdf

[205] Space constraints means this report does not reflect the full range of SHRC's priorities or areas of concern.

[206] See:

- https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf

[207] See:

- https://www.transport.gov.scot/concessionary-travel/young-persons-free-bus-travel-scheme/