

# Universal Periodic Review

## Summary of Key Issues



### Priority concerns for human rights in Scotland

The Scottish Human Rights Commission (SHRC) is the National Human Rights Institution (NHRI) for Scotland, accredited with 'A' status by the Global Alliance of NHRIs. We have a statutory duty to promote awareness and respect for human rights in Scotland.

In November 2022, the UK will be reviewed under the 4th cycle of Universal Periodic Review (UPR). UPR is a vital opportunity for any state to participate in scrutiny of the UK's compliance with international human rights law and commitments, including the Scottish Parliament, Scottish Government and other Scottish bodies.

Our full report reflects a broad range of human rights priorities, drawing on a large volume of evidence - including the views of Scottish civil society - to highlight areas of concern, non-compliance and lack of progress since the last review.

**This summary highlights eight areas where action could be taken immediately to make significant progress in the protection and realisation of human rights in Scotland.**

**We ask all states participating in the review to raise our concerns with the UK delegation at the 41st UPR Working Group Session in Geneva.**



**UPR 2022**

## COVID-19

**Key Recommendation:** The Scottish Government should ensure a broad rights-based approach throughout the Independent Inquiry into its handling of the pandemic.

The pandemic has magnified deep-rooted inequalities in Scotland and disproportionately impacted many groups. An Independent Inquiry has been established to identify lessons for the future.



## Environmental Rights

**Key Recommendation:** The Scottish Government should comply with the UN Aarhus Convention, increase action to meet emissions targets, address biodiversity depletion and intensify efforts to mitigate the impact of climate change.

The Scottish Government has committed to include the Right to a Healthy Environment within new human rights legislation. However, the high cost of legal action remains a barrier to compliance with the UN's rights-based environmental agreement, the Aarhus Convention. Scotland's emission rates are failing to meet reduction targets and climate-change adaptation measures are stalling.



## International Human Rights Instruments in Domestic Law

**Key Recommendation:** The UK Government should retain the Human Rights Act 1998.

**Key Recommendation:** In its planned new Human Rights Bill for Scotland, the Scottish Government should incorporate into Scots Law the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of Persons with Disabilities; and, the Convention on the Elimination of Racial Discrimination, alongside laws to protect the rights of older persons and LGBT+ persons to the maximum extent possible in the devolution settlement.

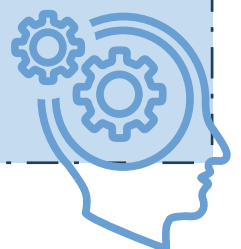
The Commission is strongly opposed to the UK Government's plans to replace the Human Rights Act, a proposal which could weaken legal protections for human rights. The plan ignores overwhelming evidence that the legislation works well as it stands. In Scotland, there is widespread support for stronger human rights laws and political commitment to a new Human Rights Bill incorporating a range of UN treaties into law.



## Mental health

**Key Recommendation:** The Scottish Government must ensure recommendations from the Scottish Mental Health Law Review and the Independent Forensic Mental Health Review are implemented.

The COVID-19 pandemic seriously impacted upon mental health in Scotland, adding pressure to a system already failing to meet treatment targets for children, young people and adults and huge inequalities in access to treatment and support.



## Detention and Prison Conditions

**Key Recommendation:** The Scottish Government should fully implement all recommendations from the Deaths in Custody Review and those raised by the European Committee for the Prevention of Torture (CPT).

The prison population on remand in Scotland has increased significantly and there are substantial concerns about overcrowding and detention conditions. We are also extremely concerned about the lack of a statutory time limit on immigration detention. An Independent Review into the handling of deaths in prison custody in Scotland delivered 27 recommendations, including that an independent body investigate every death in custody.



## Children's rights

**Key Recommendation:** The Scottish Government should guide and support public authorities to meet their obligations under the Convention on the Rights of the Child (UNCRC) and complete the necessary amendments to pass the UNCRC Incorporation Bill.

There are persistent inequalities in attendance, exclusions and attainment at Scottish schools. Islamophobic, sexist, racist and anti-LGBT+ bullying and misogynistic behaviours are common and online bullying rose sharply during COVID-19 lockdowns. Specialist resources have been cut despite a steep rise in the number of pupils with Additional Support Needs.



## Equality and Non-discrimination

**Key recommendation:** The Scottish Government should adequately resource commitments to the rights of specific groups who experience structural inequality and barriers to human rights.

**Key recommendation:** The Scottish Government should strengthen efforts to combat violence against women, disabled and LGBT+ people and reduce all forms of hate crime, including via the media.

Inequalities experienced by specific groups in Scotland remain deeply rooted and have been exacerbated by COVID-19. There are significant gaps in the data available to monitor progress towards realising rights and reporting obligations need to be strengthened. Gender, race and disability pay gaps persist.



## Poverty

**Key Recommendation:** The Scottish Government should urgently set out clear plans to reduce the impacts of poverty, meet statutory child poverty targets and deliver affordable, accessible and culturally-appropriate social housing/accommodation.

Despite new measures introduced to mitigate and respond to poverty, the Scottish Government is not on track to meet statutory child poverty targets and 26% of children officially live in poverty, the majority in working households. One household is made homeless every 19 minutes, with 1.5 million people in Scotland struggling with housing costs.



## Why recommendations for Scotland?

The Scotland Act 1998 provided for the establishment of the Scottish Parliament and the Scottish Government. The Act sets out that all policy areas not explicitly reserved to the UK Parliament are devolved to the Scottish Parliament.

The Scottish Parliament has full legislative powers over devolved matters. This means that issues such as justice, health and social care, education and training, as well as many aspects of transport and environment, are within the powers of the Scottish Parliament and responsibilities of the Scottish Government.

Observing and implementing international human rights obligations relating to devolved matters is the responsibility of both the Scottish Parliament and Scottish Government Ministers.

While the UK is the State Party to the United Nations (UN), UN bodies have increasingly recognised the value of specific concluding observations and recommendations for the Scottish Government. This has been recognised as a way to ensure that law, policy and practice in Scotland is fully compliant with all international human rights law and policy.

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