

SHRC

Scottish
Human Rights
Commission

Scottish Human Rights Commission Statement: Human Rights in Scotland

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The Scottish Human Rights Commission

Created in 2006 by Scottish Parliament.

General mandate to promote and protect human rights.

Scotland's NHRI, re-accredited with "A Status" for the third time in 2021.

Remit extends to human rights in areas of Scottish legal responsibility.

Domestic Protection of Human Rights in Scotland

Since 2017, the UK has left the EU – including the Charter of Fundamental Rights and Freedoms - and has introduced proposals to repeal and replace the Human Rights Act.

Scottish Parliament can make laws in all policy areas subject to three main qualifications:

- The 'reservation' to Westminster of matters specified in the Act
- Compliance with the European Convention on Human Rights
- *[EU law]*

Domestic Protection of Human Rights in Scotland

Proposed legislation will include specific rights from:

- the International Covenant on Economic, Social and Cultural Rights;
- the Convention on the Elimination of All Forms of Discrimination against Women;
- the Convention on the Elimination of All Forms of Racial Discrimination;
- the Convention on the Rights of Persons with Disabilities;

- In addition to rights for older people and LGBT+ people; and
- The right to a healthy environment.

Recommendations: Domestic Human Rights Frameworks

The Scottish Government's Human Rights Bill should incorporate international human rights protections to the fullest extent possible.

The Scottish Government should address its non-compliance with the Aarhus Convention.

The UK Government should retain the HRA 1998 and membership of the ECHR.

Detention Conditions

The prison population on remand in Scotland - the majority (90%) of which are awaiting trial - has increased significantly;

An Independent Review co-chaired by SHRC into the handling of deaths in prison custody, delivered 27 recommendations, which were accepted by Scottish Government.

Areas of concern from the Committee for Prevention of Torture have not yet been fully addressed.

Recommendations: Detention Conditions

Scottish Government should take urgent action on:

- High numbers of people on remand;
- Outstanding CPT recommendations;
- Significant concerns about detention conditions;
- Death in custody recommendations.

Poverty and the Cost of Living

A fifth of adults and 26% of children officially live in poverty.

60% of adults living in poverty also live in working households.

1.5 million people in Scotland struggle with the cost of keeping a home and a household is made homeless every 19 minutes.

Despite mitigations and action plans, the Scottish Government is not on track to meet statutory child poverty reduction targets.

Recommendation: Poverty and the Cost of Living

The Scottish Government should urgently set out plans to use available legal powers to reduce the impacts of rising poverty, meet child poverty targets and expand suitable social housing.

Thank You

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