

Background Information for the European Commission Against Racism and Intolerance in advance of its 2023 visit to the United Kingdom- Sixth round country monitoring

June 2023

The Scottish Human Rights Commission (the Commission) is the National Human Rights Institution (NHRI) for Scotland, accredited with 'A status' by the International Coordinating Committee of NHRIs. The Commission was established by an Act of the Scottish Parliament in 2008. It has a general duty to promote awareness, understanding and respect for all human rights and to encourage best practice, including through education; training and awareness raising, and by publishing research. SHRC has a number of powers including:

- The power to conduct inquiries into the policies or practices of Scottish public authorities,
- Recommending such changes to Scottish law, policy and practice as it considers necessary,
- The power to enter some places of detention as part of an inquiry,
- The power to intervene in some civil court cases.

The Commission is one of three NHRIs in the UK.¹ The Commission is also a member of the UK's National Preventive Mechanism (NPM) designated in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

¹ The Commission works in close collaboration with the Equality and Human Rights Commission (in relation to the exercise in Scotland of reserved powers), and when appropriate the Northern Ireland Human Rights Commission (in relation to UK-wide legislation, policy and practice), to ensure that each of the three NHRIs plays its part in securing effective protection.

For more information on any element of this background briefing notes, please contact: Lauren Bruce (lauren.bruce@scottishhumanrights.com) or Eilidh Dickson (Eilidh.dickson@scottishhumanrights.com)

Table of Contents

- 1. Introduction, Structure and Scope of this report..... 4
 - 1.1. Introduction and Remit..... 4
 - 1.2. Structure and Sources 4
- 2. Effective Equality and Access to Rights..... 6
 - 2.1. Equality Bodies 6
 - 2.2. Inclusive Education 6
 - 2.3. Irregularly present migrants 8
 - 2.4 LGBT+ equality 14
- 3. Hate Speech and Hate Motivated Violence 16
- 4. Integration and Inclusion..... 18
 - 4.1. Rights of ethnic minority communities and migrants..... 18
 - 4.2. Particular issues affecting Gypsy/Traveller Communities 24
- 5. Conclusion 25

1. Introduction, Structure and Scope of this report

1.1. Introduction and Remit

The Scottish Human Rights Commission (SHRC) is pleased to provide background information to inform the European Commission Against Racism and Intolerance (ECRI)'s planned visit to the United Kingdom in the second part of 2023.

The Scotland Act 1998, which established the Scottish Parliament, requires both the Scottish Parliament and Scottish Government to observe and implement all of the UK's international human rights obligations. Under the terms of the Scotland Act 1998, all issues which are not explicitly reserved to the UK Parliament are devolved to the Scottish Parliament. Consequently, issues such as justice, detention, policing, health, education, social care and some elements of social security are within the powers of the Scottish Parliament. Immigration, employment and equality law are reserved matters.

The Commission's mandate extends to all human rights matters that sit within the Scottish Parliament's devolved competency. Legislation relating to equal opportunities – including discrimination on the grounds of race - is largely reserved to the UK Government. The Equality and Human Rights Commission is the equality body for Great Britain (England, Wales and Scotland) and regulator of the Equality Act 2010. The EHRC is also the NHRI for England and Wales and retains responsibility for human rights in reserved areas for Scotland.

1.2. Structure and Sources

This report provides evidence and analysis on the situation in Scotland in response to a direct request for information from the European Commission against Racism and Intolerance (ECRI).¹ The information is provided to support development of a 'List of Questions' ahead of the sixth round of monitoring of the UK. We have included relevant, up-to-date research and evidence available, drawn from our recent submissions to international human rights treaty monitoring reviews, media commentary and domestic policy consultations.

This paper does not represent a complete or comprehensive assessment of all aspects of policy ECRI may consider as part of the review.² The Commission would welcome opportunities to engage further during ECRI's monitoring visit.

² ECRI applies the standards found in a number of conventions to which the UK is a party – see ECRI General Policy Recommendation No.1: On Combating Racism, Xenophobia, Antisemitism and Intolerance [Council of Europe \(coe.int\)](https://www.coe.int/en/web/echr/ghpr1).

The following documents previously published by the Commission have been used in the preparation of this report, in particular:

- Our submission to the [Universal Periodic Review](#) (2022)
- Our [Submission to the United Nations Committee on Economic, Social and Cultural Rights \(CESCR\)](#) for its pre-sessional working group adoption of lists of issues for the UK (2022)
- Our [Submission to the UN Human Rights Committee on the implementation in Scotland of the International Covenant on Civil and Political Rights](#) (2020)
- Our [Submission to the European Social Charter](#) on the theme of ‘health, social services and social protection’ (2021)

We have also incorporated some emerging areas of research conducted in preparation for future treaty reporting cycles and for domestic policy analysis.³

³ The full range of the Commission’s policy and research materials can be found at [Publications.](#)

2. Effective Equality and Access to Rights

2.1. Equality Bodies

1. The Commission does not have a specific mandate to consider equality law. The EHRC is the Equality Body for Scotland.

2.2. Inclusive Education

2. Anti- LGBT+², racist bullying, sexism and misogynistic behaviours and other forms of prejudice-related harassment, including Islamophobia³ are prevalent in education settings across Scotland⁴. During lockdown, 47% of children and young people in Scotland reported seeing/experiencing online bullying⁵, while cyberbullying continues to be an ongoing issue⁶.
3. Since the end of 2021, Scottish schools must embed LGBT+-inclusive teaching across the curriculum⁷. Work is underway to replicate this in relation to race⁸. Despite the existence of national policy and guidance for teachers, civil society have reported that LGBT+-inclusive education is patchy across schools, with particular concerns raised that faith based schools do not fully engage⁹.
4. Concerns persist about the ways in which racist behaviour is recognised, addressed and recorded in schools which can lead to low confidence in reporting incidents¹⁰. The Scottish Government's Anti-Racism in Education programme focuses on four key areas of curriculum reform- racism and racist incidents in schools, diversity in the teaching profession and educational leadership and professional learning¹¹. There have been growing calls for, and commitments made to, decolonising the curriculum in both schools and universities¹², with new resources being developed¹³.
5. There has also been increased awareness in some cultural and educational settings of the legacies and structural inequalities perpetrated by Scotland's colonial history⁴. The Commission has worked with Museums and Galleries Scotland to develop a human rights based approach to their Empire, Slavery and Scotland: Addressing our Colonial Legacy project.¹⁴ The project proposes recommendations for how Scotland's involvement in empire, colonialism, and historic slavery can be addressed using museum collections and museum spaces.¹⁵

⁴ For example, the University of Glasgow has committed to paying £20 million by way of reparation to fund a joint centre for development of research with the University of West Indies in recognition of its historic role in the slave trade: [Glasgow University to pay £20m in slave trade reparations | Slavery | The Guardian](#)

Human Rights Education

6. Human rights based education is not obligatory in Scotland, though scope is provided for it within the Curriculum for Excellence. There is some evidence to suggest that human rights education is delivered more widely in Scotland than other parts of the UK,⁵ with greater awareness of the UNCRC and confidence in taking a human rights approach evidenced amongst school staff.¹⁶ Local Authority funding is made available to some schools in Scotland to deliver the Rights Respecting Schools Awards (RRSA).⁶
7. Research has shown that where children attend Rights Respecting Schools (or schools working towards the award), they have reported feeling safer at school, more respected by adults and more engaged in their education¹⁷. However, access to human rights education remains dependent on the 'individual school, willingness of teachers and resources available'¹⁸ meaning it is not yet universally available.
8. For further information on education settings and children and young people's rights, we recommend contacting the Children and Young People's Commissioner for Scotland.¹⁹

⁵ This has been attributed to the fact that it is embedded national measures such as the Curriculum for Excellence, GIRFEC and mentioned in the General Teaching Council requirements.

⁶ In 2014, the Scottish Government provided funding to UNICEF UK for two seconded posts to encourage uptake of the Rights Respecting Schools Awards (RRSA), with a view that 50% of all schools in Scotland should receive this award- see: [Respect, equality, participation: exploring human rights education in Great Britain \(equalityhumanrights.com\)](http://equalityhumanrights.com)

2.3. Irregularly present migrants

10. While Immigration law is reserved to the UK Parliament, many aspects of policy related to the treatment of migrants and refugees in Scotland are within the Scottish Parliament's remit, for example in the areas of education, health, housing. The Commission has made it clear that the Scottish Government must do what it can therefore within the areas of devolved competence to ensure the rights of migrants in Scotland are protected²⁰.
11. Migrant workers²¹ and asylum seekers²² continue to face a hostile environment in the UK and particular difficulties in accessing work and fair conditions of work²³. People seeking asylum in the UK are not allowed to work or claim social security benefits²⁴ and are provided with just £6.43⁷ per day (£45 per week)²⁵ on which to support themselves,²⁶ undermining their right access to an adequate standard of living.²⁷
12. The use of No Recourse to Public Funds (NRPF) conditions for those with temporary migration status causes particular risk of poverty and destitution for some migrants²⁸, while local authority sources reveal that the number of families with NRPF is increasing in Scotland²⁹, particularly since the pandemic.
13. There are gaps in the provision of specialist services for Black and minority ethnic women experiencing domestic violence in Scotland (especially asylum-seeking, refugee and trafficked women).³⁰ Women with NRPF and their children, whose immigration status is contingent on an abusive partner, are unable to access support necessary to ensure their safety. An Inquiry by the Equalities and Human Rights Committee of the Scottish Parliament (EHRiC) in 2017, highlighted that women and children survivors of domestic abuse who have insecure immigration status and NRPF are at 'acute' risk of suffering destitution due to hostile immigration policies.³¹

Asylum Accommodation

14. Asylum accommodation across the UK has been outsourced by the Home Office to private providers since 2012, under its dispersal policy.⁸ New ten-year contracts worth £2.9bn for asylum accommodation were awarded to two

⁷ This can be less if an asylum seeker is placed in hotel accommodation which provides meals.

⁸ The UK Government Dispersal Policy provides local authorities with a payment of £250 per asylum seeker in Home Office supported asylum seeker accommodation as of 27 March 2022 to "address concerns raised by local authorities in relation to pressure on local services associated with supporting asylum seekers." See: [LA funding instruction: asylum dispersal scheme grant 2021 to 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/la_funding_instruction_asylum_dispersal_scheme_grant_2021_to_2022.pdf)

companies in 2019³² Mears was awarded the contract for Scotland, despite having never provided asylum accommodation before.³³

15. Glasgow City Council, which has been a dispersal city for refugees since 2000³⁴ and was previously the only Scottish local authority to take part in the dispersal scheme announced a temporary pause on accepting new asylum seekers in 2020³⁵ to ease pressures⁹. An intention to place asylum seekers in different local authorities across Scotland³⁶ has raised concerns about access to support services which are currently mostly located in Glasgow³⁷.

16. Significant failures to meet basic housing standards in asylum accommodation have been identified by inspection bodies¹⁰ throughout the lifetime of the contracts.³⁸ The failures identified appear to undermine the rights to an adequate standard of living, the highest attainable standard of health, private and family life and leisure and play.¹¹ There is little evidence to suggest that necessary improvements are being delivered under the new contracts.³⁹ Following action by the Children and Young People's Commissioner Scotland⁴⁰ and the 'freedom to crawl' campaign,⁴¹ cramped conditions of a new mother and baby unit in Scotland were addressed,⁴² but there remains ongoing concerns about the poor standards of asylum accommodation.

17. Where public services such as housing are provided by private actors who are contracted by the State party, it is essential that there is clarity both in law and in

⁹ Financial pressures of supporting families with NRPF are particularly acute of Glasgow City Council as they have higher numbers of people with NRPF. See: [2291 \(parliament.scot\)](#). Funding that was available under the previous contracts to provide additional support to asylum seekers within the local authority area was not made available to Scottish Local Authorities under the new contracts. Prior to this, Glasgow city council had accommodated high numbers of asylum seekers - for example between 2018 and 2019, Glasgow housed more asylum seekers than anywhere else in the UK, see: [FACT CHECK: Claim Scotland isn't taking a fair share of asylum seekers | The National](#)

¹⁰ During the lifetime of the previous contracts, serious problems with the quality and suitability of asylum accommodation were persistently raised. The Compass contracts were examined by the National Audit Office in 2014 and the Home Affairs Committee in 2017, with both finding a number of areas of concern. In 2018, the Chief Inspector of Borders and Immigration found that just 24% of asylum seeker accommodation met minimum housing standards, see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757285/ICIBI_An_inspection_of_the_HO_management_of_asylum_accommodation.pdf

¹¹ See in particular:

- The Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) (1950) and its additional protocols Article 8
- International Covenant on Economic, Social and Cultural Rights Articles 11 and 12;
- International Covenant on Civil and Political Rights Article 17;
- United Nations Convention on the Elimination of All Forms of Racial Discrimination Articles 5(d) and 5(e) and;
- United Nations Convention on the Rights of the Child Article 31

practice that all private actors providing public services are legally obliged to act compatibly with human rights and that there is access to remedy if rights standards are not upheld. The case of the company Serco, which previously provided asylum accommodation in Scotland, using lock-changes in forced evictions and being found by the courts not to be bound by the Human Rights Act is illustrative of this issue¹²⁴³.

18. The events surrounding the decision of the housing provider Mears to relocate over 300 asylum seekers from homes to hotels in Scotland at very short notice during the Covid- 19 pandemic raised significant human rights concerns. People were transferred from their homes at short notice with no consultation and little explanation provided, and placed in crowded hotels which increased their risk of exposure to infection, resulting in rapid deterioration of mental health for many, with reports that some were going for weeks without access to vital prescription mental health medication.⁴⁴ People were reliant on food provided by the hotels, which was widely reported to be of very poor quality, failing to meet both nutritional and dietary requirements¹³.
19. As has been widely reported in the Scottish media, the situation resulted in two incidents involving loss of life.⁴⁵ As part of the relocation policy, individuals experienced their asylum support being withdrawn completely, leaving them unable to buy fresh food, hygiene products, medicines, or phone credit. A suspected suicide of a Syrian National and the stabbing of six people by a Sudanese asylum seeker who was then shot dead by the police⁴⁶ brought public attention to poor living conditions in hotel accommodation and the lack of support available¹⁴ to vulnerable people.
20. A private inquiry, chaired by Baroness Helena Kennedy KC⁴⁷, into the decision to rehome asylum seekers during the pandemic found :

“no evidence to suggest that adequate assessments of health and vulnerability, nor equality impact assessments, were conducted prior to the moves...It is difficult to see any evidence that values of care or compassion- or principles of understanding and respecting human rights- underpinned the decision to move people nor the manner in which there were reportedly moved.”⁴⁸

¹² The Scottish Human Rights Commission’s intervened in the case *Ali v Serco and the Secretary of State for the Home Department*. [Commission expresses serious concerns about human rights implications of Serco judgment \(scottishhumanrights.com\)](https://www.scottishhumanrights.com/serco-judgment/)

¹³ There was evidence of food with mould being provided to people.

¹⁴ It was later reported that mental health support had been sought more than 70 times by the individual before the incident occurred - see [Scottish Government seeking answers over asylum seeker deaths, Nicola Sturgeon says \(holyrood.com\)](https://www.holyrood.com/news/scottish-government-seeking-answers-over-asylum-seeker-deaths-nicola-sturgeon-says)

A public Inquiry which would compel witness to give evidence has yet to be carried out, although the Scottish Government stated that it supports calls for a public inquiry into asylum accommodation and support during Covid-19⁴⁹. Asylum and immigration is covered in the Terms of Reference of the current UK Covid Inquiry⁵⁰, but is not covered by the Scottish Covid Inquiry.⁵¹

21. The use of hotel accommodation for asylum seekers, which is not considered to be appropriate for families or children, continues. Significant concerns have been raised this year by UN experts⁵², as well as UK human rights organisations, about unaccompanied asylum seeking children going missing from hotels⁵³. ECPAT notes that 4600 children have been accommodated in hotels since July 2021, with 440 missing episodes and 200 children who have never been found.⁵⁴ The Commission has been unable to identify any disaggregated data to quantify the scale of this issue in Scotland.
22. It has recently been reported that the Home Office is considering a plan to house asylum seekers in Edinburgh on board the MS Victoria docked at Leith Harbour, which is being opposed by the leaders of Edinburgh City Council as inappropriate.⁵⁵

Immigration Detention

23. Dungavel Immigration Removal Centre in Lanarkshire was opened in 2011 and is currently the only immigration detention centre in Scotland. It is operated by the UK Government. Dungavel previously housed under 18s, but since 2010 only adult asylum seekers should be housed in immigration detention. However figures obtained by the BBC⁵⁶ show that children being placed in Dungavel after 2010 and there are outstanding concerns about age disputed young people. Despite having a capacity of 125, only 28 people were detained there during the last inspection visit in 2021.⁵⁷
24. Whilst the most recent inspection report highlighted some positive improvements, concerns were stated about males with a history of violence towards women being detained alongside women, meaning women had to be escorted around the site¹⁵. It also highlighted that many detainees had been held for lengthy periods without prospect of timely removal and acknowledged the negative impact this has on mental health.⁵⁸ The Commission remains concerned about the excessive length of immigration detention and the lack of statutory time limits

¹⁵ Lows staff morale and understaffing, the deteriorating physical environment and lack of work opportunities were also cited as concerns in the inspection report. See:

on immigration detention and has raised this issue repeatedly over a number of years⁵⁹.

Future Legislation

25. SHRC is strongly opposed to the UK government's Illegal Migration Bill, introduced to the UK Parliament on 7 March 2023, which aims to deny people the right to seek refuge in the UK if they have arrived here 'irregularly'. The characterisation of those arriving by irregular means as 'illegal entrants' ignores the fact there are no safe or legal routes available for those fleeing the majority of the world's conflict zones and could result in the criminalisation, detention and removal of vulnerable people needing protection.
26. The Bill has already been heavily criticised globally, including by the UN Refugee Agency (the UNHCR) which described it as amounting to a ban on asylum and therefore a clear breach of the 1951 Refugee Convention. The Bill's proposals also undermine the protections of the Human Rights Act and threaten to put the UK in breach of the European Convention on Human Rights, and other binding international treaties such as the Convention on the Rights of the Child.⁶⁰

Trafficking and Modern Day Slavery, Business and Human Rights

27. Specified public authorities in Scotland are obliged to notify the Home Office about all potential victims of human trafficking and slavery.⁶¹ The Scottish Government has also introduced guidance for businesses to identify and prevent human trafficking and exploitation across their operations⁶² and has recently consulted on extending obligations to Scottish public bodies for the publication of modern slavery statements as part of work to improve transparency in supply chains.⁶³ However, there have been calls for more binding obligations in relation to business and human rights that move beyond a voluntarism model of reporting. It has been reported that the UK has the one of the poorest resourced labour inspectorates in Europe.⁶⁴
28. Despite a national Trafficking and Exploitation Strategy,⁶⁵ 153 trafficking cases were referred by Scottish bodies to the UK's National Reporting Mechanism in the three months between Jan and March 2023, 56 of which involved a child aged 17 or under, and the majority of referrals being associated with labour exploitation.⁶⁶ There is also evidence that legitimate visa routes, such as Seasonal Worker Visas and Care Worker Visas, are being used to facilitate exploitation.⁶⁷
29. Non-prosecution of trafficking victims is legislated for under Section 8 of the Human Trafficking and Exploitation (Scotland) Act 2015,⁶⁸ however victims of trafficking have continued to face criminal charges in Scotland. Between 2016

and 2020, 155 potential trafficking survivors faced criminal charges (predominantly linked to drug offences), 21 of whom were children⁶⁹. Meanwhile, conviction rates for perpetrators of human trafficking remain low in Scotland overall, with only fourteen prosecutions in Scotland for human trafficking offences between 2016-2020.⁷⁰

2.4 LGBT+ equality

30. Since the previous consideration of the UK in 2019, there have been a number of policy and legislative considerations in Scotland in relation to LGBT+ rights. The Scottish Government committed in 2021⁷¹ to introducing new legislation incorporating a range of UN treaties into Scots law and additionally developing further protections for environmental rights, the rights of older persons and LGBT+ people. These proposals, if enacted, would enable domestic courts to review compliance with international standards and Scottish Government has indicated this will include new obligations for public bodies, including Scottish Government and Scottish Parliament, to demonstrate compliance across devolved policy, such as duties to conduct human rights impact assessments. Proposals for the Bill have now been published and are currently out for public consultation until October 2023⁷².
31. The Scottish Government also introduced a [Gender Recognition Reform \(Scotland\) Bill](#)⁷³ to improve and simplify the process for a Trans person to obtain legal recognition. The Commission's view is that shortening the process for obtaining legal recognition, removing the requirement for a diagnosis of gender dysphoria and abolishing the Gender Recognition Panel would achieve best practice standards in meeting the human right of trans people to have their gender identity recognised⁷⁴. The Bill was passed by the Scottish Parliament on 22 Dec 2022, but the Secretary of State for Scotland has made an Order under section 35 of the Scotland Act 1998 that prevents the Presiding Officer from submitting the Bill for Royal Assent. This means that the Bill cannot become law in its current form⁷⁵.
32. The Scottish Government has committed to introducing legislation by the end of 2023 which will end conversion practices as comprehensively as possible within devolved powers⁷⁶. The Commission has supported calls to end the use of "conversion therapies" in Scotland⁷⁷ in response to a public petition in considered by the Scottish Parliament (Petition PE1817),⁷⁸ recommending that legislation be brought forward prohibiting the provision and the promotion of all forms of "conversion therapies" which is 'necessary to uphold and protect the fundamental rights of life, health, equality, and freedom from cruel, inhuman and degrading treatment of LGBT+ persons'⁷⁹. The Scottish Government is currently considering legislation.
33. Despite the requirement for schools to embed LGBT+-inclusive teaching across the curriculum⁸⁰, LGBT+⁸¹ bullying and misogynistic behaviours persist both in education settings and online. One in four LGBT+ people, including up to 80% of Transgender people, experience domestic abuse⁸², while fear of homophobia/biphobia/transphobia make LGBT+ young people less likely to seek help. Significant barriers exist to reporting abuse and accessing support⁸³.

34. LGBT+ young people⁸⁴ and transgender people specifically are at higher risk of homelessness and often struggle to access healthcare services⁸⁵. Transgender people also report high levels of discrimination and harassment at work, although only a minority formally report this.⁸⁶

3. Hate Speech and Hate Motivated Violence

Hate Crime Legislation

35. The Hate Crime and Public Order (Scotland) Act⁸⁷ was passed by the Scottish Parliament in 2021, following Lord Bracadale's 2018 review of hate crime legislation, which recommended changes to legislation to consolidate and modernise existing law and expand the use of 'stirring up offences'. To support implementation, the Scottish Government set up a Hate Crime Strategic Partnership Group to oversee delivery of its 2022 Hate Crime Strategy. It also launched a refreshed Hate Crime Strategy in March 2023. The Scottish Government's is currently also consulting on proposals for a Misogyny Bill which seeks to criminalise abusive and humiliating behaviour routinely directed at women and girls⁸⁸ The Commission responded to the consultation on this Bill in June 2023.⁸⁹
36. 5,640 charges containing at least one element of hate crime were recorded by the Procurator Fiscal in 2021-22,⁹⁰ with racist hate crime being the most commonly reported (3,107 charges- a 7% decrease from the previous year)⁹¹. Sexual Orientation aggravated crime was the second most reported and increased by 10% from previous year to 1,781, while aggravations based on transgender identity increased by 87% to 84 charges. There was also a significant increase in disability related hate crime charges.
37. A publicity campaign to encourage the reporting of hate crimes was launched by the Scottish Government and Police Scotland in 2020⁹². Despite this, under-reporting of all hate crime remains a particular concern.⁹³ Civil Society engagement undertaken by the Commission in 2021 as part of the Universal Periodic Review (UPR) process noted that low level harassment is often not reported to the police but impacts on peoples' sense of safety in their homes and communities.⁹⁴
38. Recent comments by the Chief Inspector of Police Scotland that institutional racism, sexism, misogyny and discrimination exist within Police Scotland following an Independent Review of the institution published in May 2023⁹⁵ could further undermine confidence amongst the public in reporting hate crimes. A public inquiry into the death of Sheku Bayoh, who died after being restrained in police custody will examine whether race was a factor in his death.⁹⁶
39. The media continues to be a platform for hate speech, with social media increasing public harassment faced by women⁹⁷, LGBT+⁹⁸, Scottish Gypsy/Travellers⁹⁹ and other minority ethnic¹⁰⁰ and religious communities.¹⁰¹ Research on Islamophobia noted many believed the media promoted Islamophobia.¹⁰² Responsibility for regulation of internet communications sits with

the UK Parliament. An Online Safety Bill¹⁰³ which seeks to regulate harmful content on social media and other platforms, is currently going through the UK Parliament. However, some have argued that it will not go far enough in protecting people from harm.¹⁰⁴

40. The impacts of prejudice extend beyond hate crime and hate speech. For example, prejudiced attitudes towards minority ethnic communities, and the discrimination and harassment they face is documented in a recent evidence review commissioned by the Scottish Government on access to housing.¹⁰⁵ The review found evidence that racial prejudice played a role in letting decisions.

4. Integration and Inclusion

4.1. Rights of ethnic minority communities and migrants

Education

41. Research conducted with civil society stakeholders as part of the Commission's engagement with the Universal Periodic Review (UPR) revealed that there is a lack of support for pupils with low English language skills in school, while children from some ethnic minority groups experience higher levels of exclusion and disproportionate barriers to attainment.¹⁰⁶ Migrants with communication and language barriers can also struggle to access information about entitlement and supports available for further and higher education, with residency requirements excluding some migrant young people.¹⁰⁷ Higher Education fees continue to be paid for by the state for Scottish domiciled students at Scottish Universities. Following a successful judicial review of the policy in 2022,¹⁰⁸ the Scottish Government must now amend the law to prevent discrimination against on the basis of immigration status under the Human Rights Act. Efforts to widen access to further and higher education in Scotland have been supported by a Commissioner on Fair Access since 2016.¹⁰⁹

Work

42. Many groups continue to face particular difficulties accessing work or favourable conditions at work,¹¹⁰ although data quality impedes a rigorous analysis within the categories of race and ethnicity and disabled people. Analysis of minority ethnic workers' experiences of the labour market found workers from minority ethnic backgrounds are around twice as likely as white workers to be on insecure contracts and less likely to get the hours they wanted.¹¹¹

43. Seventy per cent of Scottish business report skills shortages¹¹² and some sectors have particularly high vacancies, such as the social care sector, which increases pressure on workers and services.¹¹³ Migrant workers are over-represented in many of these sectors.¹¹⁴ People seeking asylum in the UK are not allowed to work.

44. The Scottish Government's most recent Economic Strategy (published February 2022) has highlighted the need to:

*"Take further steps to remove barriers to employment and career advancement for disabled people, women, those with care experience and people from minority ethnic groups."*¹¹⁵

A Race Equality Action Plan (2017-2021) set out actions on poverty and employment, each officially completed or ongoing,¹¹⁶ followed by a short term immediate priorities plan.¹¹⁷ It has been acknowledged that much more longer-term structural change is needed to address inequality.¹¹⁸ Scottish Government has established an independent Anti-Racism Interim Governance Group to Develop National Anti-Racism Infrastructure (AIGG) which is due to report imminently.¹¹⁹

45. The Gender Pay Gap Action Plan was published in 2019 and refreshed post pandemic. It includes actions across eight policy areas to tackle the policy drivers of the pay gap.¹²⁰ The Equality and Human Rights Commission has litigation and enforcement powers against any employer who does not comply with their reporting duties and ‘names and shames’ employers who fail to report.¹²¹ However, equal pay protections are undermined by limited sanctions for employers who fail to comply with equal pay legislation and remedies for discrimination require lengthy and expensive legal action to challenge. Pay gaps for ethnicity¹⁶ and disability¹²² are also acute but lack the same political or policy commitment to address.¹²³ The Race Equality Framework for Scotland 2016 to 2030 noted significant inequalities in political activity rates between white and non-white ethnic minority groups and an under-representation in political representation, public boards and leadership in organisations and institutions involved in heritage, culture, sports and media.¹²⁴

Housing

46. People from minority ethnic communities in Scotland are overrepresented in the private rented sector, where housing costs are higher¹²⁵. This means that they are more likely to be living in relative poverty after housing costs¹⁷, even in households where someone is working. There are increased barriers in finding and securing housing for ethnic minority communities¹⁸, while the risk of homelessness is more acute for some ethnic groups¹²⁶. For example, those recently awarded refugee status are at a higher risk of homelessness as asylum accommodation is withdrawn after a 28-day ‘move on’ period following granting of

¹⁶ The latest data available is from 2019. In 2019, the median ethnicity pay gap in Scotland was 10.3%. In 2019, minority ethnic workers in Scotland were paid on average £10.99 per hour compared to white workers who were paid £12.25 per hour. For a full-time worker, working a 35 hour week, this would total a difference of £2,300 a year. See: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/dataset/ethnicitypaygappreferencetables>

¹⁷ The Joseph Rowntree Foundation notes that over half of people from Black and ethnic minority communities living in poverty are living in unaffordable housing, which means they are spending more than 30% of their income on housing.

¹⁸ Including discrimination by landlords, lack of affordable or suitable accommodation, language barriers, financial barriers, etc.

status. It has been suggested that local authorities could do more to support this transition.¹²⁷ 'Hidden homelessness' is also thought to be higher amongst ethnic minority communities, with higher incidences of 'sofa surfing' or living in crowded or unsafe conditions¹²⁸.

47. There remains evidence gaps in this area, and further research is needed on the cultural needs and housing aspirations of specific ethnic minority groups in Scotland, as well as intersectional needs and barriers and how racism is impacting on social housing.¹²⁹

Poverty and an adequate standard of living

48. Poverty rates for the general population in Scotland have risen over recent years and are now being met with sharp increase in living costs.¹³⁰ Between 2017-22, people from non-white minority ethnic groups in Scotland were more significantly likely to be in relative poverty after housing costs compared to those from the 'White - British' and 'White - Other' groups.¹³¹ The poverty rate was 49% for the 'Asian or Asian British' ethnic groups and 48% for 'Mixed, Black or Black British and Other' ethnic groups (no population estimates available due to the small sample). The poverty rate amongst the 'White - Other' group was 23% (80,000 people) and that of the 'White - British' group was 18% (860,000 people).
49. Nearly half of children from Black and Minority Ethnic (BME) backgrounds live in poverty.¹³² The Scottish Parliament has set statutory Child Poverty reduction targets¹³³ that are backed by a Child Poverty Delivery Strategy 2022-2026.¹³⁴ The strategy pays particular attention to support for six priority family types where child poverty is most concentrated (over 80% of children living in poverty in Scotland live in at least one of the priority groups), including minority ethnic families. Official data published as part of the Scottish Government's annual progress assessment however shows that there has been little progress in reduction of absolute poverty for children in minority ethnic families (35% between 2011 and 2014 to 34% between 2019 and 2022) and a rise in the percentage of children from minority ethnic families in relative poverty (33% to 39% over the same data period.)¹³⁵
50. People in BME households are twice as likely to have tried to increase their income via work.¹³⁶ This corresponds with higher underemployment rates and average lower pay across BME populations.¹³⁷ Analysis by the Coalition for Racial Minorities and Rights (CRER) highlights that BME women face particular in accessing and navigating the labour market.¹³⁸
51. Since 2016, a number of social security entitlements have been devolved to the Scottish Parliament. The new Social Security Scotland agency and system were established by the Social Security (Scotland) Act 2018.¹³⁹ The legislation took a

welcome human rights-based approach, citing rights to social security on the face of the Act, but failed to include an obligation to comply with international standards or to demonstrate due regard. While the majority of social security remains largely legislated for and administered at UK level, including the majority of income replacement benefits, including Universal Credit (UC), the UK's main income replacement support, and pension-related entitlements, significant powers to replace and create new entitlements.¹⁴⁰

52. The Scottish Government has utilised devolved social security powers to introduce a Scottish Child Payment, which provides a payment for each child in households eligible for UC and other low-income benefits.¹⁴¹ The Scottish Government has increased the payment to £25 per week per eligible child and extended the age eligibility from six at launch. Modelling suggests that meeting the interim targets through social security would require an SCP of £40 per week and to meet the final targets an estimated £165 per week at a cost in the region of £3 billion a year.¹⁴²

53. Accurate assessment of interventions to reduce poverty among BME communities is undermined by a lack of disaggregated data across the UK and Scottish policy systems, including social security, limits the ability to determine the progressive realisation human rights. Because eligibility for many payments sits at household level it can be difficult to determine how individuals are affected. Social Security Scotland has introduced automatic data collection from 2019, however there are outstanding gaps, especially around race and ethnicity, that make it difficult to determine take up variation.¹⁴³

Health

54. Scotland has significant levels of health inequalities,¹⁴⁴ underpinned by other forms of inequality such as poverty,¹⁴⁵ poor housing, insecure work and low income¹⁴⁶ and social exclusion.¹⁴⁷ Despite work being undertaken to increase understanding of the racialised and intersectional dimensions of health inequalities,¹⁹ the impact of racism, racialised trauma and discrimination on health outcomes is still not widely understood. This is compounded by poor data collection within healthcare settings from which to aid better analysis.²⁰

¹⁹ For example see the work of the Scottish Migrant and Ethnic Health Research Strategy Group and the Glasgow Centre for Population Health. See also the Scottish Mental Health Law Review.

²⁰ Although there have been some steps taken to improve data collection in recent years- see [Monitoring racialised health inequalities in Scotland 30 May 2023 - Monitoring racialised health inequalities in Scotland - Publications - Public Health Scotland](#). The Scottish Government has also launched Scotland's Equality Evidence Strategy 2023-25 which sets to improve the quality of equality data by 2025, see [Annex C: Equality Evidence Strategy 2023-2025: Analysis of Responses to Consultation - Scotland's Equality Evidence Strategy 2023-2025 - gov.scot \(www.gov.scot\)](#)

55. The loss of life due to Covid-19 disproportionately affected some groups more than others²¹. Lack of ethnicity data prevented an early identification of the impact on Covid-19 on minority ethnic groups¹⁴⁸, but subsequent analysis revealed that deaths of people categorised with Chinese, Indian or Pakistani ethnicity were significantly higher than people of White Scottish ethnicity²²¹⁴⁹. Lack of accessible information during the pandemic was deemed to be a contributing factor on the higher impact of the virus on minority ethnic communities¹⁵⁰, while the rate of COVID-19 vaccine hesitancy in Scotland was higher in certain marginalised and vulnerable groups, including Black and ethnic minority communities²³¹⁵¹.
56. Those in receipt of asylum support are not required to pay for healthcare¹⁵², and initiatives such as Scotland's baby box¹⁵³ and free menstrual products¹⁵⁴ are eligible to all. However people entering Scotland via certain immigration categories may be required to pay a healthcare surcharge as part of their visa application- this is determined by the UK Government.¹⁵⁵ Lack of understanding about eligibility and lack of support in accessing a GP, as well the impact of trauma, the migration experience and crisis in home country can all impact on as unequal access to health for asylum seekers.¹⁵⁶ Black women and Asian women face higher rates of mortality and morbidity associated with pregnancy and maternity.¹⁵⁷ Pregnant women going through the asylum process face particular difficulties, from lack of adequate financial support through to lack of interpreters¹⁵⁸ and a higher risk of mental health problems during and after birth.¹⁵⁹
57. Accessibility of healthcare settings and procedures in Scotland has worsened in general in recent years. Staff-shortages across the health service have been aggravated by immigration reforms and pandemic and other illness- related absence,¹⁶⁰ especially in rural areas,¹⁶¹ and further changes to immigration law are likely to make it more difficult to recruit essential non-medical NHS staff and social care workers¹⁶². A recent Inquiry by the Equality and Human Rights Commission (EHRC) found there is a lack of robust ethnicity workforce data in the health and social care sector¹⁶³.

²¹ Concerns were raised about Scotland's lack of ethnicity monitoring for covid indicators, compared with England and Wales, where racial inequalities were identified quite early on in the pandemic, see for example: [COVID-19 and ethnicity in Scotland: Where's the data? — CRER](#)

²² Between the start of the pandemic and September 2021, deaths of people of Chinese ethnicity and people of Indian ethnicity were almost twice as likely to involve COVID-19 than deaths of people of White Scottish ethnicity. This increased to almost four times as likely for people of Pakistani ethnicity and almost three times as likely for people of Other Asian ethnicity, see: [Scotland's Population 2021 \(nrscotland.gov.uk\)](#)

²³ The lowest vaccine uptake was reported to be by 'African' ethnic group, which had a 33% uptake, see: [Monitoring racialised health inequalities in Scotland 30 May 2023 - Monitoring racialised health inequalities in Scotland - Publications - Public Health Scotland](#)

58. A study by the British Medical Association found that racism is widely experienced in the workplace by Black and ethnic minority medical staff in the UK, including Scotland, with overseas qualified doctors experiencing more racism than doctors trained in the UK.¹⁶⁴ The experience of racism affects career progression, confidence and mental and physical well-being and often goes underreported for fear of there being a negative impact. An inquiry by the EHRC identified similar experiences of racism within the social care sector where bullying, harassment and abuse, less favourable treatment in the allocation of hours and duties and over-representation in disciplinary proceedings were reported.¹⁶⁵

Mental Health

59. People from ethnic minority communities in Scotland are more likely to experience poor mental health and less likely to receive the support and treatment they need¹⁶⁶. The Mental Welfare Commission for Scotland found that the Mental Health Act and the use of compulsory detention is applied differently to Black and ethnic minority people in Scotland, with them more likely to be perceived as being a greater risk to themselves or other people¹⁶⁷ and therefore more likely to experience detention and compulsory treatment.

60. The Scottish Mental Health Law Review,¹⁶⁸ which published its recommendations in 2022, recognised that Scotland:

*'has not invested in understanding the impact which systemic racism has on mental health in general and specifically in relation to rates of detention and compulsory treatment'*¹⁶⁹

and has subsequently made recommendations to improve monitoring and addressing ethnicity rates in detention and compulsory treatments. The Scottish Government has recently responded to the Mental Health Law Review, committing to a long-term programme of improvement and reform.¹⁷⁰

4.2. Particular issues affecting Gypsy/Traveller²⁴ Communities

61. In her visit to the UK in 2022, the Council of Europe Commissioner For Human Rights, Dunja Mijatović, called on all authorities to facilitate the recognised right of Gypsy, Roma and Traveller communities to lead a nomadic lifestyle, and to promptly implement long-standing recommendations in this area.¹⁷¹ The Commission shares her concerns about the need for cultural heritage and housing rights of gypsy and traveller communities to be protected and fulfilled.¹⁷²
62. Gypsy and Traveller communities in Scotland are not a monolithic identity. The Scottish Government has recently consulted on the definition of ‘Gypsies and Travellers’ for the purpose of section 16B²⁵ of the Town and Country Planning (Scotland) Act 1997.¹⁷³ The Commission has previously looked this issue, and considers it vital that all decisions relating to the definition of the group are centred in and are led by the members of those communities, and that opportunities to challenge harmful stereotypes, omissions and outdated language are available. The Commission recommended that alternative forms of engagement beyond responses to written reports be provided and that Gypsy and Traveller communities that lead this process.¹⁷⁴
63. The Commission welcomed the [Gypsy/Traveller Action Plan 2019-2021](#)¹⁷⁵, but noted that an impact evaluation was required with meaningful participation from Gypsy/Travellers’ Communities. This was subsequently expanded and extended to 2023 to account for delays associated with the Covid-19 impact.¹⁷⁶
64. Gypsy/Traveller children and young people have the lowest attendance and highest exclusion record of any ethnic group. Transition to senior school is also low.¹⁷⁷ Data reveals that gypsy travellers experience significantly worse health outcomes and excess mortality¹⁷⁸, whose life expectancy is estimated to be as low as 55 years.¹⁷⁹
65. The Commission recently wrote to Chief Executives of Local Authorities¹⁸⁰ to raise concerns about housing conditions for gypsy traveller communities, in which we welcomed the Scottish Government’s £20 million accommodation fund for site re-development to meet the varying needs of families, including children,

²⁴ The Commission recognises that terminology used in by Gypsy, Roma and Traveller communities across the Council of Europe and in Scotland specifically is itself be contested or not applicable to all relevant communities in Scotland although all relevant standards should be upheld.

²⁵ Section 16B requires planning authorities to prepare an evidence report covering a range of matters including actions taken and impacts of action to meet the accommodation needs of Gypsies and Travellers in the authority's area.

older and disabled people, but noted concerns raised about the lack of meaningful engagement and dialogue between community members and local authorities. Responses are still being received by the Commission.

5. Conclusion

66. The Commission welcomes the planned visit to the United Kingdom in the second part of 2023 and the opportunity to provide this background information. We reiterate our willingness to meet with ECRI to discuss any of the material supplied in this report.
67. There have been significant developments in the policy landscape since ECRI previously considered the status of minority groups in the UK. Our report provides evidence and analysis on the situation in Scotland in response ECRI's initial thematic questions and does not represent a comprehensive or determinative analysis of the full picture for minority groups in Scotland. Instead, the report summarises and builds on existing material considered by the Commission. In particular, we continue to note the significant challenges in accurate assessment of people from Black and minority ethnic groups' human rights due to challenges in the collection and analysis of disaggregated data.
68. In light of some of the challenges in quantitative analysis, which have been exacerbated by disruption to official statistics over the pandemic period, we encourage ECRI to engage directly with individuals from minority groups in Scotland and the civil society and community organisations that work with them.

-
- ¹ See: [About the European Commission against Racism and Intolerance \(ECRI\) - European Commission against Racism and Intolerance \(ECRI\) \(coe.int\)](#)
- ² For example, see: <https://www.stonewallscotland.org.uk/scotland-research/education/school-report-scotland>
- ³ See:
- <https://www.tes.com/magazine/news/general/intensification-islamophobia-scottish-schools>
 - <https://anassarwar.co.uk/islamophobia-public-inquiry/>
- ⁴ See:
- https://archive2021.parliament.scot/S5_Equal_Opps/General%20Documents/Children_in_Scotland_-_commissioned_by_EHRiC.pdf
 - <https://www.bbc.co.uk/news/uk-scotland-tayside-central-60293759>
 - <https://www.scotsman.com/news/politics/thousands-racist-incidents-scottish-schools-3086336>
- ⁵ See: [TIE-ONLINE+IN+LOCKDOWN-FULL+REPORT.pdf \(squarespace.com\)](#)
- ⁶ [hracs-upr-workshops-summary-march-2022-vfinal.pdf \(scottishhumanrights.com\)](#)
- ⁷ See: <https://www.gov.scot/news/milestone-for-equality-in-schools/>
- ⁸ See:
- <https://www.gov.scot/publications/race-equality-and-anti-racism-in-education-programme-stakeholder-network-group-minutes-november-2021/?msclkid=8827005ea6d811ec80e7f03e6448e235>
 - <https://education.gov.scot/education-scotland/news-and-events/news/race-equality-resource-launched-by-the-cabinet-secretary-for-education/?msclkid=8826dfe7a6d811ec9f53f7505e2af2f5>
- ⁹ See: [hracs-upr-workshops-summary-march-2022-vfinal.pdf \(scottishhumanrights.com\)](#)
- ¹⁰ See: [Race Equality and Anti-Racism in Education Programme - Stakeholder Network Group minutes June 2021: racist incidents and racist bullying workstream - gov.scot \(www.gov.scot\)](#)
- ¹¹ [Anti-Racism in Education Programme - gov.scot \(www.gov.scot\)](#)
- ¹² For example, see:
- [University of Glasgow - MyGlasgow - MyGlasgow News - Decolonising the Curriculum reading list now live](#)
 - [Decolonising the Curriculum in HE: Event Recordings | The University of Edinburgh; Anti-Racism in Education Programme - gov.scot \(www.gov.scot\);](#)
 - <https://www.theguardian.com/uk-news/2021/aug/26/teachers-in-scotland-given-guidance-on-decolonising-the-curriculum>
- ¹³ For example, see [Addressing inclusion - Effectively challenging racism in schools | Learning resources | National Improvement Hub \(education.gov.scot\)](#)
- ¹⁴ See: [mgs-empire-slavery-and-colonialism-hrba.pdf \(scottishhumanrights.com\)](#)
- ¹⁵ See: [Museums Galleries Scotland | Empire, Slavery per cent Scotland's Museums](#)
- ¹⁶ See: [Respect, equality, participation: exploring human rights education in Great Britain \(equalityhumanrights.com\)](#)
- ¹⁷ See: [Rights-based Education: Rights in the Classroom – Together \(Scottish Alliance for Children's Rights\) \(togetherscotland.blog\)](#)
- ¹⁸ See: [Rights-based Education: Rights in the Classroom – Together \(Scottish Alliance for Children's Rights\) \(togetherscotland.blog\)](#)
- ¹⁹ [Contact - The Children and Young People's Commissioner Scotland \(cypcs.org.uk\)](#)
- ²⁰ See: [Commission opposes UK government's Illegal Migration Bill \(scottishhumanrights.com\)](#)
- ²¹ Many migrant women are on zero-hours contracts with no guaranteed wage or access to sick pay. See <https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-disabled-women.pdf>
- ²² See <https://www.scottishrefugeecouncil.org.uk/working-for-change/policy-campaigns/right-to-work/>
- ²³ See: <https://www.resolutionfoundation.org/publications/low-pay-britain-2021/>

-
- ²⁴ See: <https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-disabled-women.pdf>
- ²⁵ [Asylum support: What you'll get - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- ²⁶ See:
- [Cost Of Living Crisis: asylum seekers need more support - Scottish Refugee Council](#)
 - [Asylum Support Is Not Enough - Adding 60p A Day Won't Change That - Refugee Action \(refugee-action.org.uk\)](https://refugee-action.org.uk)
- ²⁷ See: <https://www.scottishrefugeecouncil.org.uk/working-for-change/policy-campaigns/right-to-work/>
- ²⁸ See: <https://www.gov.scot/publications/ending-destitution-together/pages/9/>
- ²⁹ See: [Data by region | NRPF \(nrpfnetwork.org.uk\)](https://www.nrpfnetwork.org.uk)
- ³⁰ See [Violence Against Women and Girls - Independent Strategic Review of Funding and Commissioning of Services: report - gov.scot \(www.gov.scot\)](https://www.gov.scot)
- ³¹ <https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2017/5/22/Hidden-Lives---New-Beginnings--Destitution--asylum-and-insecure-immigration-status-in-Scotland/3rd%20Report.pdf>
- ³² See:
- [Inside Housing - News - Outsourcers win £2.9bn of asylum seeker accommodation contracts](#)
 - [Serco given new asylum housing contracts despite £6.8m fines | Home Office | The Guardian](#)
- ³³ See: [Inside Housing - News - Outsourcers win £2.9bn of asylum seeker accommodation contracts](#)
- ³⁴ See: [Glasgow City Council](#)
- ³⁵ For example, see:
- [Asylum accommodation and support \(Summary\) \(nao.org.uk\)](#)
 - [National Audit Office report reveals damning failures in asylum accommodation contracts - Scottish Refugee Council](#)
 - [Housing group Mears accused of providing 'pressure cooker' asylum seeker accommodation hails profits | Evening Standard](#)
 - [Asylum family left freezing in overnight wait for housing - BBC News](#)
- ³⁶ See: [All Scots councils to house asylum seekers as share projected to rise by 60% - Daily Record](#)
- ³⁷ See: [hrcs-upr-workshops-summary-march-2022-vfinal.pdf \(scottishhumanrights.com\)](https://www.scottishhumanrights.com)
- ³⁸ See: [Far from a home.pdf](#)
- ³⁹ See: [Asylum accommodation and support \(nao.org.uk\)](https://nao.org.uk)
- ⁴⁰ See: [Mother-and-Baby-Unit-Report.pdf \(cypcs.org.uk\)](https://www.cypcs.org.uk)
- ⁴¹ See: [Freedom To Crawl - Scottish Refugee Council](#)
- ⁴² See: [Asylum-seeking mums and babies finally moved to more suitable housing - The Children and Young People's Commissioner Scotland \(cypcs.org.uk\)](https://www.cypcs.org.uk)
- ⁴³ See: Case of Ali v Serco & SSHD [2019] CSIH 54: [Ali \(Iraq\) v Serco Ltd \[2019\] CSIH 54 – Ampersand Advocates](#)
- ⁴⁴ See: [AIS+Phase+2+Report+Full.pdf \(squarespace.com\)](#)
- ⁴⁵ See: [AIS+Phase+2+Report+Full.pdf \(squarespace.com\)](#)
- ⁴⁶ See: [Calls for inquiry into deaths of asylum seekers in Glasgow | Glasgow | The Guardian](#)
- ⁴⁷ See: [Asylum Inquiry Scotland](#)
- ⁴⁸ See: [AIS+Phase+2+Report+Full.pdf \(squarespace.com\)](#)
- ⁴⁹ See: [Asylum Inquiry Scotland - final report: response - gov.scot \(www.gov.scot\)](https://www.gov.scot)
- ⁵⁰ See: [Terms of Reference - UK Covid-19 Inquiry \(covid19.public-inquiry.uk\)](https://www.covid19publicinquiry.uk)
- ⁵¹ See: [Terms of reference - COVID-19 Inquiry - gov.scot \(www.gov.scot\)](https://www.gov.scot)
- ⁵² See: [UK: Protect unaccompanied children seeking asylum say UN experts | OHCHR](#)
- ⁵³ See: [Over 100 charities call for action on children going missing from Home Office hotels, at risk of trafficking and exploitation | ECPAT UK](#)
- ⁵⁴ For example, see:
- [Legal limbo: unaccompanied children in hotels denied care and protection | Helen Bamber](#)
 - [Letter to Prime Minister - Children in Hotels .docx \(justrightscotland.org.uk\)](https://www.justrightscotland.org.uk)
- ⁵⁵ See: [Council concerns over Edinburgh refugee ship plan - BBC News](#)
- ⁵⁶ See: [Child refugees 'still being held' at Dungavel centre - BBC News](#)
- ⁵⁷ See: [Report on an unannounced inspection of Dungavel Immigration Removal Centre by HM Chief Inspector of Prisons 19-21 July and 2-5 August 2021 \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)
- ⁵⁸ See: [Report on an unannounced inspection of Dungavel Immigration Removal Centre by HM Chief Inspector of Prisons 19-21 July and 2-5 August 2021 \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)
- ⁵⁹ For example, see:

- our submissions to the UPR in 2017: [shrc-upr-submission-22-sept-2016.pdf \(scottishhumanrights.com\)](#) and 2022: [22_08_10-upr-full-report-designed.pdf \(scottishhumanrights.com\)](#).
 - Our 2015 statement on Dungavel Immigration Removal Centre: [Commission statement on Dungavel Immigration Removal Centre \(scottishhumanrights.com\)](#).
 - [Report calls for further action on Convention against Torture in Scotland \(scottishhumanrights.com\)](#)
- ⁶⁰ See: [Commission opposes UK government's Illegal Migration Bill \(scottishhumanrights.com\)](#)
- ⁶¹ See: [National referral mechanism guidance: adult \(Northern Ireland and Scotland\) - GOV.UK \(www.gov.uk\)](#)
- ⁶² See: [Slavery and human trafficking: guidance for businesses - gov.scot \(www.gov.scot\)](#)
- ⁶³ See: [Transparency in supply chains - extension: inclusion of Scottish public bodies - consultation - gov.scot \(www.gov.scot\)](#)
- ⁶⁴ See: [Cover page - Joint submission on anti-trafficking UK UPR \(justrightscotland.org.uk\)](#)
- ⁶⁵ See: [Trafficking and Exploitation Strategy – Fourth Annual Progress Report \(www.gov.scot\)](#)
- ⁶⁶ See:
- [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, Quarter 1 2023 – January to March - GOV.UK \(www.gov.uk\)](#)
 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1154119/modern-slavery-national-referral-mechanism-statistics-uk-quarter-1-2023-january-to-march-tables.ods
- ⁶⁷ For example see:
- [Seasonal worker visa puts migrants at risk of exploitation, say supermarkets | Supermarkets | The Guardian](#)
 - [Call-for-evidence-from-the-Home-Affairs-Committee-into-Human-Trafficking.pdf \(justrightscotland.org.uk\)](#)
- ⁶⁸ [Human Trafficking and Exploitation \(Scotland\) Act 2015 \(legislation.gov.uk\)](#)
- ⁶⁹ See: [Trafficked children locked in Scots jails in breach of rights law, activists say | The National](#)
- ⁷⁰ See: [Section 2 - Trafficking and exploitation strategy: fourth annual progress report - 2020 to 2021 - gov.scot \(www.gov.scot\)](#) which states that 9 people had been charged with human trafficking offences under the 2015 Act. A further four were convicted in Sept 2022: [Four jailed for human trafficking offences in Glasgow | COPFS](#).
- See also:
- [Promises to make Scotland 'hostile' for human traffickers 'hollow' as just 12 cases reach court | The Scotsman](#)
 - [Child victims of modern slavery in the UK - Office for National Statistics \(ons.gov.uk\)](#)
- ⁷¹ See All recommendations from the First Minister's Advisory Group on Human Rights Leadership <https://humanrightsleadership.scot/> and the National Taskforce for Human Rights Leadership <https://www.gov.scot/binaries/content/documents/govscot/publications/independent-report/2021/03/national-taskforce-human-rights-leadership-report/documents/national-taskforce-human-rights-leadership-report/national-taskforce-human-rights-leadership-report/govscot%3Adocument/national-taskforce-human-rights-leadership-report.pdf>
- ⁷² See: [A Human Rights Bill for Scotland: Consultation - Scottish Government - Citizen Space](#)
- ⁷³ See: <https://www.gov.scot/publications/gender-recognition-reform-scotland-bill-analysis-responses-public-consultation-exercise/>
- ⁷⁴ See our written submissions to the Parliament:
- [written-evidence-to-ehrcjc-on-gra-bill-final-2022-05-13.pdf \(scottishhumanrights.com\)](#)
 - https://www.scottishhumanrights.com/media/2001/2020_03_25_shrc-grr-scotland-bill-response-online.docx
- For recent Scottish Parliamentary debate, see:
- <https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13640&i=123796>
- ⁷⁵ See: [Stage 3 | Scottish Parliament Website](#)
- ⁷⁶ See: [Ending conversion practices - gov.scot \(www.gov.scot\)](#)

- 77 See:
- https://www.scottishhumanrights.com/media/2216/21_08_submission-ehrcjc-ending-conversion-therapy.pdf
 - <https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRCJ/2022/1/25/8c18e05c-08ab-4c7d-992b-4b0467541d70/EHRCJS062022R1.pdf>;
- 78 See: [PE1817 End Conversion Therapy | Scottish Parliament Website](#)
- 79 See: [21_08_submission-ehrcjc-ending-conversion-therapy.pdf \(scottishhumanrights.com\)](#)
- 80 See: <https://www.gov.scot/news/milestone-for-equality-in-schools/>
- 81 See: <https://www.stonewallscotland.org.uk/scotland-research/education/school-report-scotland>
- 82 See:
- <https://lgbtdomesticabuse.org.uk/media/1462/out-of-sight.pdf>;
 - <https://www.stonewallscotland.org.uk/lgbt-scotland-hate-crime-and-discrimination>;
 - <http://www.healthscotland.scot/media/2099/gbv-domestic-abuse-march2019.pdf> ;
 - <https://safelives.org.uk/node/1029>;
 - <https://galop.org.uk/hate-crime-report-2021/>;
 - <https://galop.org.uk/resource/the-use-of-sexual-violence-as-an-attempt-to-convert-or-punish-lgbt-people-in-the-uk/>
- 83 See:
- <https://lgbtdomesticabuse.org.uk/blog/2022/lgbt-people-s-experiences-of-domestic-abuse-digital-seminar/>
 - https://safelives.org.uk/practice_blog/barriers-accessing-services-lgbt-victims-and-survivors
- 84 See <https://homelessnetwork.scot/2020/04/26/inequality-homelessness-covid-19/>
- 85 See:
- <https://digitalpublications.parliament.scot/ResearchBriefings/Report/2021/10/15/ff1f3d0e-f5db-4d5b-a3e1-ca8e9de6f7db>
 - <https://spice-spotlight.scot/2021/06/23/life-in-the-pandemic-for-lesbian-gay-bisexual-transgender-lgbt-people-in-scotland/>
- 86 See: [Trans-People-and-Work-Survey-Report-LGBT-Health-Aug-2021-FINAL.pdf \(lgbthealth.org.uk\)](#)
- 87 See: [Hate Crime and Public Order \(Scotland\) Act 2021 \(legislation.gov.uk\)](#)
- 88 See: [Misogyny law consultation - gov.scot \(www.gov.scot\)](#)
- 89 [misogyny-bill-consultation-response-final-version-commission-approved-28june23.pdf \(scottishhumanrights.com\)](#)
- 90 See: [hate-crime-2021-22-publication-final.pdf \(copfs.gov.uk\)](#)
- 91 See: [hate-crime-2021-22-publication-final.pdf \(copfs.gov.uk\)](#)
- 92 See: [3. Tackling Hate Crime - Universal Periodic Review 2022: Scottish Government Position Statement - gov.scot \(www.gov.scot\)](#)
- 93 <https://www.scottishhumanrights.com/media/1972/shrc-ccpr-loipr-uk-128th-session.docx>
- 94 See: [hracs-upr-workshops-summary-march-2022-vfinal.pdf \(scottishhumanrights.com\)](#)
- 95 See:
- [Police Scotland: Racism, sexism and homophobia uncovered in review - BBC News.](#)
 - [Police Scotland chief says force is institutionally racist - BBC News](#)
- 96 [Welcome | Sheku Bayoh Inquiry](#)
- 97 See:
- [oro.open.ac.uk/53804/1/Women and Equalities- sexual harassment %28Barker %26 Jurasz - March 2018%29.pdf](http://oro.open.ac.uk/53804/1/Women%20and%20Equalities-%20sexual%20harassment%20Barker%20Jurasz%20March%202018.pdf)
 - <https://dera.ioe.ac.uk/34600/1/uuk-changing-the-culture-two-years-on.pdf>
 - [Social media blackout: 'Deleting abuse is part of my morning routine' - BBC News](#)
- 98 See: <https://www.tandfonline.com/doi/abs/10.1080/13562517.2017.1414788>
- 99 See:
- <https://www.dailyrecord.co.uk/news/local-news/stop-discrimination-gypsy-travellers-engage-24325310>;
 - https://scotland.shelter.org.uk/housing_advice/complaints_and_court_action/discrimination_a nd_harassment/discrimination_against_gypsiestravellers;

-
- <https://www.bbc.co.uk/news/uk-scotland-42193431>;
- 100 See:
- <https://news.stv.tv/sport/football/scottish-football-to-boycott-social-media-over-racist-abuse>
 - [School visited by Nicola Sturgeon reports online racist abuse of pupils to police | The Scotsman](#)
- 101 See:
- https://eprints.ncl.ac.uk/fulltext.aspx?url=275641%2f983D9A24-4271-4F75-B52B-25B164DDC243.pdf&pub_id=275641&ts=637810554833945882
 - <https://www.scotsman.com/news/opinion/columnists/scotland-must-bring-online-racists-and-sectarian-bigots-to-book-scotsman-comment-3307752>
 - [cpg-crrp-13th-december-22-minutes.pdf \(parliament.scot\)](#)
- 102 See: https://eprints.ncl.ac.uk/fulltext.aspx?url=275641%2f983D9A24-4271-4F75-B52B-25B164DDC243.pdf&pub_id=275641&ts=637810554833945882
- 103 See: [Online Safety Bill - Parliamentary Bills - UK Parliament](#)
- 104 For example see:
- [What is the Online Safety Bill and why is it so controversial? | The National.](#)
 - [Online Safety Bill – is it a missed opportunity? | Together Scotland](#)
 - [Online Safety Bill to remove ‘legal but harmful’ content measures | HeraldScotland](#)
- 105 See: [Housing needs of minority ethnic groups: Evidence review \(www.gov.scot\)](#)
- 106 [hrcs-upr-workshops-summary-march-2022-vfinal.pdf \(scottishhumanrights.com\)](#)
- 107 [ibid.](#)
- 108 See: [2022csoh64.pdf \(scotcourts.gov.uk\)](#)
- 109 See: [Commissioner for Fair Access - gov.scot \(www.gov.scot\)](#)
- 110 See:
- <https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland>
 - <https://www.gov.scot/publications/improving-lives-scotlands-gypsy-travellers-2019-2021/documents/>
 - <https://www.lgbthealth.org.uk/wp-content/uploads/2021/08/Trans-People-and-Work-Survey-Report-LGBT-Health-Aug-2021-FINAL.pdf>,
<https://wbq.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-migrant-women.pdf>
 - <https://www.scottishrefugeecouncil.org.uk/working-for-change/policy-campaigns/right-to-work/>
 - <https://wbq.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-disabled-women.pdf>, <https://fraserofallander.org/wp-content/uploads/2021/03/Learning-disabilities-employment-final.pdf>
- 111 See: [Ethnicity, poverty, and the data in Scotland | JRF](#)
- 112 See: [New report: Business Barometer reveals impact of UK skills shortage | Open University](#)
- 113 See: [The 2021 Staff vacancies in care services report | Scottish Social Services Workforce Data \(sssc.uk.com\)](#)
- 114 See:
- [Migrants in the UK Labour Market: An Overview - Migration Observatory - The Migration Observatory \(ox.ac.uk\)](#)
 - [Key Workers in Scotland - Shortage occupation list 2020: call for evidence - our response - gov.scot \(www.gov.scot\)](#)
 - [ENGENDER-RESPONSE-TO-SCOTTISH-GOVERNMENTS-CONSULTATION-ON-A-NATIONAL-CARE-SERVICE-FOR-SCOTLAND.pdf](#)
- 115 See: [Delivering Economic Prosperity \(www.gov.scot\)](#)
- 116 See: [3. Introduction and Context - Race equality action plan: final report - gov.scot \(www.gov.scot\)](#)
- 117 See: [Annex B - Immediate Priorities for Race Equality 2021-23 - Race equality: immediate priorities plan - gov.scot \(www.gov.scot\)](#)
- 118 See: [6. Beyond the Race Equality Action Plan 2017/21 – what next for race equality in Scotland? - Race equality action plan: final report - gov.scot \(www.gov.scot\)](#)
- 119 [Developing National Anti-Racism Infrastructure: Interim Governance Group - gov.scot \(www.gov.scot\)](#)
- 120 See: [Annex A References - A fairer Scotland for women: gender pay gap action plan - gov.scot \(www.gov.scot\)](#)

-
- 121 See: [Gender pay gap: our enforcement action | Equality and Human Rights Commission \(equalityhumanrights.com\)](#).
- 122 See: <https://www.gov.scot/publications/fairer-scotland-disabled-people-employment-action-plan-year-2-progress-report/documents/>
- 123 See: <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/03/scotlands-national-strategy-economic-transformation/documents/delivering-economic-prosperity/delivering-economic-prosperity/govscot%3Adocument/delivering-economic-prosperity.pdf>
- 124 See: [Race Equality Framework for Scotland 2016-2030 \(www.gov.scot\)](#)
- 125 See:
- [ethnicity poverty and the data in scotland \(1\).pdf](#)
 - [CRER Ethnicity and Poverty in Scotland 2020 \(squarespace.com\)](#)
- 126 126 See:
- [Inside Housing - News - Outsourcers win £2.9bn of asylum seeker accommodation contracts Housing needs of minority ethnic groups: Evidence review \(www.gov.scot\)](#)
- 127 See: [hrcs-upr-workshops-summary-march-2022-vfinal.pdf \(scottishhumanrights.com\)](#)
- 128 See: [CRER Ethnicity and Poverty in Scotland 2020 \(squarespace.com\)](#)
- 129 See: [Housing needs of minority ethnic groups: Evidence review \(www.gov.scot\)](#)
- 130 See: [Poverty and Income Inequality in Scotland 2019-22 \(data.gov.scot\)](#)
- 131 See: [Poverty and Income Inequality in Scotland 2019-22 \(data.gov.scot\)](#)
- 132 See: [Poverty in Scotland 2022 | JRF](#)
- 133 See: [Child Poverty \(Scotland\) Act 2017 \(legislation.gov.uk\)](#)
- 134 See: [Supporting documents - Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026 - gov.scot \(www.gov.scot\)](#)
- 135 See: [Additional child poverty analysis 2023 - gov.scot \(www.gov.scot\)](#)
- 136 See: [Poverty in Scotland 2022 | JRF](#)
- 137 See: [Ethnicity, poverty, and the data in Scotland | JRF](#)
- 138 See: [CRER Ethnicity and Poverty in Scotland 2020 \(usfiles.com\)](#)
- 139 See: [Social Security \(Scotland\) Act 2018 \(legislation.gov.uk\)](#)
- 140 See: [Scotland Act 2016 \(legislation.gov.uk\)](#)
- 141 See: [Scottish Child Payment - mygov.scot](#)
- 142 See: <https://fraserofallander.org/wp-content/uploads/2021/06/Child-Poverty-Final.pdf>
- 143 See: [Scottish benefits roll-out successful but challenges remain | Audit Scotland \(audit-scotland.gov.uk\)](#)
- 144 See: [Scotland's Population 2021 \(nrscotland.gov.uk\)](#)
- 145 See: [PSGCPHCOVIDMicroBrief3BME.pdf](#)
- 146 See: [Leave no one behind - The Health Foundation](#)
- 147 See: [Tackling health inequalities in Scotland \(azureedge.net\)](#)
- 148 See for example: [Improving+Data+and+Evidence+on+Ethnic+Inequalities+in+Health+-+Initial+Advice+and+Recommendations+from+the+Expert+Reference+Group+on+COVID-19+and+Ethnicity.pdf \(www.gov.scot\)](#)
- 149 See: [Scotland's Population 2021 \(nrscotland.gov.uk\)](#)
- 150 [Monitoring racialised health inequalities in Scotland 30 May 2023 - Monitoring racialised health inequalities in Scotland - Publications - Public Health Scotland](#)
- 151 See:
- [Vaccine uptake by ethnicity - News - Public Health Scotland.](#)
 - [COVID-19 statistical report - 23 November 2022 - COVID-19 statistical report - Publications - Public Health Scotland](#)
- 152 See:
- [Healthcare for refugees and asylum seekers | NHS inform](#)
 - [Healthcare - Welcome pack for New Scots - gov.scot \(www.gov.scot\)](#)
- 153 [Scotland's Baby Box | Ready Steady Baby! \(nhsinform.scot\)](#)
- 154 [Period Products Act comes into force - gov.scot \(www.gov.scot\)](#)
- 155 [Healthcare for overseas visitors | NHS inform](#)
- 156 See: [JSNA-Health-Needs-of-Minority-Ethnic-Communities-Edinburgh-April-2018.pdf \(edinburghhsc.scot\)](#)
- 157 See: [MBRRACE-UK Maternal CORE Report 2022 v10.pdf \(ox.ac.uk\)](#)
- 158 [coe-european-social-charter-2021-shrc.pdf \(scottishhumanrights.com\)](#)

-
- ¹⁵⁹ See: [Monitoring racialised health inequalities in Scotland 30 May 2023 - Monitoring racialised health inequalities in Scotland - Publications - Public Health Scotland](#)
- ¹⁶⁰ See: [Urgent action needed to address critical issues in delivery of social care services | Audit Scotland \(audit-scotland.gov.uk\)](#)
- ¹⁶¹ See: [Safe staffing legislation in Scotland | Royal College of Nursing Scotland | Royal College of Nursing \(rcn.org.uk\)](#)
- ¹⁶² See: [Migration Advisory Committee has published a report \(gov.uk\)](#)
- ¹⁶³ <https://equalityhumanrights.com/sites/default/files/inquiry-experiences-and-treatment-of-lower-paid-ethnic-minority-workers-in-health-and-social-care-scotland-briefing.docx>
- ¹⁶⁴ [bma-racism-in-medicine-survey-report-15-june-2022.pdf](#)
- ¹⁶⁵ See: <https://equalityhumanrights.com/sites/default/files/inquiry-experiences-and-treatment-of-lower-paid-ethnic-minority-workers-in-health-and-social-care-scotland-briefing.docx>
- ¹⁶⁶ See: <https://forensicnetwork.scot.nhs.uk/wp-content/uploads/2022/10/SMHLR-FINAL-Report-.pdf>
- ¹⁶⁷ See: [Racial-Inequality-Scotland_Report_Sep2021.pdf \(mwcscot.org.uk\)](#)
- ¹⁶⁸ See: [Review of Mental Health Law in Scotland - Scottish Government - Citizen Space \(consult.gov.scot\)](#)
- ¹⁶⁹ See [Consultation \(sc https://forensicnetwork.scot.nhs.uk/wp-content/uploads/2022/10/SMHLR-FINAL-Report-.pdf ot.nhs.uk\)](#)
- ¹⁷⁰ See: [Scottish Mental Health Law Review - Our Response \(www.gov.scot\)](#)
- ¹⁷¹ See: [Report on the United Kingdom following a visit from 27 June to 1 July, by Dunja Mijatovic, Commissioner for Human Rights of the Council of Europe \(coe.int\)](#)
- ¹⁷² See: [Commission welcomes human rights report from Council of Europe Commissioner for Human Rights \(scottishhumanrights.com\)](#)
- ¹⁷³ See: [Local development plans – defining Gypsies and Travellers: consultation - gov.scot \(www.gov.scot\)](#)
- ¹⁷⁴ See: [definition-of-gypsy-traveller-communities-final-approved.pdf \(scottishhumanrights.com\)](#)
- ¹⁷⁵ See: <https://www.gov.scot/publications/improving-lives-scotlands-gypsy-travellers-2019-2021/>
- ¹⁷⁶ See: [Improving the lives of Gypsy/Travellers: 2019-2021 - gov.scot \(www.gov.scot\)](#)
- ¹⁷⁷ See:
- <https://www.gov.scot/publications/scotland-sustainable-development-goals-national-review-drive-action/>
 - <https://www.gov.scot/publications/gypsy-travellers-scotland-comprehensive-analysis-2011-census/pages>
- ¹⁷⁸ See:
- <https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf> ; <http://www.sldo.ac.uk/our-research/life-expectancy-and-mortality/covid-19/>
- ¹⁷⁹ See: [MSPs raise Gypsy 'discrimination' concerns - BBC News](#)
- ¹⁸⁰ See: [20230512-letter-to-local-authorities-on-scottish-gypsy-traveller-housing.pdf \(scottishhumanrights.com\)](#)