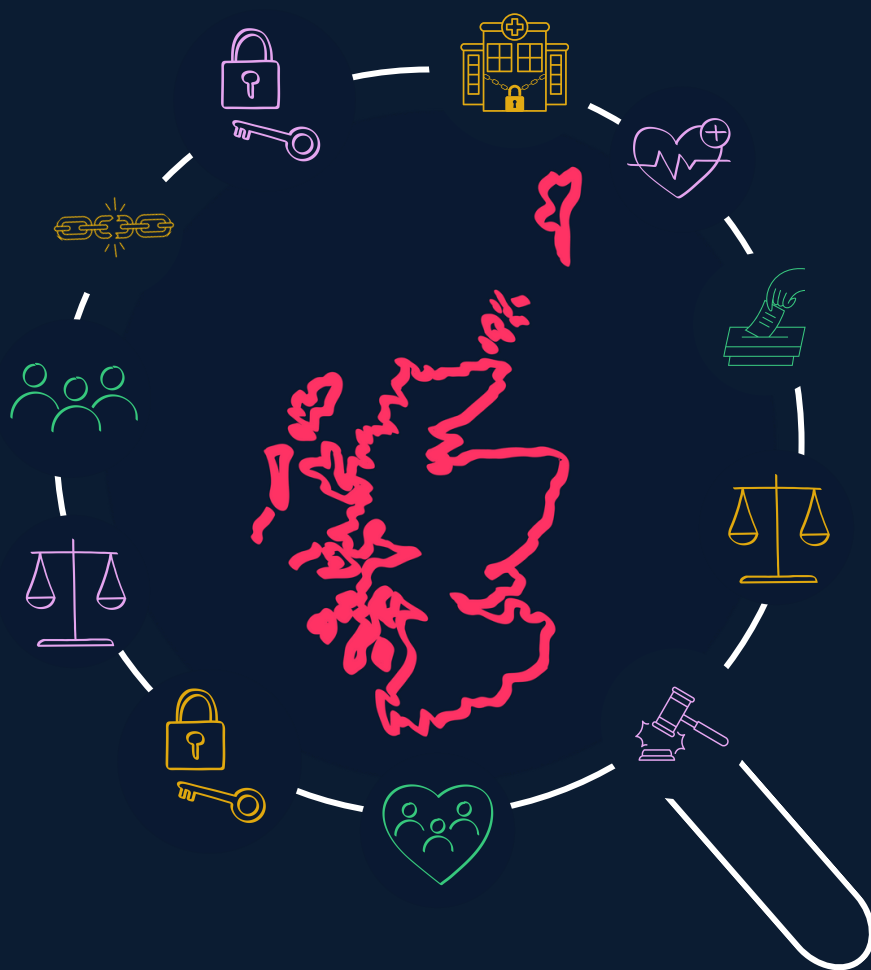


SHRC

Scottish
Human Rights
Commission

2024



State of the Nation:

Civil and Political Rights in Scotland

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Foreword from the Chair of the Commission

As Chair of the Scottish Human Rights Commission, I am pleased to present the Commission's first State of the Nation report to the Scottish Parliament. This report focuses on civil and political rights, the rights that protect people from harms by the state and rights to participate in decisions fairly. They include access to justice, fair trials, fair processes and the treatment of people in prison and other places where they might be detained.

2024 has been another turbulent year for human rights, including people's civil and political rights. In our own research, our work with community groups, civil society organisations, and direct communication from people we see the range of barriers to justice and where rights are not being met for people across Scotland.

Whilst there has undoubtedly been a stronger human rights narrative in Scotland over the current session of Parliament, the reality of people's lives does not reflect a human rights approach in how they experience public services and institutions. From prison over-crowding to housing emergencies, to the cost of living, the media is filled with examples of how our human rights are not being realised.

The Scottish Government's long-promised Human Rights Bill has been de-prioritised at a moment where human rights and access to justice feel more fragile in Scotland than ever.

The passage of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 is a pivotal moment in Scotland's human rights journey and incorporates an international human rights treaty into Scots Law for the first time. It is too early to assess what impact this will have on how children's rights are promoted and protected in Scotland, but it will certainly have an impact on the development of any future Human Rights Incorporation Bill for Scotland.

As Scotland's National Human Rights Institution, the Commission is uniquely placed to take this big picture view of human rights, the gaps and progress. Human rights monitoring is one of our core responsibilities and involves documenting possible and actual human rights violations so that we can identify opportunities to improve justice or prevention.¹

Drawing on findings from the Commission's [Spotlight Projects](#) and monitoring to inform our international reporting to the United Nations and the Council of Europe, we have examined 14 rights drawn from the legal standards in the International Covenant on Civil and Political Rights and the European Convention on Human Rights, standards that are already protected by the Human Rights Act 1998.

What we find is a vast array of challenges for human rights, including failures to take action to protect people from violations, often failures that have been unchanged for many years.

This is the first in an annual series of reports to Parliament to provide a snapshot of human rights realisation over the cycle of our 2024-28 Strategic Plan, and to promote awareness of Scotland's human rights obligations. It describes the situation as it is, focused on the past parliamentary year.

The Scottish Parliament, the Scottish Government and other public bodies must now recognise and act to address these areas of concern, many of which have existed for years. This means that it is also time to consider how all state institutions are paying attention to the human rights implications of all their decisions, from planning and budgeting to delivery and review.

We know that there is a real lack of human rights cases in Scottish courts. However, our findings also demonstrate that the justice system is currently highly complex, expensive and under-resourced. This means that in order to challenge and ultimately remedy these possible human rights violations, people must navigate a fundamentally broken justice system. As it stands, the Commission has very limited powers to close this gap, to the detriment of the people of Scotland.

As Chair of the Commission, I hope this report highlights challenges that have persisted for too long and spurs action required from those responsible for these rights. We are committed to working with MSPs, Committees and other parts of the Scottish Parliament to embed human rights in all aspects of its work, to prevent violations of all human rights for all people and to ensuring that the Commission has the power and resources needed to deal with the scale of problems.



Professor Angela O'Hagan

Chair, Scottish Human Rights Commission

Common Abbreviations

CoE Council of Europe

ECHR European Convention on Human Rights

ECtHR European Court of Human Rights

UK United Kingdom

UN United Nations

UN CAT United Nations Convention Against Torture, Inhuman or Degrading Treatment or Punishment

UN CERD United Nations Convention on the Elimination of All Forms of Racial Discrimination

UN CEDAW United Nations Convention on the Elimination of All Forms of Discrimination Against Women

UN CRC United Nations Convention on the Rights of the Child

UN CRPD United Nations Convention on the Rights of Persons with Disabilities

UN ICCPR United Nations International Covenant on Civil and Political Rights

UN ICESCR United Nations International Covenant on Economic, Social and Cultural Rights

About This Report

"Where, after all, do universal human rights begin? In small places, close to home".

Eleanor Roosevelt, "Where do universal human rights begin?" 27 March 1958

Scotland is part of a global human rights eco-system that includes international treaties and organisations, but human rights exist everywhere for everybody. Human rights are integral to the founding principles of the Scottish Parliament - power sharing, accountability, accessibility and equal opportunities. Parliaments both make law and scrutinise how it is being applied by Governments. In this way, the Scottish Parliament is a vital guarantor of human rights for the people of Scotland, and the Commission supports Parliament to discharge this function well.

In recent years, political attention in Scotland has shifted towards economic, social and cultural rights as the Government has explored new legislation to improve accountability, in the form of the now deprioritised Human Rights Bill for Scotland. However, many fundamental civil and political rights are still not adequately upheld for all people all the time, despite already being protected by domestic law.

The Commission's first annual State of the Nation report documents the human rights challenges experienced by people in Scotland. For the first time, we present a single assessment to the Scottish Parliament of the state of civil and political rights from September 2023 to September 2024, aligning with the annual Programme for Government.

The Commission's Strategic Plan 2024-28, which has been laid before Parliament, made a commitment to delivering such a report each year on international Human Rights Day.

Key findings

Across 14 rights, drawn from the legal standards in the European Convention on Human Rights and International Covenant on Civil and Political Rights, we have found many areas where human rights are at risk in Scotland. Most of these rights are protected in the Human Rights 1998. Our monitoring work between September 2023 and September 2024 has explored a mix of broad trends, human rights in local communities and risks to rights in places where people are especially vulnerable.

By bringing all this learning together, the Commission can demonstrate that many people in Scotland experience challenges to their human rights that the Scottish Government and Scottish Parliament are obligated by law to protect.

We are deeply concerned about the scale of issues across such a broad range of rights.

Some of the harms we have found are a long-term failure to progress commitments and recommendations to protect people in places of detention and to keep people safe when they are in state custody. There appears to be a lack of momentum behind efforts to end human trafficking, with limited evidence that the criminal laws available are being used effectively or proportionately in relation to the number of victims the available data suggests exist. Victims of human trafficking are still being prosecuted for crimes they were coerced into committing.

In other areas, where the law requires decisionmakers to carry out at times complicated or sensitive balancing acts to ensure everyone's rights are protected, they can lack the underpinning knowledge to properly take into account the circumstances of people who are the most marginalised, and who continue to be the furthest from justice. Understanding the impacts of marginalisation and inequality is an essential part of taking a human rights-based approach.

The fact that there is already domestic human rights law, not least via the Human Rights Act 1998, that could be used to challenge individual violations of these rights does not seem to be sufficient to stop the harms from happening. We suggest that part of the reason for this can be seen in the challenges of access to justice in Scotland. The systems that people have to navigate through the courts or other types of complaints handling are complex and under-resourced. We highlight issues with legal aid, judicial review processes and the lack of power of the Commission to take out own cases or to support individual people with their own legal issues.

All of this means that people experiencing great harms must at significant human and financial expense find a way through a system that is fundamentally broken in order to uphold their human rights. This is not good enough.

Two actions could make a big difference here

- prioritising legal aid reform and the legal aid budget,
- and updating the powers of the Commission to step in and help to clarify the law on issues of wider societal benefit.

There is no excuse - civil and political rights are already our rights in law.

What do threats to human rights look like in Scotland?

Human rights defenders frequently share their stories with us through our research, monitoring and participation work. Their stories give us some insight into what the threats to human rights at risk look and feel like in daily life:

The following examples are drawn from what we know to be lived experience but are not a direct account of real experiences. We offer them to promote understanding of what human rights denials look like in Scotland today.

Jackie's husband Marc took his own life in prison. Marc had a long history of poor mental health that was well-known by prison staff. At the time of his death, the prison had seen a significant increase in the prison population and Marc was sharing his small cell with another prisoner.

A Fatal Accident Inquiry is required to be carried out because Marc was in prison custody when he died, but Jackie has been told this will take years. Her family will have to find money to pay for their own legal representation, but Jackie's earnings from her part time work take her just over the threshold for legal aid.

Jackie has since met the family of another man who had also taken his own life in the same prison just a few years before. She learned that a Fatal Accident Inquiry was carried out at that time, which had made a number of recommendations aimed at improving mental health provision and the prison's approach to suicide prevention. In spite of this, the same set of circumstances have repeated and led to another death, suggesting that issues raised were not acted upon; issues which may have led to a different experience for her husband.

Robert is 35, loves music and volunteers with his local community group, where has many friends. He is autistic and receives social care support from the council to help him live independently within his family home.

After Robert's elderly mother dies, his father struggles to cope. Robert is also struggling with the loss of his mother and communicates this through his behaviour. His carers stop coming to the house because he is considered 'too challenging' and when social workers visit, they agree with Robert's father that Robert should be admitted to hospital as a short-term measure until they can find him the care he needs.

However, Robert ends up staying in hospital for six months before his father dies. Robert has no family left to advocate for him and no home to return to. Social care and social workers continue to try to pull together the care package he needs, but after eight years Robert is still in hospital.

Mary and her daughter Chelsea live in village in Sutherland. Chelsea moved away to go to university but has moved back in with Mary while she tries to find work locally so that she can stay near her family where she grew up.

Chelsea has endometriosis, which often leaves her in significant pain. She would like to find a job that could allow her to work from home remotely, using her qualification. However, the broadband speed in the area has not been upgraded in many years, meaning their connection is often too slow to join virtual meetings.

The health board has struggled to recruit a new GP for the community since the previous GP retired. Mary is worried that the practice will close and has not been able to get an appointment for an asthma check-up. It is over an hour's drive to the next nearest GP on bad roads. Last winter, Chelsea had to travel to Inverness for an appointment, nearly 200 miles away, as there was no gynaecological consultant available nearer. She was discharged late in the evening, still in significant pain. Mary was unable to afford a hotel room for that night in Inverness as this was not covered by the health board. As a result, Mary had to drive them both home in the dark, along difficult roads with poor visibility in the bad weather.

Jackie, Marc, Robert, Mary and Chelsea are all fictionalised accounts based on real issues that the Commission has heard over the past year.

Monitoring Human Rights: Our State of the Nation Report

An annual statement of human rights findings from the Commission aims to support the Scottish Parliament and other public bodies to understand and better progress their obligations under human rights law. This report is the first step in a four-year assessment of human rights in Scotland, and is a commitment within the Commission's [Strategic Plan 2024-28](#).

Each year will focus on a different area:

- Year 1: Civil and Political Rights
- Year 2: Economic, Social, and Cultural Rights
- Year 3: The Rights of Specific Groups as Protected by Treaties
- Year 4: The Overall State of Human Rights in Scotland

Human rights monitoring is an essential tool for the consistent protection of and greater implementation of human rights. Independent monitoring can:

- Highlight where things are going wrong early so that Governments and Parliaments can step in address or prevent violations of rights
- Hold Governments and Parliaments accountable for their actions or failures to act by applying a consistent framework over time and regularly reminding them of their legal obligations
- Promote transparency and collaboration and the rule of law, including through making independent conclusions and recommendations

Human rights monitoring involves the collection, verification and use of information. This is the approach we are taking in our 'Spotlight' series of focused research projects into the experience of specific rights across Scotland. One of our projects this year has piloted ways that we can strengthen human rights monitoring at the local level, working with MSPs and communities in the Highlands and Islands region.

At the national level, monitoring is essential to progress recommendations, decisions and judgments from accountability bodies that need to be addressed by the Scottish Government, Parliament and other public sector bodies.

The Scottish Government has committed to supporting a tracker or repository tool, as exists in many other countries, to improve transparency for monitoring and reporting, both in Scotland and internationally. A tracker tool is already available for

England and Wales, while in Northern Ireland the Human Rights Commission produces an annual 'state of the nation' statement, which categorises issues using a traffic light system to identify priorities and progress.

Human rights monitoring methodologies and methods, in particular the use of indicators, are discussed in in the report, in [Annex C](#) of this report, and we expect that our approach will develop over the 4-years of this State of the Nation project.

Approach and Limitations

Each thematic summary includes:

- The most directly relevant legal standards from international and regional treaties. We do not include every treaty article that might apply to certain groups to make this as general as possible, but it should be borne in mind that additional standards to protect further marginalised groups from unequal treatment do exist.
- Examples of the domestic laws that give effect to the human rights level (or that can undermine them).
- A short description of some of the key human rights concerns that we've uncovered in Scotland, focusing on the period between September 2023 to September 2024.
- Some suggested further reading from our work.

While we start with an explanation of what each right entails as per the treaty standards, the monitoring takes into account wider legal, social political contexts including judgements of courts, statements in parliament, research by parliamentary committees, civil society and academics and data and evidence from public bodies, where available. The research was a combination of secondary analysis and desk-based review and evidence from other Commission projects which used other research methods, which have been set out in those publications, and can be accessed from [our website](#)

The analysis presented in this specific report is relatively short and is a broadly socio-legal and descriptive one, that means we are looking at how the law is being applied. Research limitations include the lack of primary data and the inconsistent application of predetermined indicators for measuring civil and political rights that could enable a more targeted prioritisation of concerns. Further information on indicators is available in Annex C.

Snapshot: Civil and Political Rights in Scotland in 2024

What Are Civil and Political Rights?

Human rights in Scotland are protected in a range of domestic laws, policies and practices. The legal framework that underpins this is principally found in the Human Rights Act 1998.

The Human Rights Act 1998 brought the legal standards that exist in international law into Scots law by 'incorporating' the European Convention on Human Rights, or 'ECHR', into UK legislation. This meant that people in Scotland could bring arguments about how rights were being or not being applied before Scottish courts. All public bodies in Scotland, including the Scottish Government and the Scottish Parliament, must comply with the Human Rights Act all of the time.

The rights in the ECHR are primarily what is known as civil and political rights. Similar rights are also protected by a United Nations treaty - the Covenant on Civil and Political Rights (UN ICCPR). Civil and political rights include:

- The right to life
- Freedom from torture, cruel, inhuman or degrading treatment
- Prohibition of human trafficking, slavery and forced labour
- Access to justice
- The right to a fair trial
- The right to liberty and security
- The right to private and family life
- Freedom of religion and belief
- Freedom of peaceful assembly and association
- Freedom of expression
- Participation in free elections
- The right to freely own and use property
- The right to equality and non-discrimination
- The right to enjoy a cultural identity

As the National Human Rights Institution for Scotland, the Scottish Human Rights Commission, acts as an independent monitoring body domestically. We then support the international human rights system by sharing our independent findings with treaty bodies and courts that have authority to supervise human rights.

In 2024, a United Nations Committee of experts reviewed the UK's compliance with the UN ICCPR and made several recommendations to strengthen human rights protections in Scotland. As of September 2024, the Scottish Government has not responded to the Committee's recommendations.

More information on the legal framework for civil and political rights is set out across [Annex B](#) of this report.

The Right to Life

International Standards

- Article 2 of the European Convention on Human Rights (ECHR)
- Article 6 of the International Covenant on Civil and Political Rights (ICCPR)

Domestic Laws

- Human Rights Act 1998
- Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

Key Issues

The right to life protects people from having their life ended by the State and requires the government to put in place laws to make the taking of life illegal. In some cases, the right to life means that the government must take certain steps to prevent life being taken when they know or ought to know that life is at risk.² It is an absolute right, which means it can never be justifiably restricted (**'interfered with'**). However, there are some extremely limited circumstances where the state may use force that results in the loss of life, set out in Article 2(2).

The Independent Review of the Response to Deaths in Prison Custody (November 2021), made 27 recommendations and advisory points,³ which were all accepted in principle by the Scottish Government.⁴ However, implementation has been slow, with doubts over whether key recommendations will be implemented at all.⁵ In addition, a public inquiry into the death of Sheku Bayoh, who died after being restrained in police custody, has been in progress since 2020.⁶ The Inquiry is examining the events surrounding the death of Sheku Bayoh, the subsequent investigation and whether race was a factor in his death.

In Scotland, all deaths in custody result in a mandatory Fatal Accident Inquiry (FAI).⁷ However, FAIs often take years to complete, there is no automatic right to legal aid for families, and most FAIs result in no recommendations for improvement.⁸ Additionally, there is no national oversight mechanism to collate and monitor FAI recommendations, despite rising death rates in custody. No state review of the FAI system has been carried out since this was recommended by the Council of Europe Committee on the Prevention of Torture (CPT) in 2019.⁹ This remains a significant concern, particularly as Scotland has one of the highest death rates in custody in Europe

Scotland also lacks a mandatory system for investigating deaths in mental health detention, a likely failure to comply with Article 2 of the ECHR.¹⁰ The Mental Welfare Commission proposed a unified system for investigations in 2022,¹¹ but the Scottish Government has yet to respond.

The Commission's 2024 report, "Review...Recommend...Repeat," assessed where human rights protections have stalled in places of detention in relation to the right to life and the prevention of inhuman and degrading treatment.¹² Of 29 recommendations made by international bodies between 2013-2023, 83 per cent have not been implemented, with only five showing significant progress. Our report highlights increasing numbers of suicides across the prison estate despite Scottish Government and Scottish Prison Service prevention strategies. There is no publicly available data on the effectiveness of suicide prevention strategies in prison and forensic settings.

Scotland has the highest rates of deaths associated with drug use in Europe,¹³ and rates continue to rise.¹⁴ Rates of deaths due to drugs and / or alcohol are disproportionately high in areas of high deprivation.¹⁵ In 2024, the death rates were reported as increasing by 12 per cent, despite the National Drugs Mission.¹⁶

Further Reading:

- Scottish Human Rights Commission (2024) [Review, recommend, repeat: An assessment of where human rights have stalled in places of detention](#)
- [ICCPR Parallel Report UK Examination \(scottishhumanrights.com\)](#) (see paras 85-88)

Freedom from Torture, Cruel, Inhuman, or Degrading Treatment

International Standards

- Article 3 of the European Convention on Human Rights (ECHR)
- Article 7 of the International Covenant on Civil and Political Rights (ICCPR)
- Convention Against Torture (CAT)
- The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention)

Domestic Laws

- Human Rights Act 1998
- Domestic Abuse (Scotland) Act 2018
- Sexual Offences (Scotland) Act 2009

Key Issues

The prohibition of torture, inhumane, or degrading treatment is absolute. This means that if treatment reaches a serious enough threshold of harm, it can never be justified. Despite this, concerns persist in Scotland's detention system, particularly regarding the treatment of prisoners.

Our report "Review... Recommend... Repeat..." highlights that there has been almost no progress to implement findings from human rights bodies relating to prisons and the forensic mental health, with just 5 of 29 recommendations showing significant progress and none recognised as complete.¹⁷

The ongoing issue of overcrowding in Scottish prisons (as detailed under [The Right to Liberty and Security](#)) creates conditions that may lead to inhuman or degrading treatment. Overcrowded facilities can result in substandard living conditions, including insufficient healthcare and mental health support. Groups who are more vulnerable, such as those with learning disabilities or mental health issues, are particularly at risk of experiencing degrading treatment in such environments.

Solitary confinement, especially when used for extended periods, can constitute inhuman treatment and can increase the risk of other forms of prohibited treatment going unnoticed.¹⁸ Despite increasing calls to limit its use, particularly for people

requiring mental health care or those already in distress, the practice continues to be used in Scottish prisons, including failure to meet the minimum requirement of two hours of human contact per day.¹⁹

The Scottish Government is beginning to respond to the scale of mental health challenges in prisons, for example its proposal for a Forensic Mental Health Board to deliver a national approach to planning and governance of forensic mental health in-patient services.²⁰ This is a step forward, but major systemic reforms are still required. Meanwhile, the lack of appropriate community support for people with learning disabilities raises further concerns about inhuman treatment under detention.²¹ This issue is the subject of a spotlight report from the Commission which will be published in January 2025.

Many of the concerns about the treatment of detainees in prisons have also been alleged in police custody in Scotland.²² Inspections of custody suites have flagged overcrowding and inadequate access to healthcare, especially mental health support. The use of restraint has also raised concerns, particularly in relation to compliance with international human rights standards.

Human rights bodies recognise that gender-based violence towards women and children can amount to a violation of rights to live free from inhuman and degrading treatment.²³ In January 2024, the Commission's reporting found that despite an ambitious national strategy to eliminate gender-based violence against women, women's experiences of accessing support after experiencing violence fall far short of expectations in human rights standards, including deeply negative experiences in the criminal justice system (see [Fair Trial](#)).²⁴

Further reading:

- Scottish Human Rights Commission (2024) [Review, recommend, repeat: An assessment of where human rights have stalled in places of detention](#)
- [ICCPR Parallel Report UK Examination \(scottishhumanrights.com\)](#)
- Scottish Human Rights Commission (2023) [crc-submission-20220113-final.pdf \(scottishhumanrights.com\)](#)
- [Scottish Human Rights Commission \(2023\) Submission to the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence \(GREVIO\) Parallel Report for the Baseline Report in Monitoring the United Kingdom](#)

Prohibition of Human Trafficking, Slavery, and Forced Labour

International Standards

- Article 4 of the European Convention on Human Rights (ECHR)
- Article 8 of the International Covenant on Civil and Political Rights (ICCPR)
- Council of Europe Convention on Action Against Trafficking in Human Beings
- Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse

Domestic Laws

- The Human Trafficking and Exploitation (Scotland) Act 2015
- Modern Slavery Act 2015

Key Issues

The prohibition of slavery and forced labour is absolute, meaning that they can never be justified. However, there are some situations which might not be considered forced labour even though people have no right to refuse to do them, such as normal citizen contributions like jury services or work you are required to do as the result of a prison sentence.

The Scottish Government is required²⁵ to implement a Scottish Trafficking Strategy, first published in 2017, with three core aims: identifying victims and supporting them to safety and recovery, identifying perpetrators and disrupting their activities, and addressing the conditions that foster trafficking both locally and globally.²⁶ A 2023 review found these aims still relevant but highlighted the need to refresh action goals and indicators.²⁷

The Human Trafficking and Exploitation (Scotland) Act 2015 introduced new criminal offences for human trafficking and slavery, as well as "aggravations" for other offences linked to trafficking.²⁸ However, data on prosecutions included in the Review of the Trafficking and Exploitation Strategy suggests these offences are rarely used. Between coming into force and March 2021, just 61 cases included a charge under the Act and only four resulted in a conviction.²⁹

Public bodies in Scotland are required to report potential trafficking victims through the National Referral Mechanism (NRM).³⁰ Between April and June 2024, there were 216 referrals from Scotland, 62 of which involved children. Referrals have increased significantly, from 228 in 2018 to 765 in 2023. Despite this, the NRM has faced criticism for delays and decision-making flaws.³¹ In 2023, the average time to reach a reasonable grounds decision—the first step in identifying victims—jumped to 23 days, up from 5-6 days in previous years.³²

Concerns remain that, despite the Lord Advocate providing for the non-prosecution of trafficking victims,³³ victims in Scotland continue to be prosecuted for crimes they were coerced into committing. Between 2016 and 2020, 155 potential survivors faced criminal charges, 21 of whom were children. In 2021, the Children and Young People's Commissioner raised concerns about this practice.³⁴

Further Reading:

- [ICCPR Parallel Report UK Examination \(scottishhumanrights.com\)](https://www.scottishhumanrights.com) (see paras 102-106)

Access to Justice

International Standards

- Article 13 of the European Convention on Human Rights (ECHR)
- Articles 2 and 14 of the International Covenant on Civil and Political Rights (ICCPR)

Domestic Laws

- Human Rights Act 1998
- Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021

Key Issues

Scotland's access to justice system is highly complex, fragmented, and often inaccessible. Complaints mechanisms rarely result in systemic change, and the legal framework is challenging to navigate. The Commission's 2023 review of complaints mechanisms for economic, social, and cultural rights highlighted issues with awareness, complexity, and ineffective remedies.³⁵

A 2024 report commissioned by the Commission and the Children and Young People's Commissioner found that access to human rights-related advice and advocacy services in Scotland varies significantly by geography, with rural areas particularly underserved.³⁶ Only 13 per cent of services offer comprehensive support, including advice, casework, advocacy and legal representation.

Legal Aid in Scotland is chronically underfunded against demand, despite an £11 million package announced in 2023 to increase fees for legal aid lawyers.³⁷ A independent strategic review was commissioned by the Scottish Government in 2018,³⁸ which concluded that tensions surrounding the appropriate level of fee between the legal profession and the Scottish Government and Legal Aid Board 'dominates' these relationships. The Law Society has been clear in its position that there is an "urgent need to properly fund legal aid practitioners."³⁹

The forecast legal aid budget for 2023-24 is £156.1 million, plus £3 million to strengthen access to justice for deprived communities and vulnerable groups.⁴⁰ In 2022, the Law Society of Scotland carried out research which found that the 139 most deprived communities in Scotland, equivalent to around 100,000 people, shared just 29 civil legal aid firms between them. There were no civil legal aid firms at all in 122 of the 139 areas.⁴¹

Judicial review, a key tool for challenging rights violations, is hindered by a three-month time limit, which is often incompatible with other complaint mechanisms, such as the Scottish Public Services Ombudsman. Public-interest litigation is also rare due to restrictive standing rules and the high costs of legal action.⁴² The Commission is unable to take cases directly or represent individuals.

While the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 introduced a redress scheme for in-care abuse survivors, it excludes certain groups, such as those placed in short-term “respite” care.⁴³

The 2020 Dame Elish Angiolini review of police complaints systems found a lack of transparency and efficiency in handling complaints in Scotland.⁴⁴ The review recommended reforms to improve independence and accountability. The Police Investigations and Review Commissioner (PIRC) oversees investigations, but concern persists regarding its effectiveness and the slow pace of policing reform.⁴⁵ The Scottish Parliament is considering proposals for a Police (Ethics, Conduct and Scrutiny) (Scotland) Bill which would increase the functions of the PIRC and introduce an advisory board for the Commissioner.⁴⁶

Further Reading

- [Access to justice for potential human rights breaches | SHRC Spotlight Projects \(scottishhumanrights.com\)](https://www.scottishhumanrights.com/projects)
- [Access to Justice for Everyone: A Discussion Paper \(scottishhumanrights.com\)](https://www.scottishhumanrights.com/discussion-paper)
- [ICCPR Parallel Report UK Examination \(scottishhumanrights.com\)](https://www.scottishhumanrights.com/iccpr-parallel-report-uk-examination) (see paras 115-117)

Right to a Fair Trial

International Standards

- Article 6 of the European Convention on Human Rights (ECHR)
- Article 14 of the International Covenant on Civil and Political Rights (ICCPR)

Domestic Laws

- Human Rights Act 1998
- Children (Care and Justice) (Scotland) Act 2024

Key Issues

Countries all over the world have different legal systems, but fair trial rights require that basic standards that ensure procedural fairness are met. These apply to both criminal and civil cases and include obligations to make sure that individuals can have their case heard without unnecessary delay, transparently and by an independent and impartial decision-maker.

The impact of the COVID-19 pandemic significantly affected Scotland's court system, leading to a backlog of 43,606 trials at its peak in January 2022.⁴⁷ While the backlog has since been reduced,⁴⁸ delays in solemn cases (serious offences like assault, murder, and rape) have doubled since 2020.⁴⁹ Sexual offence cases represent 70 per cent of all cases awaiting trial, with 80-85 per cent of cases proceeding to trial in the high court involving serious sexual violence.⁵⁰ These delays take a toll on victims and witnesses, with many withdrawing due to stress and anxiety.⁵¹

Failures in the Scottish Court Custody and Prisoner Escort Service (SCCPES), run by private contractor GEOAmey, have compounded the issue. Between July and September 2023, only 62 per cent of prisoners were delivered to court on time, resulting in 48 trial days lost over six weeks due to prisoner transport issues.⁵²

Our input to the baseline evaluation of the Istanbul Convention, especially speaking directly to victim-survivors of gender-based violence, highlighted the many ways that women and children find the current criminal justice process harmful and traumatic.⁵³

Scotland's justice system includes unique features, such as a 15-member jury and three possible verdicts: guilty, not guilty, and not proven. The Victims, Witnesses, and Justice Reform (Scotland) Bill,⁵⁴ under consideration at time of writing, aims to

improve the handling of sexual offence cases, including by abolishing the "not proven" verdict. The bill had also proposed the creation of a pilot specialist Sexual Offences Court, which would have heard solemn sexual offence cases with a single sitting judge, and also reducing juries to 12 members with a two-thirds majority required for conviction.¹ On the recommendation of the Criminal Justice Committee, these proposals have now been dropped from the Bill.

Although there is no individual right to trial by jury in international law, including under Article 6 ECHR, the use of juries in solemn cases is an important aspect of Scotland's criminal justice system. Some legal professionals – including the Law Society of Scotland and the Scottish Bar Association – had raised concerns that the cumulative impact of proposed reforms could undermine the accused's right to a fair trial.⁵⁵

Efforts have been made to strengthen the youth justice system, based on Scotland's Whole System Approach, which is increasingly diverting young people in conflict with the law away from formal judicial proceedings.⁵⁶ In 2024, the Scottish Parliament passed legislation to expand access to the Children's Hearing System to prioritise child welfare and rehabilitation.⁵⁷ The planned move of all children out of Young Offenders Institutions was also completed in September 2024.⁵⁸

Despite these steps, the Children and Young People's Commissioner has expressed continued concerns about the treatment of young people in custody, especially a shortage of mental health support and the use of restraint.⁵⁹

Further Reading

- [ICCPR Parallel Report UK Examination \(scottishhumanrights.com\)](https://www.scottishhumanrights.com) (see paras 115-117)

¹ On 31 October 2024, the Justice Secretary confirmed these parts of the Bill would be removed at Stage 2 of the Bill process: [Letter from the Cabinet Secretary for Justice and Home Affairs to the Convener, 31 October 2024](#)

The Right to Liberty and Security

International Standards

- Article 9, Article 10, Article 11 and Article 12 of the International Covenant on Civil and Political Rights
- Article 5 of the European Convention on Human Rights

Domestic laws

- Human Rights Act 1998
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Adults with Incapacity (Scotland) Act 2000
- Criminal Justice (Scotland) Act 2016

Key Issues

Rights to liberty, freedom of movement and to live free from unreasonable detention, respect personal freedom, and protect people from being imprisoned or held against their will without very good reason. Steps to ensure that detention is strictly necessary for the individual being detained or for another's safety, or for the purpose of punishment, must be very clearly followed.

In Scotland, these rights have been tested by issues such as overcrowded prisons, the use of solitary confinement, and inadequate mental health care, particularly for vulnerable populations such as those with learning disabilities and mental health conditions.⁶⁰

Overcrowding in Scotland's prisons is an ongoing concern. Despite reforms aimed at reducing the prison population, many facilities remain over capacity, putting strain on resources and services essential for rehabilitation and care (see torture, inhuman and degrading treatment.) In June 2024, Scottish Ministers made arrangements for early release to ease immediate pressure on the prison estate after the Prison

Service warned of an immediate crisis point.⁶¹ However, by September 2024,² the prison population had already risen back to over-capacity.⁶²

Scotland's failure to provide appropriate community support for individuals with learning disabilities and/or who are autistic remains a significant issue under the right to liberty and security. While there are some restrictions on liberty that do not conflict with human rights, detention can only be justified so long as it is a genuine therapeutic necessity.⁶³

Judicial review remains an essential tool for detainees to challenge unlawful detention, but the three-month time limit and limited legal aid funding make it difficult to access. In 2024, a prisoner successfully challenged the rules of their Order for Lifelong Restriction (OLR) for breaching Article 5 of the ECHR. OLRs mean that prisoners are subject to some form of oversight for their entire lives because of the risk of harm to the public, although not necessarily requiring detention.⁶⁴ The Court held that insufficient access to rehabilitative programmes required to access the prospect of parole can result in arbitrary detention.

Stop and search and arrest are strictly governed by legislation and a Code of Practice.⁶⁵ However, data from 2022-23 indicates a slightly higher proportion of numbers of arrests and stop and search by marginalised communities, particularly young people.⁶⁶ ³ Police Scotland have committed to improving transparency for its stop and search statistics to improve oversight and public trust.⁶⁷

² Though beyond the period under consideration, the national mid-year report from His Majesty's Inspectorate of Prisons for Scotland (HMIPS) published in November 2024 highlights that "Overcrowding continued to be the biggest single issue facing Scottish prisons, and its impact was felt in all establishments. It is unconscionable that in 2024, prisoners are still being asked to share cells that Victorian society deemed fit for only one person" HMPIS (2024) National Independent Prison Monitors (IPM) Mid-Year Report

³ There is longstanding concern about policing of people from minority ethnic communities (for example, [Coalition for Racial Equality and Rights \(CRER\) \(2023\) Police \(Ethics, Conduct and Scrutiny\) Bill Response to Criminal Justice Committee Call for Views](#)). The Commission sampled the quarterly data from April 2024 - June 2024, which provided a nominal ethnicity for all 9116 recorded stop and searches. In 103 recorded, no ethnicity was recorded. Of the rest, white ethnicities totalled 8290, or 92.0 per cent and all other ethnicities 8.0 per cent. [Data Publication - Police Scotland](#). The 2022 census suggests that people from non-white ethnic backgrounds now account for just over 7 per cent of Scotland's population.

Further Reading

- [Review, recommend, repeat: An assessment of where human rights have stalled in places of detention \(scottishhumanrights.com\)](https://scottishhumanrights.com/review-recommend-repeat-an-assessment-of-where-human-rights-have-stalled-in-places-of-detention)
- [Moving from institutions to independent living | SHRC Spotlight Projects \(scottishhumanrights.com\)](https://scottishhumanrights.com/moving-from-institutions-to-independent-living-shrc-spotlight-projects)
- [ICCPR Parallel Report UK Examination \(scottishhumanrights.com\)](https://scottishhumanrights.com/iccpr-parallel-report-uk-examination) (see paras 59-61)

The Right to Private and Family Life

International Standards

- Article 17 of the International Covenant on Civil and Political Rights (ICCPR)
- Article 8 of the European Convention on Human Rights (ECHR).

Domestic Laws

- Human Rights Act 1998
- Abortion Act 1967 (as applied in Scotland)
- Data Protection Act 2018
- Gender Recognition Act 2004
- Housing (Scotland) Act 2001
- Scottish Biometrics Commissioner Act 2020
- Online Safety Act 2023
- Data Protection Act 2018

Key Issues

The right to private and family life is broad, covering a range of issues related to personal autonomy, privacy, and bodily integrity. In Scotland, several areas of concern have emerged in recent years, including access to healthcare, privacy in the digital age, and the growing challenge of eviction. Private and family life are not absolute rights and can be limited where they are necessary to achieve a legitimate goal, provided for in law and the restriction is proportionate (a '**proportionality assessment.**')

The Biometrics Commissioner for Scotland oversees the use of biometric data such as fingerprints, DNA, and facial recognition by the police. The Code of Practice, introduced in November 2022, aims to ensure that biometric data is managed in line with human rights standards.⁶⁸ However, there remains a need to update Scottish legislation to reflect the European Court of Human Rights' decision in *Gaughran v United Kingdom*,⁶⁹ which highlighted the risks of indiscriminate retention of biometric data (see [Annex D](#)).

The use of facial recognition technology by Scottish police has faced significant public and legal scrutiny due to concerns over privacy and potential biases against

minority groups.⁷⁰ The Scottish Government and the Biometrics Commissioner are reviewing the use of this technology to ensure compliance with human rights standards, particularly regarding data protection and non-discrimination.⁷¹

Access to reproductive healthcare remains a concern, particularly for women in remote and rural areas.⁷² Although Scotland has retained the expanded Early Medical Abortion at Home service,⁷³ allowing women to access abortion care remotely, barriers to access continue. A significant number of women are required to travel to England for abortion care,⁷⁴ although data suggests that this is decreasing.⁷⁵ Travel for healthcare suggests that there are persistent gaps in local provision, especially for later-stage and surgical abortions, a view articulated by at least one provider.⁷⁶ Maternity services in some rural areas have also been reduced, forcing women to travel long distances for essential care.⁷⁷

Debates around the Gender Recognition Act 2004 continue to feature in public discourse. Access to gender-affirming healthcare in Scotland is becoming increasingly difficult, with services for children and young people particularly limited.⁷⁸ Adults can no longer self-refer to NHS Gender-Identity services, further complicating access to care.⁷⁹ The Scottish Government has committed to ending conversion practices aimed at changing or suppressing an individual's sexual orientation or gender identity (in law and practice).⁸⁰ While consultations and parliamentary discussions have taken place, no legislation has yet been introduced. Recent commitments in the 2024 Programme for Government suggested progress was forthcoming ("work towards complementary approaches across the UK"), though specific timelines remain unclear.⁸¹

The end of the moratorium on evictions in March 2024 has raised concerns among tenants about a potential rise in evictions in the private rented sector.⁸² Although the Housing Tribunal reported that evictions accounted for nearly 50 per cent of all applications in 2022-23,⁸³ statistics on the number of evictions and reasons for eviction have not been published since the moratorium was lifted.

Further reading:

- [ICCPR Parallel Report UK Examination \(scottishhumanrights.com\)](https://scottishhumanrights.com) (see for example paras 140-148 and 50-51)
- [Appendix 2 – Court Judgments and Human Rights Violations](#)

Freedom of Belief

International Standards

- Article 9 of the European Convention on Human Rights (ECHR)
- Article 18 of the International Covenant on Civil and Political Rights (ICCPR)

Domestic Laws

- Human Rights Act 1998
- Equality Act 2010

Key Issues

Freedom of belief has two elements – the holding of sincerely held moral, philosophical or religious beliefs and the manifestation or practicing of such beliefs. The first element is absolute and protects the personal right to change one's own belief at any time. However, restrictions on the second element can be justifiable if the specific tests of lawfulness, necessity and proportionality are met.

The 2024 Census revealed that, for the first time, a majority (51.1 per cent) of respondents identified as having no religion—up from 36.7 per cent in 2011.⁸⁴ This shift in religious affiliation marks a significant cultural change, yet religious tensions remain a long-standing issue. Religious prejudice in Scotland is frequently (though not always) closely connected to racial discrimination.

Inter-community tensions particularly associated with historical tensions between Catholic and Protestant communities persist in some parts of Scotland. These tensions are rooted in the legacy of migration, colonialism, and socio-economic disparities and are heavily contested.⁸⁵ 'Sectarianism' has no legal definition, though in 2018, the Scottish Government endorsed a working definition proposed by a dedicated Working Group.⁸⁶ This definition frames 'sectarianism' as a combination of perceptions, attitudes, and actions arising from religious differences, often intertwined with political and sporting allegiances. The government has invested over £15.5 million since 2012 in efforts to tackle 'sectarianism', though the issue remains complex and multifaceted.

In 2023, the Scottish Government undertook a sampling of 2020-22 recorded hate crimes to assess trends by characteristics. Of incidents sampled, 47 per cent demonstrate hostility towards Catholicism, 16 per cent demonstrated hostility towards Islam, 16 per cent towards Protestantism and 9 per cent towards Judaism.⁸⁷

These figures may not accurately capture all incidents where a religious aggravator or a racial aggravator could have been recorded, and do not capture high rates of underreporting. A 2021 inquiry by the Scottish Parliament Cross Party Group on Islamophobia found that 75 per cent of Muslim respondents experienced Islamophobia as a regular occurrence, with 78 per cent believing that the problem is worsening.⁸⁸

Antisemitic incidents in Scotland remain relatively small in number, but third-sector UK-wide data suggest a large rise in self-reported incidents over 2023-24.⁸⁹

Further Reading:

- [ICCPR Parallel Report UK Examination \(scottishhumanrights.com\)](https://www.scottishhumanrights.com) (see paras 46-49)

Freedom of Peaceful Assembly and Association

International Standards

- Articles 21 and 22 of the International Covenant on Civil and Political Rights Article 11 of the European Convention on Human Rights

Domestic Laws

- Abortion (Safe Access Zones) (Scotland) Act 2024
- Police, Crime, Sentencing and Courts Act 2022
- Public Order Act 2023

Key Issues

The right to peaceful assembly and association is vital for civic participation and protest. These rights can however be restricted if necessary to achieve specific aims if provided for by law and proportionate. In Scotland, while this right is largely respected, several recent developments raise concerns about its protection and scope.

Although new legislation in the UK—such as the Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023—does not directly apply to Scotland, Scottish residents engaging in protests in England and Wales could face stricter restrictions. These laws have expanded police powers to impose noise limits, criminalise trespass, and restrict certain forms of protest. The UN Human Rights Committee has called for the UK to amend these laws to ensure compliance with international human rights standards.⁹⁰

In Scotland, several student protest encampments at universities in 2024, linked to university investments and actions in the Occupied Palestinian Territories, brought the issue of peaceful assembly into focus.⁹¹ Universities are required to balance the legitimate right of assembly of protestors with the management of their facilities, weighing factors such as the duration and disruptiveness of the protests.

The introduction of the Abortion (Safe Access Zones) (Scotland) Act 2024 is another important development. This law restricts protests near abortion service providers, aiming to protect patients and staff from intimidation. The Commission recognised this as a proportionate restriction on the right to protest in order to protect other rights, such as access to healthcare.⁹²

Additionally, the Action Group on Processions released recommendations in 2024 to improve the facilitation of public processions, with a particular focus on sectarian marches.⁹³ The report made six recommendations for the Scottish Government, COSLA and Police Scotland to consider to improve the facilitation of processions in Scotland. This included the need for clear information and training for local authorities to ensure peaceful assemblies are managed in compliance with human rights.

Further Reading:

- [ICCPR Parallel Report UK Examination \(scottishhumanrights.com\)](https://scottishhumanrights.com) (see paras 163-170)

Freedom of Expression

International Standards

- Articles 19(2) and 20 of the International Covenant on Civil and Political Rights
- Article 10 of the European Convention on Human Rights

Domestic Laws

- Hate Crime and Public Order (Scotland) Act 2021,
- Defamation and Malicious Publication (Scotland) Act 2021.

Key Issues

Freedom of expression in Scotland is protected under both international and domestic law. This right is not absolute, and can be restricted when provided for by law, in pursuit of a legitimate aim and is proportionate. In addition to these restrictions built into the right, freedom of expression does not extend to communication amounting to 'incitement' or 'propaganda'. Finding this balance between perhaps offensive but protected speech and the rights of others to be protected from harm can be challenging.

In April 2024, the Hate Crime and Public Order (Scotland) Act 2021 came into force, extending existing laws that apply to hate speech ('stirring up').⁹⁴

The Act emerged from recommendations in the 2018 Bracadale Review,⁹⁵ which called for the modernisation and consolidation of hate crime legislation. While the full impact of the Act remains to be seen, early public and media commentary has been critical, with concerns that it could unduly limit freedom of expression and lead to over-policing of non-criminal incidents.⁹⁶ The Commission has expressed concerns that negative media coverage could deter the public from reporting hate crimes.⁹⁷

In parallel, the Scottish Government has introduced proposals for a Bill to address misogyny, aiming to make public misogynistic harassment a criminal offence.⁹⁸ While the Commission has supported the Bill in principle, given the persistent and normalised nature of misogyny in public life, it has cautioned that the application of the law must be proportionate to protect freedom of expression.⁹⁹

The media continues to be a predominant platform for harassment and hate speech, with social media increasing public harassment faced by women, LGBTI+, Scottish Gypsy/Travellers and other minority ethnic and religious communities.

The issue of Strategic Lawsuits Against Public Participation (SLAPPs), where powerful individuals or businesses use legal actions to intimidate or silence critics, has also come under scrutiny. In 2024, the Council of Europe adopted a recommendation urging member states to address SLAPPs through legislative reform.¹⁰⁰ The Scottish Government has been resistant to calls to amend the Defamation and Malicious Publication (Scotland) Act 2021 to minimise the risk that it could be used to target free speech on matters of public interest.¹⁰¹ However in April 2024, the Scottish Government indicated an intention to consult on SLAPPS later in 2024.¹⁰²

Freedom of expression also includes the right to receive information so that views can be formed. There is currently debate about extending Scotland's Freedom of Information laws to ensure greater transparency and accountability.¹⁰³

Further Reading

- [ICCPR Parallel Report UK Examination \(scottishhumanrights.com\)](https://www.scottishhumanrights.com) (see paras 153-159)

The Right to Vote, Stand for Election, and Participate in Public Affairs

International Standards

- Article 25 of the International Covenant on Civil and Political Rights (ICCPR)
- Article 3 of Protocol No. 1 of the European Convention on Human Rights (ECHR)

Domestic Laws

- Representation of the People Act 1983
- Political Parties, Elections and Referendums Act 2000
- Elections Act 2022
- Scottish Parliament (Assistance for Political Parties) Act 2021
- Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Act 2022
- Scottish Elections (Reform) Act 2020

Key Issues

Political participation rights are drafted quite differently in the ICCPR compared to the ECHR. However, both aim to protect people's rights to engage in democratic processes, while leaving countries a lot of discretion to organise their own democratic processes. In the ECHR, the right to free and fair elections extends only to parliaments and includes a right to vote and a right to stand for election.

Scotland has made strides toward improving diversity in its political representation. In the 2021 elections, the Scottish Parliament saw an increase in the proportion of women Members of the Scottish Parliament (MSPs) to 46 per cent, with more representatives from ethnic minority backgrounds and visible impairments also elected but still in very low numbers.¹⁰⁴ However, local government lags behind, with women accounting for only 35 per cent of representatives and no data for other characteristics.¹⁰⁵

To further address diversity, the Scottish Government piloted standardised data collection at the 2022 local government elections.¹⁰⁶ While participation in the pilot was voluntary, it represents a step toward better understanding the makeup of elected officials.

In January 2024, the Scottish Government introduced legislation to extend the right to stand for election to foreign nationals with limited leave to remain, who can already vote in these elections.¹⁰⁷

The UK General Election on 4th July 2024 marked the first election in Scotland to require voters to show photo ID.¹⁰⁸ Some research suggested that these requirements were poorly communicated and disproportionately affected certain groups less likely to have access to photo ID.¹⁰⁹ While the Electoral Commission reported that the elections ran smoothly, issues with postal votes and candidate abuse were noted.¹¹⁰ Postal voting may have been particularly affected in Scotland, where school holidays had already begun by polling day.

Voting rights for prisoners serving sentences of 12 months or less were extended in the 2021 Scottish Parliament elections, in response to European Court of Human Rights judgements, which found that the UK's indiscriminate bar on prisoner voting was disproportionate.¹¹¹ However, post-election reports indicate that promotion of the new franchise in prisons was inadequate, with only 38 prisoners registering to vote. Campaigning in prisons is also challenging due to limited internet access.¹¹²

Further Reading:

- [ICCPR Parallel Report UK Examination \(scottishhumanrights.com\)](https://www.scottishhumanrights.com/iccpr-parallel-report-uk-examination) (see paras 153-159)

Property Rights

International Standards

- Article 1 of Protocol No. 1 of the European Convention on Human Rights (ECHR).

Domestic Laws

- Human Rights Act 1998
- Land Reform (Scotland) Act 2003

Key Issues

Property rights protect individuals and entities from arbitrary interference by the state in their ownership and use of property. This right is not absolute. Public authorities can interfere with property rights if it is deemed necessary in the public interest, such as for infrastructure projects, land reforms, or environmental conservation.

In Scotland, property rights are further shaped by the unique history of land ownership. The Land Reform (Scotland) Act 2003, which introduced community rights to buy land and public access rights, reflects the Scottish Government's efforts to balance individual property rights with broader societal needs.¹¹³

Recent debates have focused on land ownership inequalities and the balance between public interest and private rights. While land reform continues to address historical imbalances, questions remain about whether current protections adequately secure the rights of all property holders, especially when facing compulsory purchases or environmental regulations.

As of September 2024, there are live proposals for further land reform, including the Land Reform (Scotland) Bill¹¹⁴ and the Proposed Land Ownership and Public Interest (Scotland) Bill.¹¹⁵ A detailed human rights analysis of their potential impact will only be possible once the proposals materialise.

The European Court of Human Rights gives national governments wide discretion to determine what restrictions on private property might be necessary in their specific context. In Scotland, a national housing crisis and significant increases in average weekly rents across much of the private renters' sector has prompted ongoing consideration of expanded rent control laws. The Housing (Scotland) Bill under consideration by the Scottish Parliament proposes to create a system where annual rent increases can be limited where ministers determine necessary.¹¹⁶

Further Reading:

- [Housing \(Scotland\) Bill: Written evidence to support the Stage 1 consideration of the Housing \(Scotland\) Bill \(scottishhumanrights.com\)](https://www.scottishhumanrights.com/2024/02/20/housing-scotland-bill-written-evidence-to-support-the-stage-1-consideration-of-the-housing-scotland-bill/)

Equality and Non-Discrimination

International Standards

- Article 2 of the International Covenant on Civil and Political Rights (ICCPR)
- Article 3 of the International Covenant on Civil and Political Rights (ICCPR)
- Article 14 of the European Convention on Human Rights (ECHR)

Domestic Laws

- Equality Act (2010) (plus Scotland Specific Duties in associated Regulations)

Key Issues

Equality and non-discrimination is a key overarching principle of human rights law,¹¹⁷ as well as a human right in and of itself in many treaties, including ICCPR. All rights should be respected, protected and fulfilled without discrimination. Article 14 ECHR is not a free-standing protection from discrimination but prevents people from being discriminated against when it comes to the rights in this Convention. Unlike domestic equality law,¹¹⁸ the ICCPR and ECHR equality standards are open ended, meaning they protect people from discrimination on the basis of any status.

The Scottish Government has stated that addressing inequality, particularly tackling poverty, is a cross-cutting priority for them.¹¹⁹ Through devolved benefits like the Scottish Child Payment and commitments to increase living wages, efforts to reduce economic inequality are clearly being pursued, however, meaningful change in reducing socio-economic inequality cannot be evidenced in available data, suggesting that the interventions the Scottish Government has prioritised have not been enough to protect people from global economic challenges.¹²⁰ Issues such as poverty continue to strongly intersect with other equalities factors, particularly race and disability.

Progress in advancing legal protections against discrimination has stalled. The Scottish Government delayed its commitment to bring forward the long-awaited Human Rights Bill for Scotland in the Programme for Government for 2024-2025.¹²¹

Commitments to a stronger comprehensive equality and human rights mainstreaming strategy¹²² have also not fully materialised yet and the Scottish Government has proposed minimal reforms to the Scotland Specific Duties that are

designed to help public bodies advance their equality obligations,¹²³ to the disappointment of many equality organisations.

While steps to advance equality for specific groups have been pursued, such as the publication of a non-binary equality action plan,¹²⁴ other initiatives remain incomplete. The Commission has expressed concern about the lack of progress on targeted equality actions plans for disabled people¹²⁵ ⁴ and for people affected by racism.¹²⁶

In 2024, the UN Committee on the Rights of Persons with Disabilities found that no significant progress had been made to address the grave and systematic violations of the UNCRPD found in 2016 in relation to whether people with a disability can enjoy the rights to independent living, employment and an adequate standard of living.¹²⁷ The Committee warned that there had not been appropriate measures to eliminate the root causes of inequality and discrimination. These findings support warnings from the Scottish Independent Living Coalition and others that there has been a disproportionate impact of the cost-of-living crisis and of the UK's 'welfare reforms' on disabled people, further emphasising the need for urgent action.¹²⁸

Also in 2024, the UN Committee on the Elimination of Racial Discrimination scrutinised progress to eliminate racism in the UK and found a number of areas requiring improvement in Scotland, including data collection and analysis, enforcement of the Convention domestically and the slow process of adopting a new Race Equality Action Plan.¹²⁹ Specific steps to address longstanding issues for the Irish community and Gypsy/Travellers in Scotland were also called for. In preparing for the Committee's review, the Commission heard directly from people with lived experience of racism and racial discrimination, who told us numerous ways that they felt excluded from public institutions such as politics, schools and social security.¹³⁰

⁴ Although beyond the period under review, the Commission notes that on the 22nd October 2024, Disabled Peoples Organisations, including Disability Equality Scotland, Glasgow Disability Alliance, Inclusion Scotland, launched a two week campaign to highlight disabled people's inequality and lack of access to justice. The organisations stated that they had "worked tirelessly with the Scottish Government for the past 20 months: our agreed aim was to develop a bold and action focused Disability Equality Plan which would improve lives...Our collaboration on an immediate priorities plan began as a genuine attempt at co-design and has ended in collapse of all promises and ambition – leaving us struggling to defend our involvement to our members, in what has turned out to be a sham process." [Glasgow Disability Alliance, 22nd October 2024 'Disabled People Demand Justice!'](#)

People often questioned what practical steps were being taken by the Scottish Government to improve their lives.

Demands for policies implemented in Scotland to better consider the ways in which different forms of discrimination intersect with one another have been made by many organisations. Our work to assess compliance with the Istanbul Convention showed that this is no small challenge. Women's access to vital support to meet their needs was not generally sufficient, but that particular groups such as women of colour or women with a learning disability had even fewer routes to get the support that they needed.¹³¹

The delay in introducing stronger legal protections, along with a slow response to the needs of marginalised groups, suggests that Scotland is not fully living up to its equality obligations and non-discrimination. Addressing these gaps is essential to ensuring that everyone can access their rights free from discrimination, also a key goal of the Human Rights and Equality National Outcome within Scotland's National Performance Framework.¹³²

Further Reading

- [Scottish Human Rights Commission \(2023\) Submission to the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence \(GREVIO\) Parallel Report for the Baseline Report in Monitoring the United Kingdom](#)
- [The United Kingdom Independent Monitoring Mechanism \(2023\) Seven Years On: disabled people's rights to independent living, employment and standard of living in the UK](#)
- [Scottish Human Rights Commission \(2024\) European Social Charter: Ad hoc report on the cost of living crisis submitted by the Government of the United Kingdom – Comments by the Scottish Human Rights Commission](#)
- [Scottish Human Rights Commission \(2024\) Parallel Report for the Combined twenty-fourth to twenty-sixth periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland \(UK\) under Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination](#)
- [Scottish Human Rights Commission \(2024\) Parallel Report to the United Nations Human Rights Committee on the 8th examination of the United Kingdom of Great Britain and Northern Ireland under the International Covenant on Civil and Political Rights \(ICCPR\), paragraphs 36-38](#)

The Rights of Ethnic, Religious or Linguistic minorities to exist and enjoy their own culture

International Standards

- Article 27 of the International Covenant on Civil and Political Rights (ICCPR)

Domestic Laws

- [Trespass \(Scotland\) Act 1865 \(legislation.gov.uk\)](#),
- [Refuse Disposal \(Amenity\) Act 1978 \(legislation.gov.uk\)](#),
- [Roads \(Scotland\) Act 1984 \(legislation.gov.uk\)](#),
- [Road Traffic Act 1988 \(legislation.gov.uk\)](#),
- [Criminal Justice and Public Order Act 1994 \(legislation.gov.uk\)](#)
- [Land Reform \(Scotland\) Act 2003 \(legislation.gov.uk\)](#)
- [Town and Country Planning \(Scotland\) Act 1997 \(legislation.gov.uk\)](#) (amended by the [Town and Country Planning \(General Permitted Development\) Domestic Microgeneration \(Scotland\) Amendment Order 2010](#))

Key Issues

The right of minorities to the peaceful enjoyment of their cultural heritage is not directly found in the ECHR but is an important recognition of the State's obligations to protect minority groups' linguistic, religious or other cultural practices.

Scottish Gypsy/Travellers have long faced discrimination and a lack of recognition of their cultural identity rights. This group represents approximately 0.6 per cent of the Scottish population,¹³³ but advocacy organisations estimate the number may be significantly higher, estimate range from 15,000 to 20,000 Gypsy/Traveller people living in Scotland).¹³⁴

Historical injustices, such as the 'Tinker Experiment,' which aimed at forced assimilation beginning in the 1940s, continue to impact the community, with survivors seeking public acknowledgment and apology.¹³⁵ The Scottish Government are undertaking desk-based research to better understand the experiment and what occurred, which is still to be published.¹³⁶ However, to date, the Commission is not aware that lived experience research has been undertaken. Victims of the

experiment have expressed to us their concerns around how the ongoing research will listen to the views of victims and the delays to a public apology.

A 2019-2021 Scottish Government strategy sought to improve the lives of Gypsy/Travellers, and was extended 2023 due to the pandemic.¹³⁷ In September 2024, the Scottish Government and COSLA published a new Action Plan from 2024-26, which concludes that there has been "good progress in most areas" while recognising that there is still work to do.¹³⁸

While the Housing to 2040 Plan included £20 million to improve Gypsy/Traveller accommodation,¹³⁹ reports from communities suggest ongoing issues, including substandard living conditions and inadequate infrastructure.¹⁴⁰ We have received reports that the quality standards of homes being received fall below what was originally promised, raising questions about how the council are using the funding allocated by Scottish Government which requires further investigation. The Scottish Housing Regulator has used its powers of Investigation for the first time on this issue.⁵

Efforts to address these issues, including consultation with communities, are ongoing, but progress has been slow. The Commission is currently conducting research to examine the denial of cultural recognition for Scotland's Gypsy/Travellers and expects to release findings in 2025.¹⁴¹

Further Reading

- [Scottish Human Rights Commission \(2024\) Parallel Report for the Combined twenty-fourth to twenty-sixth periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland \(UK\) under Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination](#)
- [Cultural recognition of Scotland's Gypsy Travellers | SHRC Spotlight Projects \(scottishhumanrights.com\)](#)

⁵ Although beyond the reference period, in November 2024, the [Scottish Housing Regulator](#) found "serious failings in one of Fife Council's Gypsy/Traveller sites"

Looking Ahead (Economic, Social and Cultural Rights and Specific Group Rights)

As we have described, civil and political rights do not exist in isolation, and the Commission's monitoring and advocacy work throughout the year has uncovered a range of issues with the enjoyment of rights protected by treaties other than the UN ICCPR and ECHR.

Our report to the Council of Europe's ad hoc review of the impact of the 'cost of living crisis' for economic, social and cultural rights found that in Scotland, there has been a significant impact on the full and equal enjoyment of rights. This period of economic uncertainty has come immediately after the COVID-19 pandemic, which had an unprecedented impact on human rights, such as the right to health, education and work.¹⁴²

We know that not all rights and not all barriers are experienced the same way. This is why in 2023 we launched a regional monitoring pilot in the Highlands and Islands to explore new ways of understanding and measuring rights in practice. This work has demonstrated that:

- There are apparent failures to comply with the minimum core obligations related to the right to food and the right to housing in the region,
- There appear to be failures in meeting the full range of minimum core obligations concerning the right to health and the right to participate in cultural life.
- Rightsholders report apparent regression or deterioration of rights across the Highlands and Islands.
- Many policies and regulations do not appear to have been sufficiently tailored to the unique needs of the Highlands and Islands, and there is a need to improve impact assessment and tailoring of policy.
- The evidence indicates that there does not seem to be a cohesive or coherent strategy to realise the full range of economic, social, and cultural rights in the Highlands and Islands

In early 2025, the Commission will publish our parallel report to support the Committee on Economic, Social and Cultural Rights' monitoring of the UK's record. Next December, we will publish our next State of the Nation report, focusing on the State of Economic, Social and Cultural Rights in Scotland 2025. This will include our learning from research for our ICESCR Report and build on our developing indicators and approach at local level.

As well as regional inequalities, there are some groups of people that face additional barriers to the full enjoyment of their rights. In year three of our approach, we will focus on the specific group treaties that outline what these groups need and are entitled to. Already our work over the last twelve months has highlighted:

- That Scotland has an ambitious approach to violence against women that is not matched with sustainable funding and culture change required to meet obligations under the Istanbul Convention.
- That efforts to improve the realisation of rights for disabled people in Scotland, in particular the right to independent living, has not been sufficient to meet the legal obligations under the CRPD, especially as these groups have been disproportionately affected by other factors such as the impact of COVID-19 and the cost of living crisis.
- A lack of information and understanding among all stakeholders about how the Scottish Government is implementing its approach to anti-racism and obligations under the CERD.

Although the Scottish Government feeds into the international monitoring of the UK at international level, we want to see the Scottish Government further develop its own infrastructure to prevent and meaningfully respond to human rights issues.

In our view, this must include delivering on the long-awaited tracker and repository tool, recently highlighted as priority for the Scottish Government by the Cabinet Secretary for Social Justice.¹⁴³

This includes progressing the actions in SNAP 2 (see Annex C for further details) speedily and transparently and developing a more comprehensive process for updating the Scottish Parliament, the SHRC and other interested parties about their response and work to implement the outcomes from human rights accountability processes at the international level, in line with their legal obligations.

Further Reading

- [Scottish Human Rights Commission \(2023\) Submission to the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence \(GREVIO\) Parallel Report for the Baseline Report in Monitoring the United Kingdom](#)
- [Scottish Human Rights Commission \(2024\) Parallel Report for the Combined twenty-fourth to twenty-sixth periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland \(UK\) under Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination](#)

- Scottish Human Rights Commission (2024) Highlands and Islands
- [The United Kingdom Independent Monitoring Mechanism \(2023\) Seven Years On: disabled people's rights to independent living, employment and standard of living in the UK](#)
- [Scottish Human Rights Commission \(2024\) European Social Charter: Ad hoc report on the cost of living crisis submitted by the Government of the United Kingdom – Comments by the Scottish Human Rights Commission](#)

Conclusion

This snapshot suggests that Scotland has work to do on refocusing its efforts on upholding civil and political rights.

Whilst the commitments of Scottish Government have, for a long time, focused on strengthening the protections for economic, social and cultural rights in Scots Law, work to uphold civil and political rights, which are already protected in law, has perhaps not been prioritised equally.

The fact that human rights cases are not being progressed through the Scottish courts does not indicate that there are no problems. Rather, the evidenced challenges with access to justice must be considered as contributing to this - at present, all of us have these rights in law, but the system as it is relies on people who are experiencing significant harm to navigate a system that is fundamentally broken, at great human and financial expense. That is wrong.

At this time where work on a Human Rights Bill for Scotland has stalled, the Scottish Parliament could take further practical action to better promote the civil and political rights of the people of Scotland:

- Prioritise consideration of legal aid reform opportunities via the Regulation of Legal Services Bill
- During the Parliamentary Inquiry into the current commissioner landscape, prioritise an examination of whether existing mandates of office holders are sufficient to promote access to justice for individuals, and systemic learning for all
- Create Parliamentary time to consider and debate action indicated in the Commission's State of the Nation report and include this in the annual programming of Parliamentary Business to mark Human Rights Day
- Devote an evidence session at the Criminal Justice Committee to consider the findings of the Commission's Spotlight report on the status of human rights recommendations in places of detention and future emerging work from the Commission on such matters, including forthcoming work on deaths in state custody, and set out Committee actions to monitor progress on recommendations.
- Building on the recommendations of the second Scottish National Action Plan for Human Rights (SNAP 2) and 'Getting Rights Right: Human Rights and the Scottish Parliament' a 2018 report from the Scottish

Parliament, the Equality and Human Rights Committee,⁶ should support the establishment of an independently maintained human rights tracker tool that monitors international recommendations on Scotland's human rights record and actions taken by the Scottish Government as a result.

⁶ Equality and Human Rights Committee (2018) [Getting Rights Right: Human Rights and the Scottish Parliament](#)

Annex A: About the SHRC

The Scottish Human Rights Commission (the Commission) is Scotland's independent human rights 'watchdog', tasked with monitoring and promoting human rights. We ensure accountability when human rights are not upheld, and advocate for the rights of all people in Scotland.

Created by the Scottish Commission for Human Rights Act 2006, the Commission promotes human rights and encourages best practices. Internationally accredited with "A-status" as a National Human Rights Institution (NHRI), we provide evidence to the United Nations and the Council of Europe on Scotland's human rights record. As an A-status accredited NHRI, we also comply with a set of internationally agreed standards endorsed by the UN General Assembly: the Principles relating to the Status of National Institutions (The Paris Principles),¹⁴⁴ ensuring our pluralism, independence and effectiveness.

Our independence from government ensures impartiality, and we are accountable to the people of Scotland via the Scottish Parliament.

A strong NHRI is a key indicator of a strong human rights culture. UN Committees, including the UN Human Rights Committee, have recommended that the State take action to ensure that the SHRC has sufficient technical, human and financial resources to deliver our mandate. Our funding levels and the breadth of our mandate were both marked as areas for future consideration during our previous accreditation in 2021. The next accreditation process will take place in 2026.

We receive our annual core funding through the Scottish Parliamentary Corporate Body (SPCB). The Commission ensures efficient and effective use of public funds and works with an independently chaired Audit and Risk Committee, which meets quarterly.

The Commission is formed by up to four members and a Chair, all appointed by the Scottish Parliament (the Chair being a Crown appointment). As a group, these members form the Commission and meet up to nine times a year.

Chair: Professor Angela O'Hagan

Members: Shelley Gray, Dr Claire Methven O'Brien

Annex B: Civil and Political Rights: the Legal Framework

The International Human Rights Framework

The Universal Declaration of Human Rights, adopted in 1948, laid the foundation for modern international human rights protections. The UK has since ratified seven of the nine core United Nations human rights treaties, which create binding legal obligations under international law. These treaties allow for international scrutiny and hold the UK accountable for its human rights practices.

The seven core UN treaties the UK is bound by are:

The International Covenant on Civil and Political Rights (UN ICCPR)

The International Covenant on Economic, Social and Cultural Rights (UN ICESCR)

The International Convention on the Elimination of All Forms of Racial Discrimination (UN CERD)

The Convention on the Elimination of All Forms of Discrimination Against Women (UN CEDAW)

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT)

The Convention on the Rights of the Child (UN CRC)

The Convention on the Rights of Persons with Disabilities (UN CRPD)

In addition to these core treaties, the UK has also committed to several key regional human rights agreements under the Council of Europe, including:

The European Convention on Human Rights (ECHR) – Overseen by the European Court of Human Rights (ECtHR), the ECHR is central to human rights protections across Europe.

The European Social Charter – A treaty that guarantees economic and social rights, complementing the protections in the ECHR.

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) – A legally binding

framework that focuses on preventing violence, protecting victims, and prosecuting perpetrators.

The Council of Europe Convention on Action Against Trafficking in Human Beings – A comprehensive treaty focused on preventing human trafficking, protecting victims, and prosecuting traffickers.

Framework Convention for the Protection of National Minorities – A treaty designed to protect the rights of persons belonging to national minorities.

The Scottish Human Rights Commission actively engages with these international and regional human rights frameworks. We regularly submit reports and provide evidence to international monitoring bodies such as the UN and the Council of Europe, ensuring that Scotland upholds its human rights obligations. Our monitoring considers both the legal standards set by these treaties and the recommendations issued by international bodies, ensuring that human rights in Scotland remain a priority for government and public institutions.

All of our reports are made publicly available, providing transparent insight into the country's human rights performance.

Human rights treaties are overseen internationally by an oversight mechanism, legitimised by the treaty itself or through a vote of a UN body. These bodies are all unique in how they work but share the power to hold governments accountable.

Further Reading:

- [Scottish Human Rights Commission \(2024\) Parallel Report to the United Nations Human Rights Committee on the 8th examination of the United Kingdom of Great Britain and Northern Ireland under the International Covenant on Civil and Political Rights \(ICCPR\)](#)

Scotland's Domestic Human Rights Framework

In the UK, international human rights treaties are not automatically enforceable in domestic courts. For these rights to be fully enforceable, treaties must be incorporated into UK law. In Scotland, two international human rights treaties have been brought into the domestic law – the European Convention on Human Rights (ECHR) through the Human Rights Act 1998¹⁴⁵ and the United Nations Convention on the Rights of the Child (UNCRC) (from 2024) through the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.¹⁴⁶ The Scotland Act, which sets out the powers of the Scottish Parliament under devolution, also requires that all decisions comply with the ECHR, giving additional levels of protection for human rights.¹⁴⁷

The Human Rights Act and UNCRC legislation place obligations on public bodies, ensuring that their decisions respect human rights. This requires robust training for public sector employees to understand and apply human rights in practice. Courts in Scotland have the authority to strike down legislation that violates these human rights standards.

Further reforms, including a Scottish Human Rights Bill, would enhance protections for economic, social and cultural rights, environmental rights and for the rights of specific groups protected by treaties, but delays have raised concerns within civil society about the strength of the current Scottish Government's commitment to strengthening human rights law.¹⁴⁸ Incorporating these rights fully into Scotland's legal framework will ensure stronger protection for individuals and hold public bodies accountable for human rights violations.

Further Reading

- [Scottish Human Rights Commission \(2023\) Building a new human rights framework for Scotland Key legal features](#)

Civil and Political Rights

“All human rights are universal, indivisible, interdependent, and interrelated”

(1993 Vienna Declaration and Programme of Action at the World Conference on Human Rights).

- Human rights are sometimes categorised into different groups¹⁴⁹:
- Civil and political rights
- Economic, social and cultural rights
- Group or community rights (sometimes called ‘solidarity rights’) for example, the right to a healthy environment
- Potential rights in development, sometimes called ‘fourth generation rights’, which cover digital rights or bioethics

These rights often overlap and depend on one another. For instance, the right to freedom of expression is difficult to fully realise without access to education. Understanding these rights requires recognising both their interdependence and their unique roles.

The [Universal Declaration of Human Rights](#) did not separate civil and political rights from economic, social, and cultural rights. However, the legal framework that followed—known as the International Bill of Rights—divided them into two treaties:

- International Covenant on Civil and Political Rights (UN ICCPR)
- International Covenant on Economic, Social, and Cultural Rights (UN ICESCR).

This division has influenced international law as well as the UK's historic approach to its human rights commitments.¹⁵⁰

Civil rights are generally the rights that protect physical and mental integrity, including the right to life, freedom from torture, and the right to privacy. Political rights ensure procedural fairness, covering rights such as a fair trial, voting, and freedom of assembly.

Many human rights, such as the right to life, require both **negative obligations**¹⁵¹, such as refraining from a particular action, and **positive obligations**, such as providing a particular step, by the State. Protecting life involves not just refraining from taking it but also establishing laws and systems to prevent unlawful deaths and investigate deaths when they occur. Although civil and political rights have often

been characterised as ‘negative obligations’ the reality is that both aspects are usually required to fully enjoy the right.

The distinction between civil, political, and other rights is not always clear. Not all treaties focus on one category or another. Treaties that protect the rights of specific groups – the Convention on the Rights of the Child (UNCRC), the Convention on the Elimination of all Forms of Discrimination Against Women (UNCEDAW) the Convention on the Elimination of All Forms of Racial Discrimination (UNCERD) and the Convention on the Rights of Persons with Disability (UNCRPD) all protect a mix of rights that are categorised as civil and political and economic, social and cultural in the International Bill of Rights.

For ease, this specific report focuses on standards common to the UN ICCPR and the European Convention on Human Rights (ECHR), both of which the UK is party to. These treaties enshrine key civil and political rights:

European Convention on Human Rights

Article 1

States are obligated to respect human rights

Article 2

Right to life

Article 3

Prohibition of torture, inhuman and degrading treatment

Article 4

Prohibition of slavery and forced labour

Article 5

Right to liberty and security

Article 6

Right to a fair trial

Article 7

No punishment without law

Article 8

Right to respect for private and family life, the home and correspondence

Article 9

Freedom of thought, conscience and religion

Article 10

Freedom of expression

Article 11

Freedom of assembly and association

Article 12

Right to marry and have a family

Article 13

Right to an effective remedy for rights violations

Article 14

Protection from discrimination in the enjoyment of rights

Article 1 of the First Protocol

The peaceful enjoyment of property

Article 2 of the First Protocol

The right to education

Article 3 of the First Protocol

Right to free and fair elections

Article 1 of the Thirteenth Protocol

Abolition of the death penalty in all circumstances

The UN International Covenant on Civil and Political Rights

Article 1

Peoples' rights to self-determination

Article 2

The right to legal recourse and to non-discrimination in the enjoyment of rights

Article 3

The right to equality between men and women in Civil and Political Rights

Article 4

Derogation in times of public emergency

Article 5

Rights may not be used to justify destruction of the rights and freedoms of others

Article 6

The right to life and survival.

Article 7

Freedom from inhuman or degrading treatment or punishment.

Article 8

Freedom from slavery and servitude.

Article 9

The right to liberty and security of the person and freedom from arbitrary arrest or detention.

Article 10

Persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person

Article 11

Freedom from prison due to debt.

Article 12

The right to liberty of movement and freedom to choose residence

Article 13

Requirements for the lawful expulsion of aliens

Article 14

The right to equality before the law; the right to be presumed innocent until proven guilty and to have a fair and public hearing by an impartial tribunal.

Article 15

Ban on retroactive punishment for acts that were not crimes at the time

Article 16

The right to be recognised as a person before the law.

Article 17

The right to privacy and its protection by the law.

Article 18

Freedom of thought, conscience and religion.

Article 19

Freedom of opinion and expression.

Article 20

Prohibition of propaganda advocating war or national, racial or religious hatred.

Article 21

Right to peaceful assembly.

Article 22

Right to freedom of association.

Article 23

Right to marry and found a family

Article 24

Rights for children (status as minors, nationality, registration and name).

Article 25

Right to participate in the conduct of public affairs, to vote and to be elected and access to public service.

Article 26

Right to equality before the law and equal protection

Article 27

Right of people from religious, ethnic or linguistic minorities to enjoy their culture, practice their religion and use their language

ICCPR Concluding Observations

In March 2024, the UN Human Rights Committee examined the implementation of the ICCPR. At the end of this process, the Committee issued its Concluding Observations, a mix of findings and recommendations.

Concluding Observations are not legally binding, however participation in the examination is a legal duty for all states. As a result, Concluding Observations carry significant authority and can help direct improvements.

As of September 2024, the Scottish Government has not formally responded to these Concluding Observations. We consider it not only good practice but essential for the Scottish Government to be transparent about how it plans to use the recommendations of the treaty body to improve the protection of human rights.

Constitutional and legal framework within which the Covenant is implemented

Reference: CCPR/C/GBR/CO/8:[para 5]

Bearing in mind the Committee's previous recommendations, the State party should:

(a) Undertake a comprehensive review of legislation with a view to identifying any potential gaps in provisions or provisions that conflict with the Covenant and, bearing in mind the Committee's general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, ensure that all Covenant rights are given full legal effect in all jurisdictions that fall under its authority or control or with regard to which it has formally undertaken to implement the Covenant;

(b) Ensure that any legislation that may be adopted in the future to replace or amend the Human Rights Act 1998 is aimed at strengthening the status of international human rights, including the provisions of the Covenant, in the domestic legal order, and provide effective protection of those rights across all jurisdictions;

(c) Increase its efforts to expedite the process of adopting the Bill of Rights for Northern Ireland and ensure that it incorporates all the rights enshrined in the Covenant.

Reservations and the first Optional Protocol

Reference: CCPR/C/GBR/CO/8:[para 7]

Recalling its previous recommendation, the Committee reiterates that the State party should take concrete steps with the aim of withdrawing its remaining reservations to articles 10, 14 and 24 of the Covenant to ensure the full and effective application of the Covenant across all jurisdictions, including its Crown dependencies and overseas territories. The Committee also reiterates that the State party should reconsider its position regarding accession to the first Optional Protocol to the Covenant, which provides for an individual complaint mechanism.

National Human Rights Institutions

Reference: CCPR/C/GBR/CO/8:[para 9]

The State party should continue its efforts, including by implementing the recommendations of the Global Alliance of National Human Rights Institutions, to ensure that its national human rights institutions fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and are able to carry out their mandates effectively and independently, including by ensuring that they have the human, financial and technical resources necessary to perform their tasks effectively and by aligning its positions on issues related to human rights with international standards

Accountability for past human rights violations

Reference: CCPR/C/GBR/CO/8:[para 11]

The Committee calls on the State party to repeal or reform the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 and to adopt proper mechanisms with guarantees of independence, transparency and genuine power of investigation that discharge the State party's human rights obligations and deliver truth, justice and effective remedies, including reparations to victims of the Northern Ireland conflict. Furthermore, it should ensure the prompt establishment of a transitional justice mechanism to address abuses in institutions such as the Magdalene laundries and mother and baby homes in Northern Ireland, ensuring that perpetrators are prosecuted and punished with penalties proportionate to the gravity of the offence and that all victims obtain an effective remedy.

Reference: CCPR/C/GBR/CO/8:[para 13]

The State party should take legislative and other steps to ensure that all violations committed by British officials and members of the armed forces, including those committed overseas, are investigated, prosecuted as appropriate and duly sanctioned without a time limitation, including by repealing or amending the Overseas Operations (Service Personnel and Veterans) Act 2021.

Non-Discrimination

Reference: CCPR/C/GBR/CO/8:[para 15]

The State party should:

(a) Redouble its efforts to prevent, combat and eradicate all forms of racial and ethnic discrimination, particularly systemic discrimination against Gypsies, Roma and Travellers and people of African descent in the criminal justice system, in the use of stop and search powers and in public services, including by monitoring and assessing legislative and policy measures on racism and non-discrimination, and by ensuring the allocation of sufficient resources for the full implementation of anti-discrimination plans and policies;

(b) Continue its efforts to improve the reporting, investigation, prosecution and punishment of acts of discrimination, in accordance with its obligations under the Covenant;

(c) Increase its efforts to prevent acts of discrimination, including by ensuring adequate training on racial, ethnic and cultural awareness for civil servants, law enforcement officials and bodies, the judiciary and public prosecutors.

Hate Crimes

Reference: CCPR/C/GBR/CO/8:[para 17]

The State party should intensify its efforts to combat hate crimes and, in particular:

(a) Take steps to establish a clear and comprehensive legal framework to ensure that the prohibition of hate crimes applies to all protected groups, including by implementing the recommendations of the Law Commission's 2021 final report on hate crime laws in England and Wales and by taking effective steps to promptly enhance hate crime legislation in Northern Ireland;

(b) Encourage the reporting of hate crimes and provide effective training to law enforcement officials, judges and prosecutors on addressing and investigating hate crimes;

(c) Investigate hate crimes thoroughly, ensure that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and provide victims and their families with access to full reparations.

Sexual orientation and gender identity

Reference: CCPR/C/GBR/CO/8:[para 19]

The State party should continue its efforts and adopt the measures necessary to prohibit the practice of so-called conversion therapy against lesbian, bisexual and transgender persons, including in Northern Ireland. Furthermore, it should take legislative and other measures to eliminate intrusive requirements for legal gender recognition, including psychiatric diagnosis, and provide for and effectively implement a quick, transparent and accessible procedure for legal gender recognition that is compatible with the provisions of the Covenant.

Violence against women, including sexual and domestic violence

Reference: CCPR/C/GBR/CO/8:[para 21]

The State party should continue to strengthen its efforts to combat violence against women and girls, including domestic and sexual violence, and take steps to ensure comprehensive protection and support for all victims of gender-based violence, including migrant women and girls, regardless of their migratory status. In particular, the Committee calls on the State party:

- (a) To withdraw its reservation to article 59 of the Istanbul Convention;
- (b) To amend the Domestic Abuse Act 2021 to ensure equal protection for migrant women, including by providing equal access to social and economic support and a safe mechanism for reporting violence without fear of reprisals or being reported to immigration enforcement authorities;
- (c) To encourage the reporting of cases of violence against women and ensure that all victims, including migrant women and girls, have adequate access to effective remedies and means of protection, including shelters and medical, psychosocial, legal and rehabilitative support services.

Voluntary termination of pregnancy and sexual and reproductive rights

Reference: CCPR/C/GBR/CO/8:[para 23]

Bearing in mind paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State party should continue its efforts to guarantee legal, effective, safe, confidential and equal access to abortion for women and girls throughout the United Kingdom. In particular, the Committee calls on the State party:

(a) To revise its legislation to fully decriminalize abortion in England, Scotland and Wales, including by repealing the relevant provisions of the Offences Against the Persons Act 1861 as applied in England and Wales, with a view to ensuring that women are not prosecuted for having an abortion;

(b) To strengthen its efforts to remove barriers currently impeding access to abortion care in Northern Ireland, including by ensuring adequate, long-term funding in every Health and Social Care Trust and access to telemedicine for early medical abortions;

(c) To take measures to prevent the stigmatization and intimidation of those who seek abortion, including by implementing awareness-raising policies and legislation guaranteeing safe access zones in all relevant health service facilities in a timely manner, ensuring that such legislation is in line with articles 19 and 21 of the Covenant.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment

Reference: CCPR/C/GBR/CO/8:[para 25]

Reiterating the Committee's previous recommendations, the Committee urges the State party to review its legislation, including the Criminal Justice Act 1988, with a view to ensuring that any possible defences for torture are repealed, in accordance with article 7 of the Covenant and other internationally accepted standards. Furthermore, the State party should continue its efforts to ensure that all individuals considered to have "lawful authority" receive the proper guidance, training and oversight to ensure that torture and other forms of ill-treatment are never used purposefully or incidentally within the United Kingdom or in territories under its jurisdiction. In that regard, the State party should strengthen the training on human rights provided to judges, prosecutors, lawyers and law enforcement officials, including on the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).

Reference: CCPR/C/GBR/CO/8:[para 27]

The State party should continue its efforts to ensure the prompt review of the 2019 principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees, ensuring that the principles are updated to make clear the absolute prohibition of torture, unlawful killing and extraordinary rendition, and eliminating any issues of subjectivity created by the application of the "presumption not to proceed" principle. It should also exercise utmost care in evaluating diplomatic assurances to ensure that renditions are not occurring on its territories or on those territories under its jurisdiction. It should

ensure that all investigations and proceedings regarding the involvement of British officials in torture, unlawful killings or extraordinary renditions are carried out thoroughly, independently and within a reasonable period of time, that those found responsible are held accountable and that the investigations and any subsequent proceedings are made public.

Counter-terrorism measures

Reference: CCPR/C/GBR/CO/8:[para 29]

Bearing in mind the Committee's previous recommendations, the State party should review its counter-terrorism legislation to ensure that it is in compliance with the Covenant and the principles of legality, certainty, predictability and proportionality, in particular with regard to the definition of terrorism and the maximum period of precharge detention in terrorism cases. It should provide effective safeguards, including judicial oversight, for any limitations on human rights imposed for the purposes of national security and ensure that such limitations serve legitimate aims and are necessary and proportionate, in line with the Covenant. It should also ensure that persons suspected of or charged with terrorist acts or related crimes are provided, in law and in practice, with all legal safeguards, in accordance with the Covenant.

Right to life

Reference: CCPR/C/GBR/CO/8:[para 31]

The State party should strengthen its efforts to ensure the removal of all combustible cladding material from buildings where there might be a risk to life, and to provide additional protective measures to meet the needs of people in the most vulnerable situations, in relation to evacuation policies and housing allocation. It should also promptly conduct effective investigations into the potential violations of the right to life and human dignity of the victims of the Grenfell Tower fire and should, in the event that a violation is found, ensure that legal remedies are available to those affected, including, where appropriate, compensation and rehabilitation.

Excessive use of force by law enforcement officials

Reference: CCPR/C/GBR/CO/8:[para 33]

Bearing in mind the Committee's general comment No. 36 (2018), the State party should:

(a) Ensure that the domestic legislation and operational procedures governing the use of force and firearms by law enforcement officials are in full conformity with the

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;

(b) Provide clear procedures to prevent the use of tasers on vulnerable groups such as children and persons with disabilities, prohibiting their use against such groups in all but the most extreme circumstances;

(c) Strengthen its efforts to address systemic racism and racial and ethnic discrimination in policing and law enforcement, including in the use of tasers.

Conditions of detention

Reference: CCPR/C/GBR/CO/8:[para 35]

The State party should intensify its efforts to ensure that conditions of detention fully comply with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, the State party should:

(a) Continue its efforts to reduce prison overcrowding, particularly through wider application of non-custodial measures, as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), as an alternative to imprisonment, and provide for a community service order as an alternative to imprisonment for the non-payment of fines;

(b) Effectively limit the use of solitary confinement and administrative or disciplinary segregation as a measure of last resort and for as short a time as possible, and ensure that the use of such measures is subject to judicial review;

(c) Ensure that body search procedures are strictly supervised and that invasive searches are conducted only in exceptional cases and in the least intrusive manner possible, with full respect for the dignity and gender identity of the individual concerned; CCPR/C/GBR/CO/8 GE.24-06044 9

(d) Increase its efforts to prevent self-inflicted deaths, including by suicide, and self-harm in custody and ensure that cases of self-inflicted death, including by suicide, and self-harm are independently and thoroughly investigated.

Detention of persons with disabilities

Reference: CCPR/C/GBR/CO/8:[para 37]

The Committee urges the State party to repeal legislation, including the Mental Health Act 1983, and practices that authorize non-consensual, involuntary, compulsory treatment and detention of persons with disabilities based on actual or perceived impairment. Furthermore, the State party should intensify its efforts to guarantee the provision of sufficient community-based mental health services, providing early intervention and preventative support.

Elimination of slavery, servitude and trafficking in persons

Reference: CCPR/C/GBR/CO/8:[para 39]

The State party should:

- (a) Ensure that the legislative framework to combat trafficking in persons is aligned with international standards on trafficking in persons, including by reforming the National Referral Mechanism and by ensuring that implementation of the Illegal Migration Act 2023 does not result in victims of trafficking in persons being returned to face further exploitation and harm;
- (b) Intensify its efforts to provide effective remedies, including protection, rehabilitation and compensation, for all victims of trafficking in persons and exploitation, regardless of their migratory status;
- (c) Intensify its efforts to strengthen legislation, including the visa policy, and regulations protecting migrant workers against abuse and exploitation, facilitate access to effective legal remedies, with interpreting services, and ensure that workers can access those remedies without fear of reprisal, detention or deportation;
- (d) Facilitate the reporting of abuse and exploitation, including by ensuring access to multiple forms of reporting and by conducting educational campaigns for migrant workers, in their own languages, about their rights and available remedies.

Treatment of aliens, including migrants, refugees and asylum-seekers

Reference: CCPR/C/GBR/CO/8:[para 41]

The Committee urges the State party:

- (a) To swiftly repeal the legislative provisions, including those within the Illegal Migration Act 2023, that discriminate against migrants and that seek to limit access to rights for asylum-seekers, refugees and migrants on account of their “illegal entry or presence”, with a view to ensuring that its legislation fully complies with the Covenant and relevant international standards;

(b) To provide access to status determination mechanisms for asylum-seekers, refugees and stateless persons to help ensure that they have their claims processed expeditiously and that those granted protection are able to integrate effectively and are protected from discrimination, regardless of their national origin or status as refugees or stateless persons, in line with articles 2, 13 and 26 of the Covenant;

(c) To withdraw the Safety of Rwanda (Asylum and Immigration) Bill, or repeal the bill if passed, with a view to strictly upholding the principle of non-refoulement in both law and practice.

Immigration detention conditions

Reference: CCPR/C/GBR/CO/8:[para 43]

Bearing in mind the Committee's previous recommendations, the State party should establish a statutory time limit on the duration of immigration detention and ensure that detention is used only as a measure of last resort and for the shortest possible period of time, and increase the use of alternatives to detention, particularly for children, pregnant women and families with children, that are respectful of human rights, including the right to privacy, instead of surveillance-based technological alternatives.

Statelessness and deprivation of citizenship

Reference: CCPR/C/GBR/CO/8:[para 45]

The State party should provide full and effective protection of stateless persons residing in the jurisdictions of the State party in line with international standards, including the Convention relating to the Status of Refugees and the Convention on the Reduction of Statelessness. It should also intensify its efforts to ensure that no person becomes or remains stateless, by granting citizenship or by issuing identity documents to stateless persons, where appropriate; to guarantee the right of every child to acquire a nationality; and to develop effective mechanisms to address the situation of stateless persons, ensuring that any detention of individuals claiming statelessness is reasonable, necessary and proportionate, in accordance with the Committee's general comment No. 35 (2014) on liberty and security of person, that alternatives to detention are found in practice and that legal assistance is provided to them.

Reference: CCPR/C/GBR/CO/8:[para 47]

Bearing in mind the Committee's previous recommendation, the State party should:

(a) Review the legislative framework to ensure that the denial of citizenship, on terrorism grounds, includes appropriate procedural safeguards and is consistent with the principles of legality, necessity and proportionality;

(b) Ensure that, in law and in practice, the necessary safeguards are in place to guarantee that decisions of deprivation of citizenship do not render individuals stateless, and that all decisions are subject to judicial review and fully respect the right to fair legal proceedings, ensuring that all individuals, whether located within or outside a jurisdiction of the State party, have adequate access to an independent appeals procedure;

(c) Intensify its efforts to swiftly repatriate all its nationals who are currently in armed conflict zones, along with their children and other family members, by means of a clear and fair procedure that respects the principle of the best interests of the child and provides adequate access to rehabilitation services and care upon repatriation.

Right to privacy and freedom of expression

Reference: CCPR/C/GBR/CO/8:[para 51]

The State party should take all the measures necessary to guarantee the full enjoyment by everyone of the right to privacy and freedom of expression, in accordance with articles 17 and 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, and that any restrictions comply with the strict requirements of articles 17 and 19 (3) of the Covenant. In particular, the Committee urges the State party to ensure that proposals in the Investigatory Powers (Amendment) Bill and the Data Protection and Digital Information Bill apply strict safeguards and oversight, including judicial review, in compliance with international standards. It should ensure that its regulations relating to the intelligence-sharing of personal communications are in full conformity with the Covenant, in particular article 17, and that any interference with the right to privacy complies with the principles of legality, proportionality and necessity. It should adopt and effectively enforce measures to ensure that the Online Safety Act 2023 does not undermine the right to freedom of expression.

Right of peaceful assembly

Reference: CCPR/C/GBR/CO/8:[para 53]

In accordance with the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should review and consider amending its legislation, including the Public Order Act 2023, to ensure that individuals fully enjoy their right of peaceful assembly and to guarantee that any restrictions of that right

comply with the strict requirements of article 21 of the Covenant. It should ensure that individuals who exercise their right of peaceful assembly are not prosecuted and punished for exercising their rights, and that those detained are immediately released and provided with adequate compensation. Furthermore, the State party should end the use of facial recognition and other mass surveillance technologies by law enforcement agencies at protests, in order to safeguard privacy, non-discrimination, freedom of expression and association and assembly rights for protesters.

Rights of the child

Reference: CCPR/C/GBR/CO/8:[para 55]

The State party should:

- (a) Enact legislation that explicitly and clearly prohibits corporal punishment of children in all settings, removing the common law defence of “reasonable chastisement”, throughout the United Kingdom, the Crown dependencies and overseas territories, and strengthen its efforts to encourage non-violent forms of discipline as alternatives to corporal punishment;
- (b) Raise the minimum age of criminal responsibility, in accordance with internationally accepted standards, throughout the United Kingdom, the Crown dependencies and overseas territories, particularly in the above-mentioned areas;
- (c) Consider raising the minimum age of voluntary recruitment into the armed forces to 18 years and prohibit all forms of advertising and marketing of military service targeted at children.

Participation in public affairs

Reference: CCPR/C/GBR/CO/8:[para 57]

Bearing in mind the Committee’s previous recommendation, and in the light of the Committee’s general comment No. 25 (1996) on participation in public affairs and the right to vote, the State party should amend its legislation that denies any convicted prisoner the right to vote, with a view to ensuring its full compliance with the obligation of reformation and social rehabilitation set forth in article 10 (3), read in conjunction with article 25, of the Covenant.

Annex C: Human Rights Monitoring and Implementing Human Rights

Indicators play a key role in human rights monitoring, allowing governments, civil society, and human rights bodies to assess change over time and to identify areas of concern. These indicators are often categorised into **structural** (legal frameworks and policies), **process** (measuring the implementation of these frameworks), and **outcome** indicators (the actual enjoyment of rights).¹⁵² They can be either quantitative, using numerical data, or qualitative, capturing the lived experiences of individuals.

A number of international human rights organisations and NGOs have developed their own core indicators that enable comparison between countries. These indicators often derive from the legal standards set by treaties or their interpretation, and are designed to assess progress in fulfilling human rights obligations.¹⁵³

For example, the Office of the High Commissioner for Human Rights (OHCHR) has proposed indicators for the UN Convention on the Rights of Persons with Disabilities (UNCRPD) to monitor implementation.¹⁵⁴ These indicators promote awareness, track progress, ensure transparency, and facilitate accountability in following up on treaty body recommendations.

In the context of civil and political rights, there are a number of indicators proposed by international organisations, NGOs, and NHRIs¹⁵⁵ to help evaluate compliance. Some examples include:

Has the state ratified all relevant international human rights instruments?

Is there an effective national human rights institution, and how is it rated for compliance with global standards?

Are civil society organisations able to operate freely, with secure funding and without undue restrictions?

How many public bodies comply with laws on freedom of information?

While there are a range of general human rights indicators used internationally, local contexts often require more tailored approaches. In Scotland, indicators need to reflect both domestic legal obligations and the specific socio-political environment, including devolution. Universal metrics may not capture the nuances of regional cultural, political and economic issues.

One of the key challenges in this very structural form of monitoring of human rights in Scotland is the lack of comprehensive, disaggregated data. Without this data, it is difficult to fully assess the experiences of marginalised groups, including ethnic minorities, disabled people, and LGBTI+ people, especially over time.¹⁵⁶ Civil society and human rights bodies, including the Commission, have all highlighted significant gaps in data for many years.¹⁵⁷ These gaps make it harder to assess whether policies are effectively addressing inequalities or ensuring the realisation of rights for all.

Indicators are never perfect. There will always be different views on what should be measured and how we apply different perspectives such as gender, race or socio-economic status.¹⁵⁸

While indicators provide a useful tool for assessing trends, they must be accompanied by deeper qualitative analysis to fully understand the complexities of human rights challenges. For example, the number of court cases that consider a particular human rights issue may be low, but one case could have been particularly significant. Indicators help us look at systemic issues but tell us less about the gravity of individual violations.

Monitoring trends in areas such as freedom of expression, freedom of assembly, and voting rights require indicators that not only track compliance with legal standards but also measure the lived experiences of individual people.

Over the next four years, the Commission plans to develop more specific indicators for civil and political rights in Scotland. This effort will build on existing tools while addressing the data gaps that currently hinder a full understanding of human rights progress. By focusing on both quantitative and qualitative measures, Scotland can better assess its performance in upholding civil and political rights and ensure greater accountability to international human rights standards.

The Scottish Parliament Equality and Human Rights Committee recommended that there be a tracker / repository of treaty body recommendations in 2018,¹⁵⁹ a position that the Commission has consistently supported since our work on the first National Action Plan for Human Rights. The Committee agreed that a tool would help draw attention to the outcomes of international legal accountability mechanisms domestically and drive improvement through the Parliament. The UN has developed its own approach to good practice in the form of National Mechanisms for Reporting, Implementation and Follow Up, which aim to improve transparency and close the implementation gap.¹⁶⁰

SNAP 2

In Scotland, some tools do exist that aim to monitor socio-economic progress. The National Performance Framework (NPF), while valuable, does not fully align with international human rights obligations.¹⁶¹ The indicators within the NPF measure broad social outcomes but often fail to address specific human rights issues. This limits the ability to assess Scotland's compliance with its international obligations under treaties like the UN ICCPR and the ECHR.

The Scottish Government is also responsible for the delivery of the Scottish National Action Plan for Human Rights (SNAP 2), which was published in March 2023, and runs to 2030. SNAP 2 aims to direct progress on human rights along 54 actions.¹⁶² It is Scotland's response to the UN Vienna Declaration which recommended that countries introduce and maintain a national action plan to better implement human rights standards. Having a human rights action plan is consistently recommended by UN treaty bodies and by the Council of Europe, as well as NHRIs. Some of these include making improvements to evidence.

The Commission and the Scottish Government co-chaired a participatory expert panel to develop SNAP 2. Following publication, responsibility for implementing the actions in the plan rests with the Scottish Government, while the Commission shifted into an accountability role. We are concerned that the Scottish Government has not prioritised SNAP 2's implementation.

SNAP 2 has 54 actions across 8 priorities:

- [Achieve a decent standard of living.](#)
- [Improve health, wellbeing and the environment.](#)
- [Enhance education and work.](#)
- [Protect private and family life.](#)
- [Ensure justice.](#)
- [Learn from COVID-19.](#)
- [Realise a human rights culture.](#)
- [Plan and support incorporation.](#)

While the actions are not neatly divided into civil and political rights, many related to the international standards in this report.

There is no current delivery or milestone framework to assess progress against.

Universal Periodic Review

At the international level, human rights are monitored by expert treaty-based bodies such as the Human Rights Committee and the European Court of Human Rights. In addition, at the UN, a political monitoring process known as the Universal Periodic Review, or UPR, exists.

UPR is a cyclical process that all countries in the UN participate in. Every country is reviewed by its peers, so other States make recommendations for how the UK may want to improve its human rights, aligned to all treaty obligations and all voluntary commitments the UK has made.

The UK was last reviewed in 2022 and the process generated 302 recommendations across a large range of issues, many of which relate to civil and political rights. For example:

- 43.46 Ensure that any proposed changes to the Human Rights Act do not diminish access to justice (Greece);
- 43.61 Prosecute hate crimes and address incidents of Islamophobia (Pakistan)
- 43.119 Take further action to ensure a safe environment for civil society, including the removal of legislation potentially restricting the rights of association and peaceful assembly (Greece);

The UK Government published a response to the UPR in 2023, accepting 41 per cent of the recommendations from other states.¹⁶³ This is considerably lower than the global average, however a further 16 per cent of recommendations were ‘partially supported’, a response not anticipated by the modalities of the UPR.¹⁶⁴ The Scottish Government has not published its own response.

In 2025, the UK Government is expected to publish a mid-cycle voluntary report, which reflects on progress on the accepted recommendations. This is an opportune moment for the Scottish Government to produce its own plan for implementation of its accepted recommendations.

Annex D: Court Judgements and Human Rights Violations

In Scotland, human rights arguments can be raised in most types of legal cases, but most commonly are seen in judicial review proceedings, which challenge the action of the state. Despite limited access to comprehensive data, the Commission and other public law stakeholders sense that human rights arguments are not made in courts as frequently as seen in some other countries.

The Commission is considering how it could enhance public awareness of human rights issues in Scottish Courts as part of our 4-year approach to the State of the Nation.

For year one, we have focused on human rights decisions at the highest court that can consider human rights issues in Scotland, the European Court of Human Rights (ECtHR).

ECtHR statistics for 2023¹⁶⁵ show that there were three cases to which the UK was a party heard by the Court, of which one found a violation (of Article 8)¹⁶⁶ and two were either struck out or subject to friendly settlement (i.e. the Court did not make a substantive judgement.) Findings of violations by the ECtHR have fallen fairly consistently since 1998¹⁶⁷ when the Human Rights Act incorporated the ECHR.¹⁶⁸

Where the ECtHR finds that there is a violation of the European Convention on Human Rights, it transfers that judgement to the Committee of Ministers of the Council of Europe, who are responsible for overseeing the execution of judgements, with the support of the Department for the Execution of Judgements of the European Court of Human Rights.

Under the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, Rule 9, the Committee of Ministers can consider communications from NGOs and NHRIs with regard to the execution of judgments under Article 46, paragraph 2, of the Convention. The Commission monitors judgements under review for this purpose.¹⁶⁹

As of September 2024, there are four groups of judgements concerning the UK which remain under supervision,¹⁷⁰ and some of these raise issues which are the responsibility of the Scottish Government.

The first group of judgments, the McKerr and McCaughey groups¹⁷¹, concern the effectiveness of investigations into suspicious deaths during the troubles in Northern Ireland. These cases do not raise matters devolved to Scotland.

The second group, *V.C.L and A.N v United Kingdom*¹⁷², concern the failure of State authorities to protect victims of human trafficking from prosecution. The case raises matters surrounding immigration law, which is reserved to Westminster, but also criminal law, and the administration of justice, which are devolved. The deputies of the Committee of Ministers noted with satisfaction in September 2024 that the steps being taken as regards training of individuals involved in the criminal justice system, and the implementation of a statutory defence and prosecutorial guidance for slavery or trafficking victims who commit a criminal offence (s.45 of the Modern Slavery Act 2015), and noted the importance of this continuing. Criminal justice is a devolved issue and while the Modern Slavery Act is Westminster legislation, consent was given by Scottish Parliament for Westminster to legislate. The ongoing development and implementation of guidance and training in Scotland is also the responsibility of Scottish public authorities. The ongoing issues relating to the supervision of the judgement concern England and Wales.¹⁷³

The third group of cases, the *Gaughran* group, concern the indefinite retention of DNA, fingerprints and photographs by the police.¹⁷⁴ While this case does concern devolved issues, the Committee of Ministers is satisfied that the revised code of practice and policy framework, and the ongoing review of the law in Scotland will ensure compliance with the ECHR, and have asked the UK to provide examples of the Scottish policy framework working in practice, in order to end supervision of the judgement and encouraged acceleration of the review of the legislation on retention periods for biometric data.¹⁷⁵

The final group of cases, *Big Brother Watch and others*,¹⁷⁶ concern shortcomings in the secret surveillance regime and relates to reserved powers.

Annex E: The Role of the NHRI in the Human Rights Framework

The Commission's statutory mandate is set out in the Scottish Commission for Human Rights Act 2006, which also provides for our structures and powers. These have not been revisited since 2006, with one recent exception.

The Commission has limited legal powers to make interventions on human rights grounds to in civil proceedings before Scottish courts and tribunals.¹⁷⁷ Use of these legal powers has been inhibited by both insufficient resource and the design of these powers, which are highly inflexible.

In addition to our statutory mandate, the Commission must also demonstrate that it is fulfilling the Paris Principles in order to be recognised as a body with the character of an NHRI. Our A-Status reflects that we are undertaking the necessary functions of these types of organisations, and this gives us a unique role in the international legal system, where we have powers and platforms to address UN bodies, report to UN Committees, engage in Council of Europe Human Rights monitoring, including monitoring implementation of judgements.

We utilise all of these powers in pursuit of our general mandate set out in s.3 of the Scottish Commission for Human Rights Act¹⁷⁸:

(1) The Commission's general duty is, through the exercise of its functions under this Act, to promote human rights and, in particular, to encourage best practice in relation to human rights.

(2) In this Act, "human rights" means—

(a) the Convention rights within the meaning of section 1 of the Human Rights Act 1998 (c. 42), and

(b) other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom.

Our powers

Internationally (Paris Principles and A-Status)

- UN Treaty Body Reporting (as set out in each specific treaty and the working methods of each treaty body, for example Article 28 UN ICCPR)
- Statements to the Human Rights Council (paragraph 28 of Human Rights Council resolution 16/21 on the Review of the work and functioning of the Human Rights Council)
- "Rule 9" Communications to the Council of Europe (Article 46, paragraph 2 ECHR, Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements and Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions.)
- *Supporting Individual Complaints to UN Treaty Bodies or European Court of Human Rights (Currently would not be possible due to Scottish Commission for Human Rights Act s.6)*

Domestically

- Power to intervene in civil proceedings (Scottish Commission for Human Rights Act s.14)
- Power to conduct inquiries (Scottish Commission for Human Rights Act s.8)
- Production of research, education and guidance (Scottish Commission for Human Rights Act s.3)
- Monitoring of law, policy and practice (Scottish Commission for Human Rights Act s.4)
- Bring proceedings under section 7(1)(a) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 or to intervene in proceedings (Scottish Commission for Human Rights Act s.4A)

The Commission cannot give any advice to individuals who may have a legal claim (Scottish Commission for Human Rights Act s.6) nor can it take proceedings in its own name on behalf of individuals or a class of individuals. From the 16th July 2024, an exception exists in respect of proceedings relating to the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. This is the first change to our powers since 2006, and at the time of writing, has not yet been

utilised. Additional resource to fund potential cases has, at time of writing, not yet been released.

The Commission is now being notified of cases in we may wish to intervene and proactively considering where we can contribute. The Children and Young People's Commissioner for Scotland has complementary powers, and the Commission works with them to consider where our input would assist the courts.

Working with the Scottish Parliament

The Scottish Human Rights Commission's role as an NHRI supports the Scottish Parliament as guarantors of human rights. Principles for effective working between NHRIs and Parliament have been supported by the Office of the High Commissioner for Human Rights and encouraged by the UN Human Council (the Belgrade Principles¹⁷⁹) as well as by the Inter-Parliamentary Union (IPU.)¹⁸⁰

The Scottish Parliament oversees the appointments, dismissal and budget of the SHRC through the Scottish Parliament Corporate Body and we report annually on our operational activities.¹⁸¹ Our Strategic Plan must be laid before Parliament every 4 years¹⁸² and we are routinely held to account for our work by the Equality, Human Rights and Civil Justice Committee.

At the same time, the Commission consistently monitors parliamentary proceedings and provides advice to support strong parliamentary consideration of human rights law. NHRIs are often referred to as 'bridge' institutions. In this role, we provide insight from international human rights law and practice to support stronger domestic accountability and we advocate and report on domestic human rights practice internationally to support accountability.

Almost all policy decisions raise a number of human rights standards from one or multiple treaties. The Commission can provide Members of the Scottish Parliament and other decisionmakers with an independent analysis of which rights any given issue may **'engage'** i.e. whether somebody could have issues that fall into the scope of how any given article is written or interpreted. We then look at which tests apply, for example whether a right is absolute and therefore whether a threshold is or could be met, or whether and what factors have to be balanced against one another to prevent violations.

The Scottish Parliament must comply with the European Convention on Human Rights, or its decisions could be challenged, including the striking down of legislation.¹⁸³

We have provided detail on the human rights legal framework that underpins civil and political rights at [Annex B](#) of this report.

Human Rights Milestones: September 2023 to September 2024

September 2023:

- Programme for Government '[Equality, Opportunity, Community](#)' was announced on 5 September 2023. It was centred around three national missions:
- Equality: Tackling poverty and protecting people from harm.
- Opportunity: Building a fair, green, and growing economy.
- Community: Delivering efficient and effective public services.

October 2023:

- [Abortion \(Safe Access Zones\) \(Scotland\) Bill](#) introduced on 5th October 2023.
- [Social Security \(Amendment\)\(Scotland\) Bill](#) introduced 31 October 2023.
- Scottish Government [consultation on a Human Rights Bill for Scotland](#) closed on 5 October 2024.
- Online Safety Act passed by the UK Parliament October 2023.

November 2023:

- [Gender representation on public boards \(Amendment\)\(Scotland\) Bill](#) introduced 7 Nov 2023.
- Scottish Government consultation on [National Islands Plan Review](#) closed on 7 November 2023.
- Scottish Government published [Vision for Justice in Scotland; 3-year delivery plan](#) on 6 Nov 2023.
- Scottish Government published [Hate Crime Strategy: Delivery Plan](#) on 20 November 2024.

December 2023:

- Reconsidered [UNCRC \(Incorporation\) \(Scotland\) Bill](#) passed on 7 Dec 2023.
- Public consultation on the [Police \(Ethics, Conduct and Scrutiny\) \(Scotland\) Bill](#) closed.
- Scottish Government [consultation on a Wellbeing and Sustainable Development \(Scotland\) Bill](#) opened 6 Dec 2023.

- Scottish Government [consultation on Learning Disabilities, Autism and Neurodivergence Bill](#) opened on 21 Dec 2023.
- Scottish Government publish '[Equally Safe 2023- Preventing and Eradication violence against women and girls strategy](#)' on 7 Dec 2023.

January 2024:

- [Scottish Elections \(Representation and Reform\) Bill](#) introduced 23 Jan 2024
- Scottish Government [consultation on Ending Conversion Practices in Scotland](#) opened 9 Jan 2024.
- Scottish Government publish [guidance on taking a children's rights approach](#) on 8 Jan 2024.
- UNCRC (Incorporation)(Scotland) Act granted royal assent.

February 2024:

- [Disability Commissioner \(Scotland\) Bill](#) introduced 8 Feb 2024.
- [Budget \(Scotland\)\(No. 3\) Bill](#) passed 27 Feb 2024.
- [National Care Service \(Scotland\) Bill](#) Stage 1 debate held 29 Feb 2024.
- Draft proposal lodged for [Right to Food \(Scotland\) Bill](#) on 27 Feb 2024.
- Local Government, Housing and Planning Committee launch a short inquiry into the Housing Crisis on 20 Feb.
- [Ministerial Statement](#) made on Scotland's Prison population on 27 Feb 2024.
- Public Audit Committee publish a [report](#) on demand for Adult Mental Healthcare on 28 Feb 2024.
- Scottish Government [consultation on a Wellbeing and Sustainable Development \(Scotland\) Bill](#) closed 14 Feb 2024.

March 2024:

- [Assisted Dying for Terminally Ill Adults \(Scotland\) Bill](#) introduced 27 March 2024.
- [Housing \(Scotland\) Bill](#) introduced 26 March 2024
- Inquiry on [Scotland's Commissioner Landscape- A Strategic Approach](#) run by the public finance committee closed on 11th March 2024.

- Public call for views on Scottish Government and COSLA's [Suicide Prevention Strategy](#) closed on 29 March 2024.
- Draft [proposal on Right to Palliative Care \(Scotland\) Bill](#) lodged 6 March 2024
- Scottish Government [consultation on Court Fees 2024-25](#) opened on 18 March 2024.
- Scottish Government published [New Scots Refugee Integration Strategy: 2024](#) on 28 March 2024.

April 2024:

- Consideration at Stage 1 of the [Victims, Witness, and Justice Reform \(Scotland\) Bill](#) on 26 April 2024.
- [Children \(Care and Justice\) \(Scotland\) Bill](#) passed 25 April 2024
- [Ministerial Statement](#) on Implementation of the Hate Crime and Public Order (Scotland) Act 2021 made on 16 April 2024.
- Ministerial statement on gender identity and healthcare made on 23 April 2024.
- Scottish Government [consultation on Learning Disabilities, Autism and Neurodivergence Bill](#) closed on 21 April 2024.
- Scottish Government [consultation on Ending Conversion Practices in Scotland](#) closed 2 April 2024.
- Scotland-based Prof. Elisa Morgera appointed as new Special Rapporteur for human rights and climate change.

May 2024:

- [Right to Addiction Recovery \(Scotland\) Bill](#) introduced.
- [Housing \(Cladding Remediation\)\(Scotland\) Bill](#) passed 14 May 2024.
- Ministerial statement on publication of mental health and capacity reform programme on 2 May 2024.
- New Chair of SHRC appointed 16 May
- Launch of Scottish Parliament's Women's Caucus 3rd May.
- Education, Children and Young People Committee publish [inquiry report on children and young people with additional support needs](#).
- Scottish Government debate on 'A vision for health and social care in Scotland' held on 30 May 2024.

June 2024:

- [Abortion \(Safe Access Zones\) \(Scotland\) Bill](#) passed on 12 June 2024.
- [Education \(Scotland\) Bill](#) introduced 4 June 2024
- [Gender representation on public boards \(Amendment\)\(Scotland\) Bill](#) passed 20 June 2024
- Public Finance and Audit Committee public [Inquiry into proposed National Outcomes](#) closed 28 June 2024.
- Ministerial statement on tackling child poverty delivery plan- annual progress report 2023-24 made on 4 June 2024.
- Scottish Government debate on Tackling Child Poverty held on 11 June 2024.
- Scottish Government debate on Investing in Scotland's Public Services held on 13 June 2024.
- Scottish Government debate on Growing the economy held on 19 June 2024
- Ministerial Statement on Scottish Government response to Scotland's Housing emergency made on 20 June 2024.
- Public Audit Committee publish [report on Scotland's Prison services](#) on 10 June 2024.
- Scottish Government [consultation on Court Fees 2024-25](#) closed on 10 June 2024.
- Scottish Government publish '[A rights-respecting approach to justice for children and young people: Scotland's vision and priorities](#)' in June 2024.

July 2024:

- UNCRC (Incorporation) (Scotland) Act came into force.
- Scottish Government [consultation on long-term prisoner release](#) opened on 8 July 2024.
- UK General Election

August 2024:

- Chair of the SHRC takes office
- Emergency Public Sector Spending Controls
- Pre-Budget Scrutiny Committee Call for Views close

- Scottish Government publishes first annual report on its Suicide Prevention Strategy

September 2024:

- The Scottish Government launched its Programme for Government
- The Scottish Government confirms an 18th month delay to the Human Rights Bill, putting the prospect of a bill into the next parliament
- The Cabinet Secretary for Finance makes a statement to the Scottish Parliament
- The Scottish Parliament's Finance and Public Administration Committee publishes a report on the Commissioner Landscape

Annex F: Human Rights and Parliamentary Business

As of September 2024, the Scottish Parliament's Committees have a number of ongoing programmes of work that may raise issues under civil and political rights.

To demonstrate how human rights in this report relate to current and recent parliamentary business, some examples are provided:

Committee	Committee Business	Possible Rights Engaged
Citizen Participation and Public Petitions Committee	Public Participation Inquiry	<p>ECHR Article 10 - Freedom of expression / ICCPR Article 19 Freedom of opinion and expression</p> <p>ECHR Article 14 - Prohibition of discrimination / ICCPR Article 2 Non-discrimination in the enjoyment of rights</p> <p>ICCPR: Article 25 - Right to participate in the conduct of public affairs</p>
Criminal Justice Committee	Priorities in the justice sector and an Action Plan	<p>ECHR Article 2 - Right to life / ICCPR Article 6 - The right to life and survival</p> <p>ECHR Article 3 - Prohibition of torture / ICCPR Article 7 - Freedom from inhuman or degrading treatment or punishment</p>

Committee	Committee Business	Possible Rights Engaged
		<p>ECHR Article 6 - Right to a fair trial / ICCPR Article 14 – fair trial rights</p> <p>ECHR Article 5 - Right to liberty and security / ICCPR – Dignity of Persons Deprived of their Liberty / ICCPR article 12 – Liberty of Movement</p> <p>ECHR Article 7 - No punishment without law / ICCPR Article 15 – No punishment without law</p> <p>ECHR Article 13 - Right to an effective remedy / ICCPR Article 2 – right to legal recourse</p> <p>ICCPR Article 20 – Equality before the Law</p> <p>ECHR Article 14 - Prohibition of discrimination – ICCPR Article 2 - Non-discrimination in the enjoyment of rights</p>
<p>Criminal Justice Committee</p>	<p>Prison Population</p>	<p>ECHR Article 3 - Prohibition of torture / ICCPR Article 7 - Freedom from inhuman or degrading treatment or punishment.</p>

Committee	Committee Business	Possible Rights Engaged
Criminal Justice Committee	Reducing drug deaths in Scotland and tackling problem drug use	<p>ECHR Article 2 - Right to life / ICCPR Article 6 – Right to Life and Survival</p> <p>ECHR Article 3 - Prohibition of torture / ICCPR Article 7 - Freedom from inhuman or degrading treatment or punishment.</p>
Criminal Justice Committee	Police (Ethics, Conduct and Scrutiny) (Scotland) Bill	<p>ECHR Article 2 - Right to life / ICCPR Article 6 – Right to Life and Survival</p> <p>ECHR Article 3 - Prohibition of torture / ICCPR Article 7 - Freedom from inhuman or degrading treatment or punishment.</p> <p>ECHR Article 5 - Right to liberty and security / ICCPR – Dignity of Persons Deprived of their Liberty / ICCPR article 12 – Liberty of Movement</p> <p>ECHR Article 6 - Right to a fair trial / ICCPR Article 14 – fair trial rights</p>
Criminal Justice Committee	Victims, Witnesses, and Justice Reform (Scotland) Bill	<p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p>

Committee	Committee Business	Possible Rights Engaged
		<p>ECHR Article 6 - Right to a fair trial / Article 14 – fair trial rights</p> <p>ECHR Article 14 - Prohibition of discrimination / ICCPR Article 2 Non-discrimination in the enjoyment of rights</p> <p>ECHR Article 3 - Prohibition of torture / Freedom from inhuman or degrading treatment or punishment.</p> <p>ECHR Article 5 - Right to liberty and security / ICCPR – Dignity of Persons Deprived of their Liberty / ICCPR article 12 – Liberty of Movement</p> <p>ECHR Article 10 - Freedom of expression / ICCPR Article 19 - Freedom of opinion and expression</p> <p>ECHR Article 2 of Protocol No. 7 - Right of appeal in criminal matters</p>
<p>Delegated Powers and Law Reform Committee</p>	<p>National Strategy for Economic Transformation</p>	<p>ECHR Article 1 of Protocol No. 1 - Protection of property</p>

Committee	Committee Business	Possible Rights Engaged
Economy and Fair Work Committee	Disability employment gap	<p>ECHR Article 14 - Prohibition of discrimination / ICCPR Article 2 Non-discrimination in the enjoyment of rights</p> <p>ECHR Article 1 of Protocol No. 1 - Protection of property</p> <p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p>
Economy and Fair Work Committee	National Strategy for Economic Transformation	<p>ECHR Article 1 of Protocol No. 1 - Protection of property</p>
Education, Children and Young People Committee	AI and Education	<p>ECHR Article 10 - Freedom of expression / ICCPR Article 19 - Freedom of opinion and</p> <p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p> <p>ECHR Article 2 of Protocol No. 1 - Right to education</p> <p>ECHR Article 14 - Prohibition of discrimination / ICCPR Article 2 Non-</p>

Committee	Committee Business	Possible Rights Engaged
		discrimination in the enjoyment of rights
Economy and Fair Work Committee	Equally Safe	<p>ECHR Article 3 - Prohibition of torture / Freedom from inhuman or degrading treatment or punishment.</p> <p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p> <p>ECHR Article 14 - Prohibition of discrimination</p>
Economy and Fair Work Committee	The Promise: next steps for care-system reform	<p>ECHR Article 5 - Right to liberty and security / ICCPR – Dignity of Persons Deprived of their Liberty / ICCPR article 12 – Liberty of Movement</p> <p>ECHR Article 14 - Prohibition of discrimination</p> <p>ICCPR: Article 25 - Right to participate in the conduct of public affairs</p>
Equalities, Human Rights and Civil Justice Committee	Disability Commissioner (Scotland) Bill	ECHR Article 14 - Prohibition of

Committee	Committee Business	Possible Rights Engaged
		discrimination ⁷ / ICCPR Article 2 Non-discrimination in the enjoyment of rights
Equalities, Human Rights and Civil Justice Committee	Regulation of Legal Services (Scotland) Bill	ECHR Article 6 - Right to a fair trial / Article 14 – fair trial rights
Equalities, Human Rights and Civil Justice Committee	Suicide Prevention Strategy	ECHR Article 2 - Right to life / ICCPR Article 6 - The right to life and survival
Finance and Public Administration Committee	National Performance Framework: Inquiry into proposed National Outcomes	ICCPR: Article 25 - Right to participate in the conduct of public affairs. ⁸
Health, Social Care and Sport Committee	National Care Service (Scotland) Bill	ECHR Article 5 - Right to liberty and security / ICCPR – Dignity of Persons Deprived of their Liberty / ICCPR article 12 – Liberty of Movement

⁷ In conjunction with a wide array of convention rights, dependent on powers of the Commissioner and facts of specific programme.

⁸ Individual existing and proposed outcomes also engage a number of other substantive rights under these conventions

Committee	Committee Business	Possible Rights Engaged
		<p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p> <p>ECHR Article 14 - Prohibition of discrimination / ICCPR Article 2 Non-discrimination in the enjoyment of rights</p>
Health, Social Care and Sport Committee	Reducing drug deaths in Scotland and tackling problem drug use	<p>ECHR Article 2 - Right to life / ICCPR Article 6 - The right to life and survival</p> <p>ECHR Article 3 - Prohibition of torture / Freedom from inhuman or degrading treatment or punishment.</p> <p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p>
Health, Social Care and Sport Committee	Assisted Dying for Terminally Ill Adults (Scotland) Bill	<p>ECHR Article 2 - Right to life / ICCPR Article 6 - The right to life and survival</p> <p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p>

Committee	Committee Business	Possible Rights Engaged
		ECHR Article 14 - Prohibition of discrimination / ICCPR Article 2 Non-discrimination in the enjoyment of rights
Local Government, Housing and Planning Committee	Cost of Living (Tenant Protection) (Scotland) Act	<p>ECHR Article 1 of Protocol No. 1 - Protection of property</p> <p>ECHR Article 14 - Prohibition of discrimination / ICCPR Article 2 Non-discrimination in the enjoyment of rights</p> <p>ECHR Article 8 - Right to respect for private and family life- / ICCPR Article 17 - The right to privacy</p>
Local Government, Housing and Planning Committee	Housing (Scotland) Bill	<p>ECHR Article 1 of Protocol No. 1 - Protection of property</p> <p>ECHR Article 14 - Prohibition of discrimination / ICCPR Article 2 Non-discrimination in the enjoyment of rights</p> <p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p>

Committee	Committee Business	Possible Rights Engaged
Local Government, Housing and Planning Committee	National Care Service (Scotland) Bill	<p>ECHR Article 2 - Right to life / ICCPR Article 6 - The right to life and survival</p> <p>ECHR Article 3 - Prohibition of torture / Freedom from inhuman or degrading treatment or punishment.</p> <p>ECHR Article 5 - Right to liberty and security / ICCPR – Dignity of Persons Deprived of their Liberty / ICCPR article 12 – Liberty of Movement</p> <p>ECHR Article 13 - Right to an effective remedy</p> <p>ECHR Article 14 - Prohibition of discrimination / ICCPR Article 2 Non-discrimination in the enjoyment of rights</p>
Local Government, Housing and Planning Committee	Understanding barriers to participation in local politics	<p>ECHR Article 3 of Protocol No. 1 - Right to free elections</p>
Local Government, Housing and Planning Committee	Scottish Elections (Representation and Reform) Bill	<p>ECHR Article 3 of Protocol No. 1 - Right to free elections</p>

Committee	Committee Business	Possible Rights Engaged
Net Zero, Energy and Transport Committee	Land Reform (Scotland) Bill	ECHR Article 1 of Protocol No. 1 - Protection of property
Public Audit Committee	Scottish Government Relationships with Public Bodies	ECHR Article 10 - Freedom of expression / ICCPR Article 19 - Freedom of opinion and
Rural Affairs and Islands Committee	National islands plan	<p>ECHR Article 1 of Protocol No. 1 - Protection of property</p> <p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p> <p>ECHR Article 2 of Protocol No. 1 - Right to education</p> <p>ECHR Article 2 of Protocol No. 4 - Freedom of movement</p>
Social Justice and Social Security Committee	Homelessness and rough sleeping	<p>ECHR Article 3 - Prohibition of torture / Freedom from inhuman or degrading treatment or punishment.</p> <p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p>

Committee	Committee Business	Possible Rights Engaged
Social Justice and Social Security Committee	Social Security (Amendment) (Scotland) Bill	ECHR Article 1 of Protocol No. 1 - Protection of property
Social Justice and Social Security Committee	The extra costs of living with a disability	<p>ECHR Article 5 - Right to liberty and security / ICCPR – Dignity of Persons Deprived of their Liberty / ICCPR article 12 – Liberty of Movement</p> <p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p> <p>ECHR Article 11 - Freedom of assembly and association</p> <p>ECHR Article 14 - Prohibition of discrimination ICCPR Article 2 Non-discrimination in the enjoyment of rights</p> <p>ECHR Article 1 of Protocol No. 1 - Protection of property</p>
Social Justice and Social Security Committee	Violence against women and girls	<p>ECHR Article 2 - Right to life / ICCPR Article 6 - The right to life and survival</p> <p>ECHR Article 3 - Prohibition of torture /</p>

Committee	Committee Business	Possible Rights Engaged
		<p>Freedom from inhuman or degrading treatment or punishment.</p> <p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p> <p>ECHR Article 14 - Prohibition of discrimination / ICCPR Article 2 Non-discrimination in the enjoyment of rights</p>
<p>Standards, Procedures and Public Appointments Committee</p>	<p>Scottish Elections (Representation and Reform) Bill</p>	<p>ECHR Article 3 of Protocol No. 1 - Right to free elections ICCPR: Article 25 - Right to participate in the conduct of public affairs</p> <p>ECHR Article 8 - Right to respect for private and family life / ICCPR Article 17 - The right to privacy</p>

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