

SHRC response to call for input: OHCHR study on the impact of mental health challenges on the enjoyment of human rights by young people.

(Human Rights Council Resolution 57/30)

February 2026

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Introduction

The Scottish Human Rights Commission (the SHRC) is pleased to provide this response to the call for input from the Office of the High Commission on Human Rights (OHCHR) on the impact of mental health challenges on the enjoyment of human rights by young people (Resolution 57/30).¹ It aims to support OHCHR's global study, which is being prepared in advance of the 63rd session of the Human Rights Council.²

The SHRC's response summarises relevant evidence from our recent monitoring and 'spotlight' research reports that fall within scope of this Call for Input. It focuses largely on longstanding issues. The SHRC recognises that there have been a range legislative, policy and financial efforts made by the Scottish Government to address some of the gaps outlined in this paper, including via the incorporation of the UN Convention on the Rights of the Child (UNCRC).³ However it is our assessment that there remain multiple and complex barriers affecting young people's enjoyment of the right to mental health and other interrelated rights in Scotland.

For the purpose of this report, the SHRC has included issues that impact on young people aged 15-24, the definition of 'youth' currently used by the UN.⁴

About the SHRC

As the National Human Rights Institution (NHRI) for Scotland, the SHRC has a general duty to promote awareness, understanding and respect for all human rights and to encourage best practice.

The SHRC operates within a broad statutory mandate with monitoring, reporting and implementation functions, often doing so collaboratively with other UK NHRIs and statutory bodies⁵. Our work is guided by a four-year strategic plan⁶, which currently focuses four priority areas: poverty, places of detention, access to justice and the rights of specially-protected groups.

The content of this report is informed by our work in these areas, as well as our periodic reports to human rights treaty bodies.

Key mental health challenges and barriers to the right to mental health for young people in Scotland (questions 1& 3)

Our [spotlight projects](#) including our work on [Absolute Rights in Places of Detention](#) and local monitoring of [Economic, Social and Cultural Rights in Scotland](#), as well as our reporting to human rights treaty bodies have surfaced a range of challenges and barriers in relation to young people's enjoyment of mental health in Scotland. This includes, but is not limited to, the following issues.

Availability of Mental Healthcare Support

The provision of mental health support for children and young people is not always available when and where people need it. There have been long waiting lists for Child and Adolescent Mental Health Services (CAMHS) for many years,⁷ high numbers of rejected referrals and persistent failures to meet government-mandated treatment targets, despite increased financial investment by the Scottish Government in mental health services.⁸

The Scottish Government target that 90 per cent of young people should start treatment within 18 weeks of referral to CAMHS⁹ was achieved for the first time in the quarter ending December 2024,¹⁰ a decade after the specification was first created. While this reflects some progress, campaigners have noted that many young people are still subject to long waits, with children in some areas waiting for more than a year to access CAMHS services.¹¹

Access to support remains inconsistent across different Health Board areas, with particular challenges experienced by those requiring treatment in remote and rural areas (e.g. having to travel long distances to access specialist services due to lack of availability locally).¹²

There have also been long waiting lists and missed treatment targets for adult mental health services,¹³ as well as longstanding issues around the coordination, planning and consistency of the transition between child and adult mental health provision.¹⁴

Availability of Specialist Mental Healthcare Support

The Mental Welfare Commission for Scotland (MWC) has reported longstanding instances young people being treated in non-specialist wards in Scotland, mainly as a result of a shortage of specialist beds and a lack of provision for children and

young people with complex needs such as learning disabilities, forensic and intensive psychiatric care.¹⁵ According to recent data, young people continue to be placed in non-specialist (mainly adult) wards,¹⁶ although the numbers have fallen over the past four years.¹⁷

SHRC has previously highlighted concerning delays in setting up provision of high secure psychiatric facilities for women in Scotland, which meant that women requiring this level of care were previously sent to England to be treated.¹⁸ While some high-secure beds are now available within the State Hospital in Scotland, there remains uncertainty about the sustainability of this provision in the future.¹⁹

SHRC has also raised concerns about the continued inappropriate hospitalisation and institutionalisation of people with learning disabilities due to lack of appropriate support and housing within the community.²⁰ The Scottish Government 'Coming Home' Implementation Plan, published in 2022, committed to address this. However, the plan falls short of delivering the right to independent living as required by UNCRPD and has not yet been fully implemented.

There is limited access and long waiting lists for gender identity related healthcare, including mental health support,²¹ with children and young people waiting on average four years for a first appointment.²² There are also long waiting lists for neurodevelopmental assessments (including ADHD and ASD).²³ Access to specialist advocacy services for children and young people is also inconsistent.²⁴

The Impact of intersectional discrimination

SHRC's treaty shadow reports have highlighted longstanding health inequalities in Scotland. Some groups of young people are more likely to experience poor mental health and face additional barriers to accessing the right support when needed. This includes disabled people,²⁵ care experienced young people²⁶, young people from Black and minority ethnic communities,²⁷ asylum seekers,²⁸ Scottish Gypsy/ Travellers,²⁹ LGBTI+ young people³⁰ and young people living in poverty.³¹

1. Budgetary Transparency and Data (question 5)

SHRC has a longstanding programme of work on Human Rights Budgeting and has raised concerns for a number of years about the difficulty in tracking resource allocations in the Scottish Budget through to spend, as well as highlighting that insufficient detail is provided within the budget to understand how resources will be allocated.³² We have noted that resources for mental health tend to be directed towards crisis management rather than long-term investment and prevention³³ and

have highlighted that limited budget transparency constrains meaningful participation and engagement from civil society.

The Health, Social Care and Sport Committee of the Scottish Parliament focused its pre-budget scrutiny for the 2026-7 Budget on mental health spending, looking in particular at levels of preventative spend, priorities for mental health spending and how decisions on mental health spending are made.³⁴ The Committee's report raised concerns about the lack of clarity and transparency over how mental health funding is being prioritised, as well as issues around data collection and dissemination.³⁵

The [draft Scottish Budget](#) 2026-27 allocates almost £22.5 to the health and care portfolio, representing the largest portfolio area of the overall devolved budget. Within this, £149.8 million is allocated for mental health. While this represents a significant overall investment in health and care, the limited visibility of specific mental health allocations within the portfolio does not allow meaningful scrutiny of whether allocations align with prevention, early intervention, and the needs of children and young people and the lack of clarity on preventative investment makes it difficult to assess whether the state is using maximum available resources to progressively realise young people's right to the highest attainable standard of mental health.

The budget narrative indicates a continued focus on 'improving the mental health of children and young people through Child and Adolescent Mental Health Services (CAMHS), school counselling and community based supports'³⁶ as well as expanding the range of support available to adults. However, the absence of age-disaggregated and needs-based budget data limits the ability to assess whether mental health spending is reaching groups of young people at higher risk, including those experiencing poverty, care experience, disability, or neurodivergence.

Mental Health in Detention (questions 1& 3)

Human Rights in places of detention is a key area of strategic focus for SHRC, and work undertaken in this area (including UNCRC reporting, our project on absolute rights in prisons and the forensic estate and our project on prison complaints) has highlighted a range of specific mental health challenges for young people entering and whilst living in detention, secure care and other care settings.

The impact of detention on mental health

Young people entering detention settings in Scotland are more likely to have experienced high levels of Adverse Childhood Experiences (ACEs) and therefore have more complex mental health needs than the wider population.³⁷

While under 18s are no longer placed in Young Offenders Institutes (YOIs) or prisons³⁸, there remain significant numbers of young people over the age of 18 in YOIs¹ and prisons³⁹, often in overcrowded conditions.⁴⁰

The experience of detention has been shown to exacerbate underlying existing mental health issues, particularly for those on remand awaiting trial,⁴¹ with the prevalence of mental health conditions recorded as being higher in younger age groups.⁴² Remand prisoners often do not have access to the same work, rehabilitation and educational opportunities as convicted prisoners and therefore may spend longer periods in their cells without access to purposeful activity.⁴³ Social isolation has been documented as a key trigger for self-harm and suicide.⁴⁴ Both the Committee on the Rights of the Child and the Committee for the Prevention of Torture have raised concerns about the use of solitary confinement, segregation and isolation on children and young people in the UK.⁴⁵ The Covid-19 pandemic compounded mental health outcomes for young people in detention.⁴⁶ During the pandemic, access to non-essential Primary Care services, including individual psychology sessions were suspended which increased waiting times.⁴⁷

There continue to be persistent unmet mental health needs in Scottish prisons and a shortage of prison healthcare staff.⁴⁸ The Mental Welfare Commission identified persistent inadequacies in the provision of mental healthcare in prisons, noting little improvement between 2011 and 2021.⁴⁹

There remains no statutory time limit on immigration detention in the UK, an issue SHRC has been raising for a number of years.⁵⁰ While immigration is a policy matter reserved to the UK Government and statutory guidance dictates that under-18s can only be detained for immigration purposes in specific and limited circumstances,⁵¹ age-disputed young people may still be being placed in adult settings⁵² and SHRC

¹ Young people up to the age of 21 can be held in Young Offenders Institutions, see: [Polmont | Scottish Prison Service](#)

remains concerned about the mental health of young adults seeking asylum detained on administrative grounds in Scotland under current immigration legislation.

Restrictive Practices in Detention Settings

SHRC and others have called upon the Scottish Government to deliver a coherent statutory framework on the use of restraint and seclusion across all settings in which children are under the care and/or supervision of the state and improve data collection on the use of restraint on children.⁵³

Following an Independent Mental Health Law Review in 2020, the Scottish Government committed to scoping how to reduce ‘the use of coercion and restrictive practices such as seclusion and restraint over time’, as well as to develop a strategic action plan to strengthen collective scrutiny of mental health services⁵⁴. Since then, concerns have surfaced regarding potential inhuman and degrading treatment of patients in certain adolescent mental health in-patient units in Scotland, which the SHRC and other human rights bodies⁵⁵ are continuing to monitor.⁵⁶

The Scottish Government has confirmed that it will revise the statutory code of practice to include human rights-based guidance and put in place mandatory recording and reporting of restraint and seclusion.⁵⁷

Processes following a death in secure settings

SHRC has raised serious concerns about the effectiveness of Scotland’s Fatal Accident Inquiry (FAI) system following a death in prison or police custody⁵⁸, calling for the establishment of an independent National Oversight Mechanism to monitor the implementation of all recommendations relating to deaths in detention and non-means-tested legal aid to enable families of those who have died to meaningfully participate in the Fatal Accident Inquiry process. Following the death of two young people in custody, an independent inquiry into the FAI system was established. This reported in January 2026⁵⁹, making 32 recommendations for improving the way deaths in custody are investigated, aiming to enhance compliance with Article 2 ECHR.

Suicide and drug deaths continue to be leading causes of death in Scottish prisons, and the majority of deaths occur within the first six months of someone entering prison.⁶⁰

SHRC has also raised concerns about the fact that there is no mandatory investigation into deaths in mental health detention in Scotland.⁶¹ FAIs for deaths in immigration detention occur only at the discretion of the Crown Office.⁶²

Complaints

SHRC has raised concerns that complaints mechanisms in prisons do not adhere to best practice as advised by the European Committee for the Prevention of Torture (CPT).⁶³ A lack of child-friendly complaints mechanisms for children in detention has also been noted by the UN Committee on the Rights of the Child.

Wider Systemic Issues: Poverty

While the above information provides specific concerns in relation to mental health services in Scotland, through its monitoring work on economic, social and cultural rights in Scotland, the SHRC has also highlighted wider structural issues which have compounded existing barriers and negatively impacted young people's enjoyment of the right to mental health.

As elsewhere across Europe, rising costs of living have exacerbated social inequalities and has had a particular negative impact on the enjoyment of rights amongst certain marginalised groups, for example low income households, children and young people, disabled people, older people, LGBT+ communities, asylum seekers and migrant communities.⁶⁴

Despite a range of policies introduced by the Scottish Government⁶⁵ which have been designed to help low income families, rising living costs have massively affected households in Scotland and pushed or kept more people in poverty. Housing issues, for example in relation to affordability, security of tenure, overcrowding and poor conditions, are frequently associated with poor mental health and wellbeing.⁶⁶ People experiencing mental ill-health represent one of the biggest cohorts of people unable to work due to sickness.⁶⁷

Tackling poverty, particularly child poverty, continues to be articulated as a national 'mission' for the Scottish Government⁶⁸ but the poverty rates are not falling significantly, based on trends in the official statistics.⁶⁹

The daily challenges that people in Scotland face - to afford food, housing and fuel, or to access essential services - all have the potential to a negatively impact on mental health,⁷⁰ with a higher prevalence of mental health issues amongst children and young people living in deprived areas, including an increase in suicide rates amongst young people under the age of 25.⁷¹

Conclusion

The evidence provided in this report highlights a range of challenges and barriers to young people's enjoyment of the right to mental health in Scotland, derived from SHRC's recent strategic spotlight and monitoring work. It is not a fully comprehensive assessment of all issues relevant to young people's enjoyment of the right to mental health but provides a snapshot of some of our key concerns. We believe that many of the issues highlighted here are not new; they have been long-standing for some time but have been exacerbated by external factors such as the rising cost of living.

For further information on any of the reports mentioned in this submission, please email hello@scottishhumanrights.com.

Endnotes

¹ [OHCHR | Call for inputs on the impact of mental health challenges on the enjoyment of human rights by young people](#)

² [United Nations | Resolution adopted by the Human Rights Council](#)

³ [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#)

⁴ [Youth | United Nations](#)

⁵ The Scottish Human Rights Commission is one of three UK NHRIs. The Equality and Human Rights Commission is the NHRI for England and Wales and the Northern Ireland Human Rights Commission is the NHRI for Northern Ireland. There is also a Children and Young People's Commissioner for Scotland (CYCPS), whose office is mandated to protect the human rights of children and young people⁵. Protecting the mental health of Children and Young people is a key Strategic Priority for CYCPS, see [CYCPS | Our Plan 2024-28](#)

⁶ SHRC (2024) [SHRC Strategic Plan 2024-28](#)

⁷ For example, we noted that treatment targets were not always being met in our shadow reports to the Committee on the Rights of the Child in both 2016 and 2022. See:

- SHRC (2016) '[Submission to the United Nations Committee on the Rights of the Child: NHRI report on the United Kingdom's periodic report under the Convention on the Rights of the Child \(CRC\)](#)'.
- SHRC (2022) '[Letter to the Committee on the Rights of the Child in relation to the Review of the United Kingdom of Great Britain and Northern Ireland at the 94th pre-sessional working group, February 2023](#)'.

See also: SHRC (2021) '[Comments on the UK's 40th National Report on the Implementation of the European Social Charter](#)', June 2021.

⁸ For example see:

- SHRC (2021) '[Comments on the UK's 40th National Report on the Implementation of the European Social Charter](#)', June 2021. This report details some of these investments, including an additional £4 million investment to CAMHS in 2019 to increase staff numbers and increasing counsellors across Scottish Secondary Schools.
- Scottish Government (October 2020). '[Mental Health – Scotland's Transition and Recovery](#)'
- Scottish Government (March 2023). '[Communities Mental Health and Wellbeing Fund Projects awarded funding in Year 1 2021/2022](#)'.
- SHRC (Feb 2024) '[Budget 2025-26 Review: Human Rights Analysis](#)'
- Additional funding for mental health is included in the Draft [Scottish Budget](#) 2026-27

⁹ See:

- Scottish Government (Feb 2020) '[Child and Adolescent Mental Health Services \(CAMHS\) NHS Scotland National Service Specification](#)'.
- Public Health Scotland (Dec 2025) '[Child and Adolescent Mental Health Services \(CAMHS\) waiting times: Quarter ending September 2025](#)'.

¹⁰ Public Health Scotland (Dec 2025) '[Child and Adolescent Mental Health Services \(CAMHS\) waiting times: Quarter ending September 2025](#)'.

¹¹ See:

- Health and Care.Scot (Monday 23rd Feb 2026) News item '[CAMHS target met, but long waits remain](#)'

¹² See:

- SHRC (Dec 2025). '[State of the Nation Report: Economic, Social and Cultural Rights in Scotland](#)'.
- SHRC (Noc 2024). '[Economic, Social and Cultural Rights in the Highlands and Islands](#)', SHRC (2022) '[Letter to the Committee on the Rights of the Child in relation to the Review of the United Kingdom of Great Britain and Northern Ireland at the 94th pre-sessional working group, February 2023](#)'

¹³ See:

- Public Health Scotland (Dec 2025) '[Psychological therapies waiting times - Quarter ending September 2025 - Psychological therapies waiting times - Publications - Public Health Scotland](#)'
- SHRC (2021) '[Comments on the UK's 40th National Report on the Implementation of the European Social Charter](#)', June 2021.

¹⁴ See:

- Scottish Parliament (March 2019). '[Transitions of young people with service and care needs between child and adult services in Scotland](#)'. SB 19-15.
- SAMHS (date unknown). '[Youth Commission on Mental Health Services \(YCMHS\) review – summary: what progress has been made on recommendations?](#)'
- Audit Scotland (Dec 2018). '[Children and young people's mental health](#)'

¹⁵ SHRC (2021) '[Comments on the UK's 40th National Report on the Implementation of the European Social Charter](#)', June 2021.

¹⁶ See:

- Mental Welfare Commission for Scotland (Dec 2022). New item: '[Rise in numbers of young people admitted to adult wards for mental health treatment | Mental Welfare Commission for Scotland](#)'

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- Mental Welfare Commission for Scotland (Nov 2024) '[Children and young people monitoring report 2023-24: Admissions of young people under the age of 18 to non-specialist wards in Scotland](#)'.

¹⁷ Scotland has three NHS regional adolescent specialist inpatient units for young people aged between 12-18 based in Glasgow, Edinburgh and Dundee, with nothing north of Dundee -see Mental Welfare Commission for Scotland (Nov 2024) '[Children and young people monitoring report 2023-24: Admissions of young people under the age of 18 to non-specialist wards in Scotland](#)'. For some young people, this may mean being treated far from home. A new National Secure Adolescent Inpatient Service, Foxgrove, is also due to open this year with provision of four beds. See: [New national mental health facility set to open in Ayrshire – NHS Ayrshire & Arran](#)

¹⁸ See:

- SHRC (2021) '[Comments on the UK's 40th National Report on the Implementation of the European Social Charter](#)', June 2021
- SHRC (July 2024). '[Review, recommend, repeat: An assessment of where human rights have stalled in places of detention](#)'.

¹⁹ SHRC (Jan 2025) "'Tick Tock...'" A human rights assessment of progress from institutionalisation to independent living in Scotland', available at: ["Tick Tock..."](#)

²⁰ See:

- SHRC (Jan 2025) "'[Tick Tock..."](#)' A human rights assessment of progress from institutionalisation to independent living in Scotland'.
- UK Independent Mechanism (August 2023). '[UK Independent Mechanism Seven Years On: disabled people's rights to independent living, employment and standard of living in the UK](#)'.

²¹ See:

- SHRC (Dec 2025). '[State of the Nation Report: Economic, Social and Cultural Rights in Scotland](#)'
- SHRC (Jan 2025). '[Parallel Report of the Scottish Human Rights Commission to Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues in relation to its seventh periodic report to the Committee on Economic Social and Cultural Rights](#)'

²² SHRC (Jan 2025). '[Parallel Report of the Scottish Human Rights Commission to Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues in relation to its seventh periodic report to the Committee on Economic Social and Cultural Rights](#)'.

²³

- A 2025 Scottish Parliament Inquiry report into this issue noted that 'as of March 2025, over 42,000 children were waiting for a neurodevelopmental assessment, and that in some areas this figure has increased by over 500% since 2020'. See: SPICe Briefing (2025) [Neurodevelopmental Pathways and Waiting Times in Scotland](#). 24 June 2025 SB 25-25

- The Scottish Government has committed £7.5 million to improving neurodevelopmental assessments the [scottish-budget-2026-2027.pdf](#)

²⁴ See:

- UK Independent Mechanism (August 2023). '[UK Independent Mechanism Seven Years On: disabled people's rights to independent living, employment and standard of living in the UK](#)',
- Mental Welfare Commission for Scotland (Nov 2024) '[Children and young people monitoring report 2023-24: Admissions of young people under the age of 18 to non-specialist wards in Scotland](#)'.

²⁵ See:

- SHRC (2021) '[Comments on the UK's 40th National Report on the Implementation of the European Social Charter](#)', June 2021.
- Access to support for mental health conditions were identified as a particular issue for disabled people in the evidence we received from civil society for our ICESCR report. Please refer to Annex C of Our [Submission to the United Nations Committee on Economic, Social and Cultural Rights \(CESCR\)](#) as part of the periodic review of the United Kingdom, Jan 2025.
- UK Independent Mechanism (August 2023). '[UK Independent Mechanism Seven Years On: disabled people's rights to independent living, employment and standard of living in the UK](#)'.

²⁶

- SHRC (2022) '[Letter to the Committee on the Rights of the Child in relation to the Review of the United Kingdom of Great Britain and Northern Ireland at the 94th pre-sessional working group, February 2023](#)'.
- Care Experienced young people are more likely to experience poor mental health outcomes and have difficulty in gaining access to timely and appropriate support. For example, see: Who Cares Scotland (2016) [Mental health in Scotland- a 10 Year Vision Consultation Response](#); The Promise (Autumn 2022). '[Health and Wellbeing](#)',
- In 2024-25, 22% of young people who were admitted to non-specialist (adult) wards were care experienced and looked after and accommodated by a local authority. See Mental Welfare Commission for Scotland (Nov 2024) '[Children and young people monitoring report 2023-24: Admissions of young people under the age of 18 to non-specialist wards in Scotland](#)'.

²⁷ See:

- SHRC (July 2024). '[Parallel Report for the Combined twenty-fourth to twenty-sixth periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland \(UK\) under Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination](#)'.
- SHRC (June 2023). '[Background Information for the European Commission Against Racism and Intolerance in advance of its 2023 visit to the United Kingdom:Sixth round country monitoring](#)'.

1. ²⁸ The mental health of asylum seekers is exacerbated by the UK asylum system which causes prolonged periods of uncertainty about immigration status, not being permitted to work, relying on financial support which forces people into poverty, being housed in unsuitable hotel accommodation

and destitution caused by the 'No Recourse to Public Funds' provision, all have a negative impact on asylum seekers. See for example:

- SHRC (June 2023). '[Comments on the 42nd National Report of the United Kingdom on the Implementation of the European Social Charter: Children Families and Migrants](#)'.
- SHRC (July 2024). '[Parallel Report for the Combined twenty-fourth to twenty-sixth periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland \(UK\) under Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination](#)'
- SHRC (June 2023). '[Background Information for the European Commission Against Racism and Intolerance in advance of its 2023 visit to the United Kingdom:Sixth round country monitoring](#)'.

²⁹ See:

- SHRC (Jan 2026). '["No man's land" A human rights assessment of the 'Tinker Experiment' and redress for its victims](#)
- Public Health Scotland (April 2023). '[Improving access for Gypsy/Travellers to the NHS and health and social care in Scotland Considerations for carrying out an equality and health inequality impact assessment](#)'.
- Scottish Government (2024). '[improving-lives-scotlands-gypsy-travellers-2-action-plan-2024-2026.pdf](#)'.

³⁰ Discrimination for LGBTI+ people has been highlighted in various spheres, including in work, benefits and healthcare, impacting on mental health and wellbeing levels across the community. See for example SHRC (Jan 2025). '[Parallel Report of the Scottish Human Rights Commission to Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues in relation to its seventh periodic report to the Committee on Economic Social and Cultural Rights](#)'.

³¹

- SHRC (2022) '[Letter to the Committee on the Rights of the Child in relation to the Review of the United Kingdom of Great Britain and Northern Ireland at the 94th pre-sessional working group, February 2023](#)'.
- SHRC (Jan 2025). '[Parallel Report of the Scottish Human Rights Commission to Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues in relation to its seventh periodic report to the Committee on Economic Social and Cultural Rights](#)'.

³² For example, the SHRC argued that the 2025-26 budget lacked the 'granular data' necessary to confirm whether is addressed health disparities in relation to socio-economic status, ethnicity and disability, see: SHRC (Feb 2024). '[Budget 2025-26 Review: Human Rights Analysis](#)'.

³³ See:

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- SHRC (Jan 2025). '[Parallel Report of the Scottish Human Rights Commission to Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues in relation to its seventh periodic report to the Committee on Economic Social and Cultural Rights](#)'.
 - SHRC (2021) '[Comments on the UK's 40th National Report on the Implementation of the European Social Charter](#)'.

³⁴ See Health, Social Care and Sport Committee page at: [Budget scrutiny 2026-27 | Scottish Parliament Website](#)

³⁵ Scottish Parliament Health, Social Care and Sport Committee (October 2025). '[Pre-Budget Scrutiny 2026-27](#)'. SP Paper 894 10th Report, 2025 (Session 6).

³⁶ Scottish Government (January 2026). '[Scottish Budget: 2026-27](#)'. Laid before the Scottish Parliament by the Scottish Ministers, January 2026 SG/2026/13.

³⁷ See:

- SHRC (2022) '[Letter to the Committee on the Rights of the Child in relation to the Review of the United Kingdom of Great Britain and Northern Ireland at the 94th pre-sessional working group, February 2023](#)'.
- SHRC (2021) '[Comments on the UK's 40th National Report on the Implementation of the European Social Charter](#)'.

³⁸ Under-18s are no longer placed in prisons, but prior to the passing of the **Children (Care and Justice) (Scotland) Act 2024**, under 18s were also accommodated in prisons and Young Offenders Institutes in Scotland. See:

[Children \(Care and Justice\) \(Scotland\) Act 2024](#);

-Scottish Government (2024) News item: '[No under 18s in Young Offenders Institutions - gov.scot](#)', published on 02 September 2024.

³⁹ See:

- SPS (ND). '[Prison Population](#)', accessed Feb 2026.
- SHRC (June 2023). '[Comments on the 42nd National Report of the United Kingdom on the Implementation of the European Social Charter: Children Families and Migrants](#)'.

⁴⁰ SHRC (July 2024). '[Review... Recommend... Repeat... An assessment of where human rights have stalled in places of detention](#)'.

⁴¹ See:

- SHRC (July 2024). '[Review... Recommend... Repeat... An assessment of where human rights have stalled in places of detention](#)'.
- SHRC News Item (11th March 2024). '[Concern for civil and political rights in Scotland](#)'.

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- SHRC News Item (12th April 2022). '[Scottish human rights “report card” submitted to United Nations: highlights threats to Human Rights Act, calls for action to tackle rights concerns across Scotland](#)'.

⁴² SHRC (2022) '[Letter to the Committee on the Rights of the Child in relation to the Review of the United Kingdom of Great Britain and Northern Ireland at the 94th pre-sessional working group, February 2023](#)'.

⁴³ See:

- SHRC (June 2023). '[Comments on the 42nd National Report of the United Kingdom on the Implementation of the European Social Charter: Children Families and Migrants](#)'. In 2022, the SHRC raised concerns about the crisis in remand, which was exacerbated in part due to court backlogs stemming from the Covid-19 pandemic and other factors.
- SHRC (2022) '[Letter to the Committee on the Rights of the Child in relation to the Review of the United Kingdom of Great Britain and Northern Ireland at the 94th pre-sessional working group, February 2023](#)'

⁴⁴ See:

- SHRC (June 2023). '[Comments on the 42nd National Report of the United Kingdom on the Implementation of the European Social Charter: Children Families and Migrants](#)'.
- SHRC (2022) '[Letter to the Committee on the Rights of the Child in relation to the Review of the United Kingdom of Great Britain and Northern Ireland at the 94th pre-sessional working group, February 2023](#)'.
- ⁴⁵ These recommendations were made to the UK as the state party, rather than specifically to Scotland. See SHRC (July 2024). '[Review... Recommend... Repeat... An assessment of where human rights have stalled in places of detention](#)'.

⁴⁶ See:

- SHRC (2022) '[Letter to the Committee on the Rights of the Child in relation to the Review of the United Kingdom of Great Britain and Northern Ireland at the 94th pre-sessional working group, February 2023](#)'.
- Although there was an early release programme initiated to ease pressure on overcrowding at the start of the pandemic, of the 348 people who were released early under this scheme only one child and 31 young people aged 18-22 were released. See: CYCJ (July 2020) '[Practice implications of Coronavirus for Children in Conflict with the Law: An ongoing review](#)'. Version 12.

⁴⁷ SHRC (2021) '[Comments on the UK's 40th National Report on the Implementation of the European Social Charter](#)', June 2021.

⁴⁸ See:

- See SHRC (July 2024). [‘Review... Recommend... Repeat... An assessment of where human rights have stalled in places of detention’](#).
- SHRC (2022) [‘Letter to the Committee on the Rights of the Child in relation to the Review of the United Kingdom of Great Britain and Northern Ireland at the 94th pre-sessional working group, February 2023’](#).
- SHRC (Feb 2024). [‘Parallel Report to the United Nations Human Rights Committee on the 8th examination of the United Kingdom of Great Britain and Northern Ireland under the International Covenant on Civil and Political Rights \(ICCPR\)’](#)

⁴⁹ Mental Welfare Commission for Scotland (April 2022). [‘Mental health support in Scotland’s prisons 2021: under-served and under-resourced’](#). Themed visit report.

⁵⁰ For example, we raised this issue during the past two UPR cycles. Please see:

- SHRC (2017) [‘UPR Briefing Paper: Detention, hate crime and human trafficking’](#).
- SHRC (2022). [‘Universal Periodic Review: Submission to the UN Human Rights Council NHRI Report on the United Kingdom’s 4th Cycle Universal Periodic Review’](#).

See also:

- SHRC (June 2023). [‘Background Information for the European Commission Against Racism and Intolerance in advance of its 2023 visit to the United Kingdom: Sixth round country monitoring’](#).
- SHRC (Feb 2024). [‘Parallel Report to the United Nations Human Rights Committee on the 8th examination of the United Kingdom of Great Britain and Northern Ireland under the International Covenant on Civil and Political Rights \(ICCPR\)’](#).
- SHRC (July 2024). [‘Parallel Report for the Combined twenty-fourth to twenty-sixth periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland \(UK\) under Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination’](#).

⁵¹ See:

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- Home Office (Dec 2025). [‘Detention: general instructions’](#). Version 6.0.

⁵² Scottish Legal News (2023). News Item: [‘Children still being detained at Dungavel despite Home Office promises’](#), 15 Nov 2023.

⁵³ See:

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- CYCPS, The Promise Scotland, EHRC and SHRC (Feb 2025). [Joint Letter regarding the Statutory Framework on Restraint and Seclusion](#).
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⁵⁴ SHRC (Feb 2024). [‘Parallel Report to the United Nations Human Rights Committee on the 8th examination of the United Kingdom of Great Britain and Northern Ireland under the International Covenant on Civil and Political Rights \(ICCPR\)’](#).

⁵⁵ SHRC (May 2025). [‘Letter to the Minister for Social Care, Mental Wellbeing and Sport on Potential inhuman and degrading treatment \(Article 3 ECHR\) in mental health in-patient units’](#).

⁵⁶ See:

- CYCPS (2025) News Item: [‘Commissioner: children in care of the State need legal protection from physical restraint and seclusion’](#), 10/02/2025.
- CYCPS (2025) News Item: [‘Statement: Commissioner’s response to report on care at Melville Unit’](#), 23/10/25.

⁵⁷ CYCPS (2025) News Item: [‘Statement: Commissioner’s response to report on care at Melville Unit’](#), 23/10/25.

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⁵⁹ Sheriff Principle Ian Abercrombie KC (2025). [‘Report of the 2025 Independent Review of Fatal Accident Inquiries relating to deaths in custody in Scotland’](#).

⁶⁰ Armstrong, S., Barkas, B., Allan, L., Allan, S and Cairns, D. (Feb 2024). [‘Nothing to See Here? Deaths in custody and FAIs in Scotland – 2023’](#).

⁶¹ For example, see:

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⁶² Armstrong, S., Barkas, B., Allan, L., Allan, S and Cairns, D. (Feb 2024). [‘Nothing to See Here? Deaths in custody and FAIs in Scotland – 2023’](#).

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- ⁶³ SHRC (2025). [‘Access to Justice for Prisoners: The Complaints System’](#).
- ⁶⁴ European Committee of Social Rights (20265). [‘Social Rights and the cost of living crisis.’](#)
- ⁶⁵ SHRC (July 2024). [‘European Social Charter: Ad hoc report on the cost of living crisis submitted by the Government of the United Kingdom – Comments by the Scottish Human Rights Commission’](#).
- ⁶⁶ SHRC (Jan 2025). [‘Parallel Report of the Scottish Human Rights Commission to Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues in relation to its seventh periodic report to the Committee on Economic Social and Cultural Rights’](#).
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- ⁶⁸ Scottish Government (May 2025). [‘Programme for Government 2025-26 Building The Best Future For Scotland’](#).
- ⁶⁹ Scottish Government (March 2025). [‘Poverty and Income Inequality in Scotland 2021-24’](#), An Accredited Official Statistics Publication for Scotland.
- ⁷⁰ SHRC (Dec 2025). [‘State of the Nation Report: Economic, Social and Cultural Rights in Scotland’](#).
- ⁷¹ SHRC (2022) [‘Letter to the Committee on the Rights of the Child in relation to the Review of the United Kingdom of Great Britain and Northern Ireland at the 94th pre-sessional working group, February 2023’](#).