

Neil Gray MSP
Cabinet Secretary for Justice
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

Via CabSecforJustice@gov.scot

Date: 29 July 2026
Our reference: SHRC202650

Dear Mr Gray,

Report of CPT visit to Scotland June 2025

I write following publication of the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)'s ad hoc visit to Scotland in June 2025.

While the CPT highlighted some notable areas of good practice and progress, the overwhelming theme of the report is that many recommendations remain outstanding, even after several years. It is striking that many of the issues highlighted by the CPT also featured in the SHRC's 2024 report, [Review, Recommend, Repeat](#) (RRR) Report. The RRR Report was in itself a demonstration of the lack of progress against international and domestic human rights recommendations relating to the protection of two of the most fundamental human rights in Scotland's places of detention (the right to life and the prohibition of torture and inhuman or degrading treatment or punishment). To see many of the same issues being raised again by the CPT is unacceptable. The pace of change is simply too slow and must be addressed by the Scottish Government and Parliament as an urgent priority.

The CPT has made many detailed and thoughtful recommendations, and a thorough exploration of every issue is beyond the scope of this letter. That said, the following

in particular stand out as being repeat recommendations that have been highlighted in the RRR report and other areas of SHRC's work:

- **Overcrowding** - Overcrowding was described by the CPT as a "worrying feature of the Scottish prison system", once again stating that a coherent strategy, covering both admission to and release from prison is required. The CPT considers the emergency measures taken to date to be insufficient. SHRC's RRR report identified outstanding recommendations on overcrowding as far back as 2013. Overcrowding negatively impacts almost all outcomes of a prison, including purposeful activity, right to fresh air, right to healthcare, rehabilitation. At its most extreme, overcrowding threatens the safety and lives of both prisoners and staff.
- **Conditions of detention** - While the CPT acknowledged some improvements, such as the long-awaited removal of the waiting cubicles (commonly referred to as "dog boxes") at HMP Barlinnie, conditions of detention were again highlighted as requiring improvement, including longer time of out cell and better purposeful activities for prisoners. Failure to adhere to strict minimum standards of cell standards was also highlighted. All of these issues were highlighted in SHRC's RRR report in 2024.
- **Segregation** - Previous concerns regarding segregation of prisoners, often for long periods of time and lacking in meaningful human contact, have been reiterated by the CPT. Like the CPT, the SHRC has highlighted that serious concerns remain regarding the use of segregation and the adequacy of regimes.
- **Healthcare** - The CPT expressed concern about delays in providing care to prisoners, which accords with SHRC's findings that prisoners experienced long waits for healthcare. Of particular concern is the fact that many prisoners continue to complain that they are not receiving psychiatric care. This accords with the SHRC's conclusion that mental health provision remains inadequate to address the high levels of need of the prison population.
- **Deaths in custody** - The CPT has repeated recommendations around review of the FAI system following deaths in custody. The CPT has also noted with concern the increasing death rate in custody. Although the CPT welcomes efforts and reviews of suicide prevention policy, it found that more must be done. Of particular relevance is that the fact that, despite comprehensive information being provided to the CPT by Scottish authorities on efforts aimed at preventing deaths in custody, the CPT "is concerned that the steps mentioned by the Scottish authorities have yet to

translate into concrete actions". The CPT's findings accord with SHRC's conclusions over a number of years, most recently set out in its report, [A 'brutal' system: Families' experiences following a death in custody in Scotland](#) and in SHRC's [evidence to the 2025 Fatal Accident Inquiry Review](#), chaired by Sheriff Principal Abercrombie.

The CPT highlights the issue of restraint in three areas - secure care, women's prisons and the CAMHS unit at Skye House, each of which show differential experiences of the use of restraint. While it notes improvements in the prison estate through the use of non-painful compliance and trauma-informed practices, it also highlights the need for continued scrutiny and vigilance around the use of restraint and treatment at Skye House. In particular, the CPT echoes the call of SHRC, CYPSC, EHRC and the Promise to streamline legislation and regulations to offer equal protections and safeguards for all children who might be subject to restraint in all settings that deprive children of their liberty. The SHRC is acutely concerned at the variable approaches to restraint in deprivation of liberty settings and the lack of assurance the CPT report provides that restraint is properly used as a last resort. This will be an area of ongoing scrutiny for SHRC in the coming year.

The SHRC notes the CPT's recommendation regarding the accommodation of transgender prisoners. We note that it will not be possible for the Scottish Government to implement this recommendation within the current domestic legal framework, following the recent successful challenge to the SPS policy on the management of transgender prisoners. However, the CPT recommendation nevertheless reinforces the need for dignity and respect for all in the management of transgender prisoners.

Very few of the CPT's findings present new, previously unknown information. On the contrary, they add to a growing picture of repeated recommendations and ongoing State inaction. These issues must be treated with the urgency and seriousness they demand.

You have already indicated your willingness to meet with me in your new role, and I am grateful for that. In light of the CPT findings, I hope our teams can find a suitable date to meet in the very near future. SHRC staff will contact your office to find a suitable date.

Yours sincerely



Angela O'Hagan
Chair, Scottish Human Rights Commission

Cc: Alyn Smith, Convenor, Criminal Justice Committee,
criminaljustice.committee@parliament.scot

Helen McDade, Convenor, Health, Care and Sport Committee,
HCS.committee@parliament.scot

CPT, via aikaterini.lazana@coe.int

Maree Todd, Minister for Mental Wellbeing, Public Health, Sport, Alcohol and Drugs;
MinisterforMWPHSAD@gov.scot