

Alison Johnstone MSP, Presiding Officer

The Scottish Parliament

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Via email: PresidingOfficers@parliament.scot

10 December 2024

Dear Presiding Officer,

State of the Nation 2024: Human Rights in Scotland

It is my pleasure as the Chair of the Scottish Human Rights Commission to present the Scottish Parliament with our first State of the Nation report, marking Human Rights Day 2024.

For the first time, this year the Commission offers a snapshot of key human rights concerns and challenges affecting people in Scotland's civil and political rights, such as access to justice, fair trial and the freedom from torture, inhuman and degrading treatment or punishment.

Drawing from our human rights monitoring work on spotlight projects and our international reporting to the United Nations and Council of Europe over the period September 2023-September 2024, we have examined 14 rights drawn from the European Convention on Human Rights and the International Covenant on Civil and Political Rights, mostly given effect in Scotland through the Human Rights Act 1998.

We find that there are significant access to justice challenges in Scotland, including a lack of human rights cases in Scottish courts. The justice system is currently highly complex, expensive and under-resourced. This means that in order to challenge and ultimately remedy a possible human rights violation, people must navigate a fundamentally broken justice system, often at great personal and financial expense. As it stands, the Commission has very limited powers to close the gap, to the detriment of the people of Scotland.

As you are aware, our statutory duty is to promote human rights in Scotland, and as the National Human Rights Institution accredited via the United Nations system, the Commission's responsibility is to monitor issues affecting the enjoyment of rights, and report independently, without fear or favour. The Scottish Parliament has an essential role, both as a duty bearer under human rights law and as the accountability body here in Scotland for the actions of the State under devolved law, with the power to identify and direct action to address barriers to human rights.

We now ask MSPs and the functions of Parliament to consider the findings carefully and act to address these areas of concern. This may mean for example creating time in the chamber, at Committee or via Cross Party Groups to focus on holding state institutions to account for how they are paying attention to the human rights implications of all of their decisions, from planning and budgeting to delivery and review. As an office holder, the Commission is here to support the Scottish Parliament with this.

In the Commission's [Strategic Plan 2024-28](#), we have committed to a series of annual State of the Nation reports to the Scottish Parliament, of which this is the first, to provide a snapshot of current human rights challenges, as well promote awareness of human rights in line with our mandate.

Our commitment is to develop the State of the Nation report over the four years of our Strategic Plan 2024-2028 as follows:

- 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

While there is much for individual MSPs and Committees to examine within the detail of the report, we suggest the practice in other countries of aligning similar reports with a fixed, annual parliamentary debate has enhanced the accountability of government, expanded public and political awareness of human rights obligations and led to enhanced consideration of human rights across the work of parliament.

In order to maximise the relationship between the National Human Rights Institution and the Parliament service of human rights, I ask that you consider allocating time annually to debate the Commission's statement on the enjoyment of human rights to mark Human Rights Day. I would welcome further discussion with you, the SPCB

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and the Equality, Human Rights and Civil Justice Committee to explore our proposal if this would be helpful.

Yours sincerely,



Professor Angela O'Hagan
Chair, Scottish Human Rights Commission

Enc. Scottish Human Rights Commission State of the Nation Report 2024: Civil and Political Rights.