

Karen Adam MSP, Convener

Equalities, Human Rights and Civil Justice Committee
The Scottish Parliament
Edinburgh
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Via email: ehrcj.committee@parliament.scot

10 December 2024

Dear Convener,

State of the Nation 2024: Civil and Political Rights in Scotland

It is my pleasure as the Chair of the Scottish Human Rights Commission to present the Equalities, Human Rights and Civil Justice Committee with our first State of the Nation report, marking Human Rights Day 2024.

For the first time, this year the Commission offers a snapshot of key human rights concerns and challenges affecting people in Scotland's civil and political rights, such as access to justice, fair trial and the freedom from torture, inhuman and degrading treatment or punishment.

Drawing from our human rights monitoring work on spotlight projects and our international reporting to the United Nations and Council of Europe over the period September 2023 - September 2024, we have examined 14 rights drawn from the European Convention on Human Rights and the International Covenant on Civil and Political Rights, mostly given effect in Scotland through the Human Rights Act 1998.

We find there are significant access to justice challenges in Scotland, including a lack of human rights cases in Scottish courts. The justice system is currently highly complex, expensive and under-resourced. This means in order to challenge and ultimately remedy a possible human rights violation, people must navigate a fundamentally broken justice system, often at great personal and financial expense.

As it stands, the Commission has very limited powers to close the gap, to the detriment of the people of Scotland.

As you are aware, our statutory duty is to promote human rights in Scotland, and as the National Human Rights Institution accredited via the United Nations system, the Commission's responsibility is to monitor issues affecting the enjoyment of rights, and report independently, without fear or favour. The Scottish Parliament has an essential role, both as a duty bearer under human rights law and as the accountability body here in Scotland for the actions of the State under devolved law, with the power to identify and direct action to address barriers to human rights.

Through the Commission's strategic plan, we have committed to a series of annual reports, of which this is the first, to provide a snapshot of current human rights challenges, as well promote awareness of human rights in line with our mandate.

Our commitment is to develop the state of the nation report over the four years of our [Strategic Plan 2024-2028](#) as follows:

- Year 1: Civil and Political Rights
- Year 2: Economic, Social and Cultural Rights
- Year 3: The Rights of Specific Groups as Protected by Treaties
- Year 4: The Overall State of Human Rights in Scotland

While there is much for individual MSPs and Committees to examine within the technical detail of the report, established practice in other countries of aligning similar reports with a fixed, annual parliamentary debate has enhanced the accountability of the government, expanded the public and political awareness of human rights obligations and lead to enhanced consideration of rights across the work of parliament.

We have therefore written to the Presiding Officer encouraging such practice to be explored withing the Scottish Parliament. Ahead of next year's report, published on 10th December 2025, I ask the Committee to support such a move, which would create a fixed human rights day point in the parliamentary calendar, supporting not only MSPs, but the people of Scotland, media and civil society to understand and action human rights concerns.

In the meantime, I also encourage the Equalities, Human Rights and Civil Justice Committee to consider whether any committee time in early 2025 might be available to discuss the report and support both the dissemination of year 1 findings across the Parliament. We would also encourage that the Scottish Government should participate in this process.

3

This would be distinct to the session to hold the Commission to account on its performance aligned to our own Annual Report, as required by the Scottish Commission for Human Rights Act 2006.

The Commission would welcome further discussion with you, the SPCB and the Equalities, Human Rights and Civil Justice Committee to explore this proposal.

Yours sincerely,



Professor Angela O'Hagan
Chair, Scottish Human Rights Commission

Enc. Scottish Human Rights Commission State of the Nation Report 2024: Civil and Political Rights.