

United Nations Committee on the Rights of the Child (CRC)
Human Rights Council and Treaty Mechanisms Division
Office of the United Nations High Commissioner for Human Rights
(OHCHR)
Palais Wilson - 52, Rue des Pâquis
CH-1201 Geneva
(Switzerland)

13 December 2022

Dear Committee Members,

**Review of the United Kingdom of Great Britain and Northern Ireland
at the 94th pre-sessional working group, February 2023**

The Scottish Human Rights Commission is pleased to welcome the upcoming Examination of the Combined Sixth and Seventh Periodic Reports of the United Kingdom of Great Britain and Northern Ireland.

The Scottish Human Rights Commission (the Commission) is the National Human Rights Institution for Scotland, accredited with A status by the Global Alliance of NHRIs. It has a general duty to promote awareness, understanding and respect for all human rights and to encourage best practice. It also has a number of powers including recommending such changes to law, policy and practice as it considers necessary.

The Commission operates within a broad statutory mandate with monitoring, reporting and implementation functions, often doing so collaboratively with other UK NHRIs and statutory bodies in relation to all

the UN human rights treaties to which the UK is a signatory. Our founding statute includes a responsibility not to unnecessarily duplicate the work of other bodies.

Please note, that as the [Children and Young People's Commissioner for Scotland](#) has duties and powers to engage fully with the CRC review, and given the scale of demands on our existing capacity, the Commission has elected to welcome and endorse the [Report of the Children's Commissioners of Northern Ireland, Scotland and Wales to the United Nations Committee on the Rights of the Child](#), which highlights a detailed range of human rights concerns relevant to the Convention.

We are however also pleased to submit brief additional evidence on the implementation of the Convention in Scotland, and would like to draw the Committee's attention to five key areas which fall within the responsibility of the Scottish Government and legislative competence of the Scottish Parliament:

- The ongoing delay to the incorporation of the UN Convention on the Rights of the Child and outstanding remedial action to bring into force the UN CRC (Scotland) Bill;
- The treatment and exposure to the criminal justice system of young people, including the minimum age of criminal responsibility;
- Limited availability of adequate and appropriate mental health support for children and young people;
- The anticipated failure to meet statutory child poverty targets and the impacts of the rising cost of living for children, young people and their families;
- Children and young people and the right to a healthy environment.

Evidence held by the Commission from our current research and analysis is included with this letter as Annex 1. Most evidence has been accumulated in the preparation of our recent submission to the 4th cycle of the Universal Periodic Review, which was based on both extensive desk based research and engagement with Scottish civil society. It has also been updated to reflect new data where appropriate.

This letter and the relevant Annex do not provide an exhaustive list of human rights issues relevant to the Convention, nor does it constitute a full submission, however, it seeks to draw the Committee's attention to some key areas where we believe immediate action could be taken to make significant progress in the protection and realisation of children's rights in Scotland.

Thank you for your consideration of this information. Please feel free to contact us if you have any questions relating to the above. We confirm that we are happy for this to be made public.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Duddy', with a long horizontal flourish extending to the right.

Ian Duddy

Chair

Annex 1: Information from the Scottish Human Rights Commission's Research and Monitoring

1. Incorporation

- 1.1. The Scottish Parliament unanimously passed the UN Convention on the Rights of the Child (Incorporation) (Scotland) Bill in 2021¹. Following a 2021 UK Government Supreme Court challenge, in which it was ruled that four sections of the Bill went beyond the powers of the Scottish Parliament, the Bill now requires amendments². Progress on moving this forward has been slow³; the timeframe for reconsideration of the Bill remains uncertain more than a year after the judgement was passed⁴.
- 1.2. Widespread cross-party⁵ and civil society⁶ support for stronger human rights laws exists in Scotland. The Scottish Government has committed to new legislation incorporating four international human treaties into law⁷, as well as additional rights such the right to a healthy environment. Successful implementation will require dedicated resources for capacity building.
- 1.3. The UK Government has introduced proposals to replace the UK-wide Human Rights Act with a new UK Bill of Rights⁸. The Commission has expressed deep concerns about the proposals⁹, while the Children and Young People's Commissioner for Scotland has suggested that children's rights protections are 'in grave danger of being eroded' by the Bill¹⁰. As of January 2023, reports vary as to the timescales for Parliamentary consideration of the Bill. The UK has also completed its withdrawal from the EU and did not maintain the EU Charter of Fundamental rights in UK law.

2. Youth Justice

Minimum Age of Criminal Responsibility

- 2.1. SHRC welcomed the Age of Criminal Responsibility (Scotland) Act 2019¹¹, which raised the minimum age of criminal responsibility from 8 to 12 years old in Scotland. However, this is still two years below the minimum international standard of 14.¹²
- 2.2. While public commitments have been made to divert under 18s from prosecution¹³, develop more rights-based, trauma-informed responses to youth offending¹⁴ and end the disproportionate criminalisation of care experienced children¹⁵, there is still much to be done to deliver this in practice and there remains a high number of children and young people in contact with the criminal justice system. In 2019-20, 1,208 children were proceeded against in the Scottish courts¹⁶ and the most recent statistics show that in 2021-22 there were 5,491 referrals to the children's reporter on offence grounds¹⁷ (an increase of 3.6% from the previous year)¹⁸. 16 and 17 year olds currently in conflict with the law are not automatically entitled to be referred to the rights-based Children's Hearing System¹⁹, although a Bill has recently been lodged to address this and is currently subject to a public consultation²⁰.

Access to legal advice and independent advocacy

- 2.3. Access to legal advice and independent advocacy is essential for children's meaningful participation in children's hearings and court proceedings²¹. While the right to independent advocacy was built into the Children's Hearing (Scotland) Act 2011²², the national scheme to provide independent advocacy did not become operational until November 2020, and the legal duty (section 122 of the Act) for Panel members to tell the young person about the option to have an advocate present in the hearing only came into force at that time²³. It is important that the national scheme is adequately resourced and its effectiveness monitored.
- 2.4. Children referred to the Children's Reporter on offence grounds or in contact with the criminal justice system are entitled to legal representation, however the system for

applying for legal aid can be complex and difficult to navigate²⁴. The language used by professionals in care and justice settings can also be a barrier to effective participation, which in turn can impact on a sense of fairness in the process.²⁵

- 2.5. Children and young people face a number of challenges in participating in court proceedings; while there are gaps in legal advice relating to criminal justice processes more broadly²⁶. Child Clan Law has suggested that children's legal services need to be based around the needs of the individual, rather than the process, with time allowed for the young person to build a relationship with their representative²⁷.

Remand

- 2.6. Scotland has a high prison population in general and one of the highest rates of prisoners on remand in Western Europe²⁸. At the time of writing, there were 155 people aged 16-20 in prison, 48% of whom were awaiting trial²⁹. Scotland saw an increase in the average proportion of young people on remand from 44% in 2020-21 to 48% in 2021-22³⁰. In December 2022, the Commission expressed concern about the 'crisis' in remand in Scotland and set out our view that reforms must be expedited³¹.
- 2.7. The disproportionate use of remand for young people and the fact that many children who are remanded in custody do not ultimately receive a custodial prison sentence has been widely criticised³². The Children and Young People's Centre for Justice (CYCJ) has noted that factors considered by the Sheriff when determining whether or not to grant bail for young people go beyond a risk to public safety³³.
- 2.8. The negative impacts of remand on children, even for just a short time, are well documented. Those remanded in prison have fewer opportunities to access support services and purposeful activity such as education, work and rehabilitation programmes, which results in increased time spent in cell,

negatively impacting on health and wellbeing³⁴. Her Majesty's Inspectorate of Prisons for Scotland report, on the provision of mental health services for young people entering and in custody at Polmont Young Offenders Institution in 2019, noted that the highest risk of suicide was present for those who were traumatised, young, being held on remand and in the first three months of custody³⁵.

- 2.9. Remand can also impact on a child's ability to rehabilitate back into their community, 'derail positive progress' and cause loss of opportunity³⁶, as well affecting tenancy agreements, jobs and benefits claims³⁷. Court backlogs caused by the pandemic also means that young people are more likely to be remanded for lengthier periods of time.
- 2.10. A Bail and Release from Custody Bill³⁸ was introduced to the Scottish Parliament on 8th June 2022 which seeks to reform the way remand is used in Scotland, focusing on those who pose most risk to public safety. However, various organisations in Scotland have raised concerns about the lack of explicit reference to safeguards for children within the bill³⁹, an absence of a Children's Rights impact assessment⁴⁰, and a lack of regard to the impact of remand on children of incarcerated parents⁴¹

Appropriateness of Prison for under 18s

- 2.11. The Commission has previously raised concerns about a range of detention conditions in Scotland, particularly during the pandemic⁴², including inadequate access to physical activity, education, training and work opportunities, and the disproportionate length of time spent in cells, and high rates of mental ill-health.
- 2.12. There is a growing consensus in Scotland that prison is not an appropriate environment for 16 and 17 years olds. HMIPS has called for the removal of all under-18s from prison custody, including those on remand, arguing that secure care and intensive residential community-based alternatives should be used instead⁴³. The Independent Care Review of 2019 (The

Promise) committed to the development of sufficient community-based alternatives to detention- ‘small, safe, trauma-informed environments’⁴⁴ by 2024 and the Scottish Government’s Youth Justice Action Plan states that no 16 and 17 year olds should be held in Young Offenders Institutions⁴⁵. Currently 16 and 17 year olds who are not already subject to a Compulsory Supervision Order under the Children’s Hearing System and have no active referral to the Children’s reporter cannot access Secure Care. Under 18s therefore remain in Young Offenders Institutions⁴⁶.

Mental health in Prison and Secure Care

- 2.13. The experience of entering prison or secure care can exacerbate existing mental ill-health conditions, with social isolation in prison found to be a key trigger for self-harm and suicide⁴⁷. Survey data from the Centre for Youth and Criminal Justice in 2019 revealed significant levels of mental ill-health were prevalent amongst young people within secure care institutions in Scotland⁴⁸, noting that only 36% of children having received support from the Child and Adolescent Mental Health Service (CAMHS) and only 4% from the Forensic CAMHS in the year prior to their admission⁴⁹. A 2019 inquiry by the [Scottish Parliament Justice Committee](#)⁵⁰ into secure care and prison places for children and young similarly noted the very high levels of Adverse Childhood Experiences (ACES) and mental health needs amongst young people entering secure care.
- 2.14. Mental health provision in secure care is the responsibility of the local health board in which the institution is based, with varying provision found across different regions⁵¹. For example, in some health board areas 16 and 17 year olds are not eligible for CAMHS support, while there is only one forensic CAMHS team in the whole of Scotland based in Glasgow. Transfers between different localities and types of establishments can therefore cause disruptions to treatment and care⁵².

- 2.15. A 2017 Scottish Parliament Inquiry into healthcare in prisons⁵³ documented slow progress in driving forward improvements to prisoner healthcare, citing longstanding issues around retention in healthcare staff, particularly GPs, clinical psychologists and mental health nurses. Recent research published by the Scottish Government shows continued unmet mental health needs in Scottish prisons, with the prevalence of mental health conditions higher in the younger age groups⁵⁴.
- 2.16. The Covid-19 pandemic further compounded poor mental health outcomes for young people in detention, with restrictions resulting in the suspension of in-person family visits, disruptions to daily activities such as education programmes, and increased time spent in cells⁵⁵. The absence of positive face-to-face contact and affection, boredom and loneliness were cited by young people to be key issues affecting their well-being during that time⁵⁶. Although an early release programme for prisoners was instigated to reduce the prison population, those on remand were not eligible and only one young person was released under this initiative⁵⁷. The Commission welcomed the announcement of a public inquiry into the handling of the pandemic and has called for a human rights based approach to be taken in conducting the inquiry⁵⁸.

Deaths in detention

- 2.17. 24 young people under the age of 25 died in prison in Scotland between 2009 and 2019, two of whom were under the age of 18⁵⁹. Half of these young people were on remand at the time of death. One young person under the age of 18 also died in secure care during the same period⁶⁰.
- 2.18. An [Independent Review](#) (2021) co-chaired by the SHRC, His Majesty's Inspectorate of Prisons Scotland (HMIPS) and third sector organisations Families Outside⁶¹ 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. The Commission is concerned that progress on the implementation of recommendations has been

slow, with only three recommendations completed and one partially completed a year on from publication⁶². The Commission believes the recommendations of the review should equally apply to deaths in mental health detention⁶³.

3. Children and Young People's Access to Mental Health Services in the Community

- 3.1. There is a continued failure to meet treatment targets for children and young people (32%)⁶⁴ and high rejection rates (23.5% in 2020/21) of referrals to Child and Adolescent Mental Health Services (CAMHS)⁶⁵. The number of young people waiting more than a year for treatment trebled in the 12 months leading up to March 2021, while there remains a lack of national data to understand what happens to young people whose referrals are rejected by CAMHS.
- 3.2. There is a higher prevalence of mental health issues amongst children and young people⁶⁶ living in deprived areas⁶⁷, including an increase in suicide rates amongst young people under the age of 25⁶⁸.
- 3.3. COVID-19 has significantly exacerbated negative mental health of many groups of children and young people⁶⁹.
- 3.4. Scotland has just 48 in-patient beds located in three units available for children and young people, meaning some children are treated far from home⁷⁰. There are no intensive psychiatric care units (IPCU) for young people in Scotland. This has also led to under 18 year olds continuing to be admitted to non-specialist (mostly adult) hospital wards. In 2021-22 there were 90 admissions involving 80 young people, an increase from the previous year. Admission to non-specialist wards accounted for 51.3% of all admissions⁷¹. There is a lack of support for young people requiring forensic and learning disability care.

- 3.5. A range of barriers are faced by parents and carers supporting children and family members with mental illness attempting to access support⁷².

4. Child Poverty and the Right to an Adequate Standard of Living

- 4.1. Scotland has statutory targets to reduce child poverty to under 18% by 2023/24 and to under 10% by 2030⁷³. The Child Poverty Action Plan 2022, outlines support for six priority family groups as at highest risk of child poverty: lone parent families, minority ethnic families, families with a disabled adult or child, families with a younger mother (under 25), families with a child under 1, and larger families (3+ children).⁷⁴ However analysis indicates, even prior to the economic prospectus changes of 2022, that the Scottish Government is not on track to meet the targets and that child poverty rates may in fact rise without significant policy change⁷⁵. The most recent available official data indicates that that 24% of children (240,000 children each year) were living in relative poverty after housing costs were considered in 2017-20⁷⁶.
- 4.2. A lower relative cost of housing in Scotland indicates slightly lower child poverty rates in Scotland compared to the rest of the UK⁷⁷, however analysis shows that 49% of households with dependent children in Scotland find themselves in the two most serious categories of financial stress⁷⁸. Nearly half of minority ethnic children live in poverty⁷⁹.
- 4.3. The Scottish Government has utilised devolved social security powers to introduce a Scottish Child Payment, which provides a payment for each child in households eligible for income replacement benefits (Universal Credit) and other low income benefits. The Scottish Government has increased the payment to £25 per week per eligible child and extended the age eligibility. However modelling suggests that meeting the interim targets through social

security would require an SCP of £40 per week and to meet the final targets an estimated £165 per week at a cost in the region of £3 billion a year⁸⁰. The escalating cost of living renders means these payments are not keeping pace with inflation.

- 4.4. Scottish research⁸¹ highlights a household is made homeless every 19 minutes, many being families with children⁸². Others at high risk include LGBT+ young people⁸³, transgender people⁸⁴, young people under 25⁸⁵, survivors of domestic abuse⁸⁶ and people with No Recourse to Public Funds⁸⁷. 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-19⁸⁸.
- 4.5. Courts have confirmed that local authorities are under an absolute legal duty to provide suitable temporary accommodation for homeless households in Scotland, and must meet the needs of disabled children.⁸⁹ However there remains longstanding failures to meet the statutory duty to offer temporary accommodation to all those entitled to it⁹⁰, leaving children and their families in often unsuitable temporary accommodation for prolonged periods.
- 4.6. Food poverty and food insecurity is a growing problem in Scotland, with an over-reliance on food banks to meet basic food needs, with a large number of the people who are food insecure being children. Pre-Pandemic, food insecurity levels were at 9%, higher among younger adults (13%)⁹¹ and single parents in particular (21%). Reliance on charitable food provision increased steadily between 2008 and 2020.⁹² Following a drop in 2021 demand is rising again.⁹³ Despite the passing of the Good Food Nation Bill in June 2022⁹⁴, and the Scottish Government consulting on a draft national plan on ending the need for food banks⁹⁵, the right to food has not yet been realised in Scotland⁹⁶.

- 4.7. Rising energy costs undermine the right to adequate housing habitability as well as other rights including to health, development and life. Even before recent energy price rises began to bite, six in ten households on low incomes reported that their costs increased during the pandemic.⁹⁷ Scotland's Children and Young People's Commissioner has called on the regulator to undertake effective action to identify and support vulnerable individuals and dependent children and to ban energy companies from all compulsory installations of pre-payment meters, a practice that leaves struggling families at severe risk of energy disconnection⁹⁸.
- 4.8. The Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019⁹⁹ introduced statutory targets for Scottish Ministers on fuel poverty reduction¹⁰⁰. However since the targets were introduced, affordability of energy has decreased¹⁰¹, something that research has predicted will only worsen in the coming year¹⁰².

5. Environmental Rights

- 5.1. Children's rights groups have highlighted the impacts that concern about the climate is causing for the mental health of children and young people and many have been campaigning for climate planning to include the perspective of children and young people in accordance with Article 12 of the Convention.¹⁰³ Many groups, including the Commission, have welcomed the Scottish Government's commitment to include the Right to a Healthy Environment within Scotland's forthcoming human rights legislation¹⁰⁴. However, Scotland's legal system remains noncompliant with the Aarhus Convention due to the excessive costs and difficulty of taking legal action to challenge polluting and other damaging activity¹⁰⁵.
- 5.2. Scotland's emissions during 2019 were down by 51.5% since the 1990 baseline, falling short of the annual statutory target of a 55% reduction¹⁰⁶. Scotland's biodiversity is now

more depleted than in 88% of 240 countries and territories across the world¹⁰⁷ and risks from climate change have increased.¹⁰⁸ The Climate Change Committee has warned that the Scottish Government lacks a clear delivery plan and has not offered a coherent explanation for how its policies will achieve the ambitious emissions reduction targets.¹⁰⁹

- 5.3. Children and young people have regularly been at the forefront of climate action in Scotland, including participation in climate strikes and protest at COP26 in Glasgow in 2021.¹¹⁰

[Ends]

¹ The Bill aims to incorporate the UNCRC into Scots law to the maximum extent of the Scottish Parliament's powers.

² 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>

See

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

³ The Children and Young People's Commissioner for Scotland has challenged the Scottish Government's lack of progress in moving this forward, see: [Statement: Commissioner on UNCRC incorporation announcement by Scottish Government - The Children and Young People's Commissioner Scotland \(cypcs.org.uk\)](#).

⁴ The judgement was made on 6th October 2021, see:

[REFERENCES \(Bills\) by the Attorney General and the Advocate General for Scotland - United Nations Convention on the Rights of the Child and European Charter of Local Self-Government \(Incorporation\) \(Scotland\) \(supremecourt.uk\)](#). See also [UNCRC Strategic Implementation Board minutes: November 2022 - gov.scot \(www.gov.scot\)](#)

⁵ See:

- <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10722&i=98397>
- <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=9616&i=87353>

⁶ See:

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

⁷ See:

- <https://humanrightsleadership.scot/>
- <https://www.gov.scot/groups/national-taskforce-for-human-rights-leadership/>
- <https://www.gov.scot/news/new-human-rights-bill/>
- <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/>

⁸ [Bill of Rights: Bill documents - GOV.UK \(www.gov.uk\)](#)

⁹ This includes weakening access to courts, risk of divergence from the Council of Europe and limitation of human rights considerations in policymaking or to whole areas of law or practice.

¹⁰ [Human-Right-Act-Exec-Summary_2022.pdf \(cypcs.org.uk\)](#)

¹¹ [Age of Criminal Responsibility \(Scotland\) Act 2019 \(legislation.gov.uk\)](#)

¹² See Committee on the Rights of the Child General Comment No. 24:

[docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsqIkirKQZLK2M58RF%2f5F0vEnG3QGKUXFivhToQfjGxYjV05tUAlgpOwHQJsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2bf0RPR9UMtGkA4](#)

¹³ See Children's Care and Justice Bill Proposals [3. Introduction - Children's Care and Justice Bill - policy proposals: consultation - gov.scot \(www.gov.scot\)](#), see also page 7 of : [Criminal Justice Social Work Statistics in Scotland: 2020-21 \(www.gov.scot\)](#)

¹⁴ For example, see SCRA's 'Keeping the Promise Route Plan 2021- 24 ([SCRA-Keeping-The-Promise-Route-Plan.pdf](#)), which sets out how it plans to deliver changes committed to under the Promise [SCRA-Keeping-The-Promise-Route-Plan.pdf](#). See also information about the Bairns Hoose approach: [Bairns' Hoose \(Barnahus\) \(careinspectorate.com\)](#) and [Info-Sheet-86-1.pdf \(cycj.org.uk\)](#)

¹⁵ [plan-21-24.pdf \(thepromise.scot\)](#)

¹⁶ [5. Children and the Criminal Justice System - Children's Care and Justice Bill - policy proposals: consultation - gov.scot \(www.gov.scot\)](#)

¹⁷ 115 of these referrals were for children under the age of 12, reflecting the fact that the MACR law did not come into force until Dec 2021.

¹⁸ [SCRA's Official Statistics 2021/22 - SCRA](#). Committing an offence is the second highest grounds for referral to the Children's report- the highest being Lack of Parental Care.

¹⁹ Currently, 16 and 17 year olds in conflict with the law who are not already the children's hearing system or have an active referral to the Principle Reporter are referred to the Procurator Fiscal. There are plans underway to change this, but it has not come into force yet See: [3. Introduction - Children's Care and Justice Bill - policy proposals: consultation - gov.scot \(www.gov.scot\)](#)

²⁰ See Children (Care and Justice) (Scotland) Bill lodged 13th Dec 2022: [Overview | Scottish Parliament Website](#)

²¹ It has been shown that access to independent advocacy can be an important requisite for helping a child instruct legal representation, for example, see: [Independent advocacy for children and young people in care | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)

²² [Children's Hearings \(Scotland\) Act 2011 \(legislation.gov.uk\)](#)- see section 122

²³ [Children's Hearings Scotland supports new national advocacy scheme \(chscotland.gov.uk\)](#)

²⁴ Child Clan Law [\[Clan Childlaw calls for a child-friendly legal aid system | Clan Childlaw, see also: Download.ashx \(clanchildlaw.org\)](#)

²⁵ [3. Introduction - Children's Care and Justice Bill - policy proposals: consultation - gov.scot \(www.gov.scot\)](#) (see 5.2). See also: [Use and impact of bail and remand with children in Scotland \(cycj.org.uk\)](#)

²⁶ See: [Improving legal support for children in conflict with the law: Emerging Findings | Clan Childlaw](#)

²⁷ Ibid.

²⁸ For example, see [People in prison awaiting trial at 'crisis' point - BBC News](#). The pandemic combined with a backlog in court cases has exacerbated this- see [Community justice: Sustainable alternatives to custody : Sustainable alternatives to custody \(audit-scotland.gov.uk\)](#)

²⁹ [SPS Prison Population](#)

³⁰ [Scottish Prison Population Statistics 2021-22 - gov.scot \(www.gov.scot\)](#)

³¹ [People in prison awaiting trial at 'crisis' point - BBC News](#)

³² See for example:

- [The Scandal of Remand in Scotland: A Report by Howard League Scotland – May 2021 | Howard League Scotland](#)
- [Children-on-remand-voices-lessons.pdf \(howardleague.org\)](#)
- [“Not cut out for prison”: Depriving children of their childhood - CYPSCS](#)

³³ Additional factors include a lack of a fixed abode/ appropriate place of safety for individuals in the community or the absence of support services from social work or the third sector, a history of offending or breaching orders etc. See: [Use and impact of bail and remand with children in Scotland \(cycj.org.uk\)](#)

³⁴ See:

- <https://howardleague.scot/news/2021/may/scandal-remand-scotland-report-howard-league-scotland-%E2%80%93-may-2021>

³⁵ [Report on Expert Review of Provision of Mental Health Services at HMP YOI Polmont | HMIPS \(prisonsinspectoratescotland.gov.uk\)](#)

³⁶ [Use and impact of bail and remand with children in Scotland \(cycj.org.uk\)](#)

³⁷ [19th Kilbrandon Lecture – 27th January 2022 – Dr Claire Lightowler - YouTube](#). See also: [People in prison awaiting trial at 'crisis' point - BBC News](#)

³⁸ [Bail and Release from Custody \(Scotland\) Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](#)

³⁹ For example, see responses from CYCJ and Child Clan Law: [Bail and Release from Custody \(Scotland\) Bill - CYCJ's response - Children and Young People's Centre for Justice Response 203533347 to Bail and Release from Custody \(Scotland\) Bill - Scottish Parliament - Citizen Space](#)

⁴⁰ See response from CYPSCS: [20220927_CYPSCS.pdf](#)

⁴¹ For example, see responses from Howard League Scotland and Families Outside [20220908_HowardLeagueScotland.pdf](#), [Response 790563653 to Bail and Release from Custody \(Scotland\) Bill - Scottish Parliament - Citizen Space](#)

⁴² See:

- [Prisons & Places of Detention \(scottishhumanrights.com\)](#);
- https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=INT%2fCRC%2fFN%2fGBR%2f23800&Lang=en
- see our 2022 submission to the Universal Periodic Review: [Pdf \(browsealoud.com\)](#)
- [HMIPS Year of Childhood Survey \(prisonsinspectoratescotland.gov.uk\)](#)
- [HM Chief Inspector of Prisons for Scotland: Annual Report 2021-22 | HMIPS \(prisonsinspectoratescotland.gov.uk\)](#)
- [Monitoring places of detention during COVID-19 - 12th Annual Report of the UK's National Preventative Mechanism 2020-21](#)

⁴³ HMIPS Annual Report 2022: [HM Chief Inspector of Prisons for Scotland: Annual Report 2021-22 | HMIPS \(prisonsinspectoratescotland.gov.uk\)](#)

⁴⁴ See: [keepthepromise-youth-justice.pdf](#)

⁴⁵ [A Rights-Respecting Approach to Justice for Children and Young People: Scotland's Vision and Priorities – Action Plan 2021-2022 \(www.gov.scot\)](#)

⁴⁶ At the time of writing there were five 16&17 year olds in prison in Scotland, 4 of which were on remand.

⁴⁷ [Report on Expert Review of Provision of Mental Health Services at HMP YOI Polmont | HMIPS \(prisonsinspectoratescotland.gov.uk\)](#)

⁴⁸ The Centre's survey indicated that, in the year prior to admission, 35 %of children had attempted suicide with 53 %experiencing suicidal thoughts. Staff within secure care also noted that in 24 %of cases, there was a suspected, undiagnosed mental health concern. Despite this

⁴⁹ 'Secure Care and Prison places for children and young people in Scotland' (26 Nov 2019), Scottish Parliament Justice Committee, available at: <https://digitalpublications.parliament.scot/Committees/Report/J/2019/11/26/Secure-care-and-prison-places-for-children-and-young-people-in-Scotland>

⁵⁰ See: [Secure care and prison places for children and young people in Scotland \(azureedge.net\)](#)

⁵¹ Ibid.

⁵² See: <https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf>

⁵³ See: [Healthcare in Prisons \(azureedge.net\)](#)

⁵⁴ See: [Understanding the Needs of Scotland's Prison Population: A synthesis report \(www.gov.scot\)](#)

⁵⁵ See: [Monitoring places of detention during COVID-19 - 12th Annual Report of the UK's National Preventative Mechanism 2020-21 \(publishing.service.gov.uk\)](#)

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- ⁵⁶ See: [‘Spend time with me’: Children and young people’s experiences of COVID-19 and the justice system \(strath.ac.uk\)](https://www.strath.ac.uk/news/2020/04/2020-04-20-children-and-young-peoples-experiences-of-covid-19-and-the-justice-system/)
- ⁵⁷ Statistics available at: [COVID-19 Information Hub \(sps.gov.uk\)](https://www.sps.gov.uk/covid-19-information-hub/)
- ⁵⁸ See: [Commission welcomes new Scottish COVID-19 inquiry Chair and commitment to embed human rights \(scottishhumanrights.com\)](https://www.scottishhumanrights.com/news/2020/04/2020-04-20-commission-welcomes-new-scottish-covid-19-inquiry-chair-and-commitment-to-embed-human-rights/),
- ⁵⁹ See: [Rights Respecting? Scotland’s approach to children in conflict with the law - Children and Young People’s Centre for Justice \(cycj.org.uk\)](https://www.cycj.org.uk/news/2020/04/2020-04-20-rights-respecting-scotland-s-approach-to-children-in-conflict-with-the-law/)
- ⁶⁰ Ibid.
- ⁶¹ See:
- https://www.prisonsofscotland.gov.uk/publications/independent-review-response-deaths-prison-custody
 - <https://www.gov.scot/news/death-in-custody-review/>
- ⁶² See: [Progress report on Independent Review of the Response to Deaths in Prison Custody \(scottishhumanrights.com\)](https://www.scottishhumanrights.com/news/2020/04/2020-04-20-progress-report-on-independent-review-of-the-response-to-deaths-in-prison-custody/). See also: [Independent Review of the Response to Deaths in Prison Custody: progress report - follow up - gov.scot \(www.gov.scot\)](https://www.gov.scot/news/2020/04/2020-04-20-independent-review-of-the-response-to-deaths-in-prison-custody-progress-report-follow-up/)
- ⁶³ <https://www.scottishhumanrights.com/media/2284/investigating-deaths-during-mh-detention-20220214-final.pdf>
- ⁶⁴ The target is currently set at 18 weeks from referral to treatment. See:
- [Child and Adolescent Mental Health Services \(CAMHS\) waiting times - Quarter ending September 2022 - Child and Adolescent Mental Health Services \(CAMHS\) waiting times - Publications - Public Health Scotland](https://www.healthscotland.scot/publications/2022/09/2022-09-09-child-and-adolescent-mental-health-services-camhs-waiting-times-quarter-ending-september-2022/)
 - [Child and Adolescent Mental Health Services \(CAMHS\) waiting times - Publications - Public Health Scotland](https://www.healthscotland.scot/publications/2022/09/2022-09-09-child-and-adolescent-mental-health-services-camhs-waiting-times-publications-public-health-scotland/)
 - <https://www.audit-scotland.gov.uk/report/blog-child-and-adolescent-mental-health-services>
 - <https://www.bbc.co.uk/news/uk-scotland-60750321>
- ⁶⁵ See:
- <https://www.audit-scotland.gov.uk/report/blog-child-and-adolescent-mental-health-services>
 - https://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180913_mental_health.pdf
 - <https://www.bbc.co.uk/news/uk-scotland-60158804>
- ⁶⁶ 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
- ⁶⁷ See:
- http://www.parliament.scot/S5_HealthandSportCommittee/Inquiries/201609_MH029_NHS_Health_Scotland.pdf
 - <https://www.scotpho.org.uk/comparative-health/burden-of-disease/overview/>
- ⁶⁸ 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
- ⁶⁹ 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>
 - <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/>

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- ⁷⁰ [Mental Health - Scottish Children's Services Coalition \(thescsc.org.uk\)](https://thescsc.org.uk)
- ⁷¹ Mental Welfare Commission- [Rise in numbers of young people admitted to adult wards for mental health treatment | Mental Welfare Commission for Scotland \(mwscot.org.uk\)](https://www.mwscot.org.uk)
- ⁷² See:
- [WhatPeopleTellUs-CarerInteractionWithServices_Feb2020.pdf \(mwscot.org.uk\)](https://www.mwscot.org.uk)
 - [Mental-Health-Carers-Consultation-Full-Report.pdf \(vocal.org.uk\)](https://www.vocal.org.uk)
- ⁷³ See: [Child Poverty \(Scotland\) Act 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- ⁷⁴ Currently 8 in 10 children living in poverty belong to one of these groups: 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 and larger families (3+ children). See: [Tackling Child Poverty Delivery Plan 2022-26 - gov.scot \(www.gov.scot\)](https://www.gov.scot)
- ⁷⁵ See: <https://www.resolutionfoundation.org/publications/wrong-direction-can-scotland-hit-its-child-poverty-targets/> and <http://uwsoxfampartnership.org.uk/wp-content/uploads/2019/06/On-Target-July-2019-Web-FINAL.pdf>
- ⁷⁶ See: [Poverty and Income Inequality in Scotland 2017-20 - A Scottish Government National Statistics publication Published on 25 March 2021](https://www.gov.scot/publications/poverty-and-income-inequality-in-scotland-2017-20-a-scottish-government-national-statistics-publication/published-on-25-march-2021/)
- ⁷⁷ See: [Poverty in Scotland - gov.scot \(www.gov.scot\)](https://www.gov.scot)
- ⁷⁸ See: <https://www.ippr.org/blog/covid-19-how-are-families-with-children-faring-so-far>
- ⁷⁹ See:
- [Poverty in Scotland 2021 | JRF](https://www.jrf.org.uk)
 - [Poverty in scotland 2022_0.pdf](https://www.gov.scot/publications/poverty-in-scotland-2022-0.pdf)
- ⁸⁰ See: <https://www.fraserofallander.org/wp-content/uploads/2021/06/Child-Poverty-Final.pdf>
- ⁸¹ https://scotland.shelter.org.uk/housing_policy/key_statistics/homelessness_facts_and_research
- ⁸² See:
- https://scotland.shelter.org.uk/housing_policy/key_statistics/homelessness_facts_and_research
 - <https://www.gov.scot/publications/homelessness-scotland-2020-2021/>
- ⁸³ <https://homelessnetwork.scot/2020/04/26/inequality-homelessness-covid-19/>
- ⁸⁴ Ibid.
- ⁸⁵ <https://www.fraserofallander.org/coronavirus-impact-on-economy-society-17-experts/>
- ⁸⁶ <https://homelessnetwork.scot/2020/04/26/inequality-homelessness-covid-19/>
- ⁸⁷ <https://www.gov.scot/publications/ending-destitution-together/pages/9/>
- ⁸⁸ See: <https://www.fraserofallander.org/fai-publications/fraser-economic-commentary/coronavirus-impact-oneconomy-society-17-experts/>
- ⁸⁹ See: [2022csoh35.pdf \(scotcourts.gov.uk\)](https://www.scotcourts.gov.uk)
- ⁹⁰ See:
- Scottish Government (2018) Homelessness in Scotland 2017-2018. <https://www.gov.scot/publications/homelessness-scotland-2017-18/>
 - Scottish Housing Regulator (2018) Housing people who are homeless in Glasgow, <https://www.housingregulator.gov.scot/landlord-performance/national-reports/thematic-work/housing-peoplewho-are-homeless-in-glasgow>
 - Shelter Scotland (2017) Evidence of Gatekeeping in Glasgow City Council, https://scotland.shelter.org.uk/professional_resources/policy_library/evidence_of_gatekeeping_in_glasgow_city_council
- ⁹¹ See: [Supporting documents - Scottish Health Survey 2019 - volume 1: main report - gov.scot \(www.gov.scot\)](https://www.gov.scot)
- ⁹² There was a There has been a 43% increase in the number of food parcels distributed 2016-2020 in Scotland.
- ⁹³ 34% increase in the total number of parcels distributed compared to the same period in 2021/22,
- ⁹⁴ [Good Food Nation Scotland Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](https://www.scottish.parliament.uk)
- ⁹⁵ [Ending the need for food banks: consultation on a draft national plan - gov.scot \(www.gov.scot\)](https://www.gov.scot)
- ⁹⁶ See: <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/good-food-nation-scotland-bill/introduced/bill-as-introduced.pdf>

⁹⁷ See: [Poverty in Scotland 2021 | JRF](#)

⁹⁸ See: [Letter to Ofgem: calling for a ban on energy companies compulsory installations of pre-payment meters - The Children and Young People's Commissioner Scotland \(cypcs.org.uk\)](#)

⁹⁹ [Fuel Poverty \(Targets, Definition and Strategy\) \(Scotland\) Act 2019 \(legislation.gov.uk\)](#)

¹⁰⁰ It also requires Scottish Ministers to produce a comprehensive strategy to show how they intend to meet the targets.

¹⁰¹ See: [How will rising UK energy bills affect fuel poverty and affordability? - Economics Observatory](#)

¹⁰² It has been suggested that three-quarters of all households in Scotland could struggle with energy affordability in 2023 without significant work to lower the energy price – see: [Poverty Gap widens as low income families shoulder increasing household debts – TFN- 21st October 2021 by Robert Armour; <https://www.dailyrecord.co.uk/news/politics/four-million-scots-face-being-27774717>](#)

¹⁰³ See:

- [Young People & Climate Change - Groundwork](#)
- [Resources | Scottish Youth Climate Project \(youthlinkscotland.org\)](#)
- [Climate change for the Climate Assembly - Children's Parliament \(childrensparliament.org.uk\)](#)
- [Young people call for action on climate change | Scottish Wildlife Trust](#)

¹⁰⁴ 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/>

¹⁰⁵ 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.

¹⁰⁶ See:

- <https://www.gov.scot/environment-and-climate-change/>
- <https://www.transport.gov.scot/media/50338/decarbonising-the-scottish-transport-sector-summary-report-september-2021.pdf>

¹⁰⁷ 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/>

¹⁰⁸ 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/>

¹⁰⁹ See: [Scotland's climate targets are in danger of becoming meaningless - Climate Change Committee \(theccc.org.uk\)](#)

¹¹⁰ See:

- [COP26: Thousands of young people take over Glasgow streets demanding climate action | UN News](#)