

Scottish Human Rights Commission (SHRC)

Statement: UPR Pre-session on the United Kingdom

Palais des Nations, Geneva, Switzerland
Monday 29th August, 2022

Delivered by Eilidh Dickson, Policy and International Officer

Our remit

This statement is delivered on behalf of the Scottish Human Rights Commission, the National Human Rights Institution for Scotland. We have a statutory duty to protect and promote human rights in all areas of the Scottish Parliament's legal powers. We have engaged with UPR processes since the first cycle. Ahead of the 4th Cycle review of the UK, we have however had limited consultation with the UK and the Scottish Governments, with minimal opportunity to engage with the state report.

In my remarks, I will briefly set out the following areas that are of particular concern and sit within the legal responsibilities of the Scottish Parliament and Government (1) domestic protections for human rights; (2) the conditions in detention facilities and (3) the status of economic, social and cultural rights amid rising poverty rates.

Domestic protections for human rights

In the 3rd Cycle, a significant number of states made recommendations concerning the Constitutional and legislative framework for human rights protection in the UK, of which just three were supported. Since then the UK has concluded its withdrawal from the EU and proposed the repeal and replacement of the Human Rights Act.

Compliance with these standards is built into the Scottish Parliament's powers. We are extremely concerned that the proposals to replace the Human Rights Act, have not considered Scotland and present a real risk to individual rights.

Other panellists, will comment on these proposals in detail but we make clear the SHRC's strong opposition and ask you to recommend that the UK Government retain the Human Rights Act.

The Scottish Government has committed to a new Scottish human rights framework, including incorporation of international treaties into domestic law. This process offers significant potential for the protection of ESC rights and specific group rights. The commitment also extends to protection of a right to a healthy environment, which must be meaningful given Scotland's failure to meet its statutory emissions targets.

We ask you to recommend that Scotland incorporate the full range of rights promised to the *maximum extent possible*, including protection for minority groups and adherence to the Aarhus Convention.

Detention conditions

At the previous cycle, five recommendations on declining conditions in prisons were accepted by the UK. However, since then in Scotland we continue to see severe overcrowding and poor living conditions in prisons, solitary confinement, the use of restraint and inappropriate use of strip search in Young Offenders Institutions; and increasing levels of mental ill-health, self-harm and suicide among people in prison, especially for women and young people.

We ask you to recommend that the Scottish Government should fully implement all recommendations from the Deaths in Custody Review and those raised by the European Committee for the Prevention of Torture.

Poverty, Cost of living and ESC rights

Although a small number of states made specific recommendations relating to socio-economic inequality, today a fifth of working age adults live in poverty in Scotland and 26% of children. In 2017 the Scottish Parliament passed the Child Poverty Act, which sets out statutory targets to reduce Child Poverty. This was accompanied by two three-year Delivery Plans and a new Scottish Child Payment in 2021 delivered through new social security powers.

We ask you to recommend that the Scottish Government urgently set out how it can use devolved powers to reduce the impacts of rising poverty, meet its statutory child poverty targets and expand suitable social housing.

Thank you for your attention.

Ends.

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Concluding Remarks

Thank you for considering the recommendations I have laid out in the areas of domestic human rights frameworks, detention conditions and poverty. I hope that we might have further opportunity to discuss however additional details and context is provided in our materials available in the room.

In the months since our report was submitted, the cost of living crisis that was becoming strongly apparent has escalated dramatically. Household energy bills increased by 54% in April 2022 and are expected to rise again to £5,000 by the end of the year. The Scottish Government has this month confirmed that it will undertake an emergency budget and consider available regulatory action. The UK treasury must now confirm what action it will take, and what additional spending it will make available.

We strongly urge you to consider the value of UPR recommendations to the Scottish Government which offer accountability for individual rights protection in Scotland. However, as the state under review, it is also vital that the UK Government works with the Scottish Government to ensure conditions which support the commitments to progress human rights protection and implementation.

Ends.