

## Submission to the UN Human Rights Council NHRI Report on the United Kingdom's 4<sup>th</sup> Cycle Universal Periodic Review

30<sup>th</sup> March 2022

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The Scottish Human Rights Commission (SHRC), formed in 2008, was established by the Scottish Commission for Human Rights Act 2006. It is the **National Human Rights Institution (NHRI)** for Scotland, accredited with 'A' status by the Global Alliance of NHRIs and is one of the three UK NHRIs. SHRC is a member of the UK's National Preventive Mechanism. It has a general duty to promote awareness, understanding and respect for all human rights and to encourage best practice. It also has a number of powers including recommending such changes to Scottish law, policy and practice as it considers necessary.

SHRC is pleased to provide this submission to the Human Rights Council as part of the 4<sup>th</sup> cycle review of the United Kingdom. Issues concerning specific groups' rights are highlighted in '**bold**'. The report's scope and methodology are detailed in Annex 1. Annex 2 presents a Sustainable Development Goals review of themes. Annex 3 collates all recommendations. Annex 4 provides annotated references.

All recommendations are directed at the Scottish Government, unless otherwise specified.

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## **Annex 3: Summary of Recommendations**

### **COVID-19**

- Take an HRBA to recovery and to the COVID Inquiry response.

### **Human Rights Framework**

- Incorporate to the fullest extent permitted through devolution. Ensure adequate and effective remedies exist within the national legal system and resource capacity building.

- Amend required sections of the UNCRC Bill without delay.

#### UK Government:

- Retain the HRA 1998 and membership of the ECHR.
- Ratify and incorporate all human rights treaties without reservation, including individual communications procedures.

### **National laws, policies, strategies and Initiatives**

- Ensure an adequately funded and independent civil society.
- Fully implement and resource SNAP2.
- Invest necessary resources in data to support government accountability.
- Address outstanding concerns in recent legislative efforts, national strategies and action plans.
- Create a system to monitor human rights progress in Scotland.

#### Scottish Parliament:

- Ensure SHRC has adequate funding to enable compliance with its functions in accordance with the Paris Principles.

# Civil and Political Rights

## Freedom From Violence

- Strengthen efforts to combat hate crimes and speech, including via the media.
- Strengthen efforts to combat violence against all women and LGBT+ people, including tackling low reporting, conviction rates and specialised assistance for survivors.
- Strengthen measures on human trafficking.
- Introduce national guidance on restraint, including a consistent approach to recording incidents.

## Access to Justice

- Strengthen administrative and judicial routes to remedies ensuring they are accessible, affordable, timely and effective.
- Ensure appropriate reparations for human rights violations, including non-repetition guarantees.

## Policing

- Address recommendations relating to policing without delay.
- Take urgent action on:
  - High numbers of people on remand;
  - Outstanding CPT recommendations;
  - Significant concerns about detention conditions;
  - Death in custody recommendations;

### UK Government:

- Set a statutory time limit for judicial oversight of immigration detention.

## **Technology**

- Introduce legislation regulating the design, development and application of digital technologies, ensuring human rights compliance.

## **Participation rights**

- Set out how 'meaningful' participation good practice is resourced and normalised across the public sector.

## **Economic and Social Rights**

### **Adequate standard of living**

- Strengthen efforts to reduce all aspects of poverty.
- Set out how funding allocations will differ between Child Poverty Delivery plans 1 and 2 to meet targets.
- Prioritise delivery of affordable, accessible and culturally appropriate social housing/ accommodation.

## **Education**

- Address persistent inequalities in attendance, exclusions, and attainment.
- Increase funding for Additional Support Needs.
- Intensify efforts to tackle bullying and violence in schools and online bullying.

## **Right to work and fair conditions of work**

- Strengthen gender pay gap reporting by revising Scottish Specific Duties Regulations 2012.
- Extend pay gap reporting to other protected characteristics.
- Address outstanding childcare gaps.

-Increase social security provisions for unpaid carers.

## **Health**

- Address staff shortages and inequalities in access to healthcare experienced by different groups.
- Investigate inappropriate use of Do Not Resuscitate.
- Address social determinants of persistent inequalities in physical and mental health outcomes.
- Address persistent failure to meet psychological therapies access targets and provide data to understand the rate of rejected referrals.
- Address recommendations from the Scottish Mental Health Law Review and the Independent Forensic Mental Health Review.

## **Social Care**

- Ensure lessons are learned regarding failures in care provision during the pandemic.
- Adequately fund Self-Directed Support and ensure care packages removed during the pandemic are reinstated.
- Ensure the planned National Care Service is adequately funded and embeds human rights at its core.
- Ensure people with learning disabilities or autism can live independently with dignity.

## **Environmental Rights and Climate Justice**

- Address Scotland's noncompliance with the Aarhus Convention.
- Ensure Scotland's emissions targets are met and set out how Scotland will address biodiversity depletion.
- Intensify efforts to mitigate impacts of climate change.