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Parliamentary Under Secretary of State (Multilateral, Human Rights, Latin America
and the Caribbean)

CC: Shirley-Ann Sommerville MSP
Cabinet Secretary for Social Justice and Housing

Via Chris.Elmore.mp@parliament.uk

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Dear Minister,

The UK's Response to the Universal Periodic Review

The Scottish Human Rights Commission (SHRC) is beginning its preparations for the 5th Cycle of Universal Periodic Review (UPR). As we consider our own approach to consultation and drafting of our report, I write to raise some reflections on how devolution is treated within the UK's approach, which in our view would strengthen human rights realisation and accountability as well as the UK's position as a global proponent of this process.

The SHRC is Scotland's National Human Rights Institution. We engage with both domestic and international human rights procedures to fulfil our mandate as set out in the [Scottish Commission for Human Rights Act 2006](#). This includes contributing to the work of the United Nations (UN) and other international organisations, in accordance with the [Paris Principles relating to the Status of National Institutions](#). This of course includes contributing to the UPR.

Devolution embedded in the State's approach

In line with the UK Government's devolution policy and international law, Scottish issues are set out in the UPR State report. This is also the case in the official responses to each of the recommendations received in previous cycles.

In the 4th cycle, the Government provided several 'partially supported' responses to recommendations from the UPR in the State Response. The use of a 'partially supported' response was not foreseen in the formal UPR procedure. This means there is no formal guidance that underpins when it should be used.

However, a partial response can be helpful to capture nuance, especially when faced with different positions within the internal arrangements of the State. Our analysis of the UK Government's response and mid-term update found that the use of 'partially supported' appears to be applied inconsistently in the context of differences between devolved jurisdictions in the UK. Notably:

- Some recommendations are given a 'partially supported', and the rationale explicitly cites different positions in different parts of the State. For example, Recommendation 241 (Consider further measures to ensure the minimum age of marriage is raised to at least 18 years across all of the United Kingdom (India)) is 'partially supported', with the State's rationale updated to say this is implemented in England and Wales.
- Other recommendations provide only the 'UK' response despite clear and public difference in position. Devolution does not appear to impact the category of response, but different views are explained in the rationale. For example, recommendation number 37 ("Harmonize the core human rights treaties into domestic law (Samoa)") is 'noted', where the commentary demonstrates that the Scottish Government has adopted a positive response to the recommendation.
- In most cases, the commentary on the response does not mention a devolved position at all, even where we know there to be stated differences between a UK Government's position and a Scottish Government position. For example, Recommendation 171 ("Enhance the Government's commitment to take ambitious action to combat climate change, biodiversity loss and environmental degradation by recognizing the right to a clean, healthy and sustainable environment, and align its legislation to guarantee the enjoyment of this right by all (Vanuatu).") This is "noted", with no mention of the Scottish Government consistent commitment to include the right to a healthy environment in its future human rights Bill.

Both the SHRC and international treaty monitoring bodies have been clear that the UK's devolved structure should not diminish scrutiny in any part of the UK. Even if this is not the intent, an inconsistent or unclear approach to reflecting devolved responsibilities and policy positions makes it difficult to fully assess the claims made or the rationale for positions adopted.

Positive responses to recommendations

We also regret that the UK Government did not fully support more of the 4th Cycle recommendations. Following revisions in the mid-term report published in August 2025, the UK supported just 62 per cent of recommendations received. This falls to less than half (45 per cent) if 'partially supported' recommendations are excluded. In comparison, according to [UPR Info analysis](#) of responses from all states, around 75 per cent of recommendations are 'supported' by recipient States.

We acknowledge that there are many reasons, both practical and political, why the UK Government may not support the content of some UPR recommendations. However, UPR recommendations reflect the perspective of international partners on best practice, and advice on how the State can fully realise human rights and meet its international obligations. As such, it is important that all reasonable efforts are made to support and implement them. As a vocal proponent of the UPR process on the world stage, there is scope for the UK to show greater global leadership on our human rights commitments through a more ambitious commitment to supporting and ultimately implementing recommendations received during the 5th Cycle.

Collaboration

Finally, at this stage in the process, we strongly encourage early discussions between the UK Government and Scottish Government to explore how devolution can be integrated into the State's 5th Cycle Report and the subsequent Response effectively.

Since the last cycle, the Scottish Government has made good progress in establishing a national tracker of recommendations from human rights treaty bodies, which is publicly available. Among its next steps, the Scottish Government should consider how its own actions to implement 'supported' and otherwise positively received recommendations could be integrated into its human rights tracker as part of future phases of planned development. This work should be completed in good time to reflect the UPR 5th Cycle Outcome Report, expected in early 2028.

We strongly encourage both the UK Government and the Scottish Government to begin preparations for fully consultative and meaningful engagement processes during 2026–27, to support civil society participation in the drafting of the State report for the 5th Cycle of Review. We look forward to engaging with you in these consultations and throughout the 5th UPR Cycle.

The SHRC would welcome a response from the UK Government in advance of the 5th Cycle of UPR, setting out the steps that can be put in place to ensure consistency - and ambition - in the UK Government's state report to the UPR. We

would welcome further discussion of this ask as part of our continued engagement with the Ministry of Justice.

Yours sincerely,

A handwritten signature in purple ink, appearing to read 'A. O'Hagan', with a stylized flourish at the end.

Professor Angela O'Hagan
Chair

CC [Michael Johnstone, MoJ; Elli Kontoravdis, SG]