

Audrey Nicoll MSP
Convener
Criminal Justice Committee
Scottish Parliament

Via Lucy.Miller@Parliament.scot

10th March 2025

Dear Audrey,

Follow-up to our work on human rights in places of detention

Thank you for meeting with us on 27 February 2025. It was helpful to discuss mutual areas of interest in relation to the Commission's programme of work around places of detention, and in particular, the evidence we have presented around lack of progress in implementing recommendations from international bodies to improve human rights realisation in Scotland's state-managed places of detention.

We welcome your interest in the Commission's report '*Review...Recommend...Repeat... An assessment of where human rights have stalled in places of detention*', which we published in partnership with the National Preventative Mechanism (NPM).

As we discussed, the report highlights an overall lack of accountability in relation to the steps the Scottish Government does or does not take in response to recommendations from international human rights bodies on fundamental human rights issues. We very much welcome your interest in the Committee exploring the issues further. In particular, we consider it very valuable for the Committee to undertake a focused inquiry into our findings which seeks to identify systemic failures, ensure public accountability, and recommend reforms to prevent future human rights breaches.

Given the close connection with the remit of the Equalities, Human Rights and Civil Justice Committee, it may be that a joint approach would be effective, as appropriate.

In addition, moving beyond the findings of our June 2024 report, during our meeting we outlined priority areas in relation to places of detention on which the Commission will be focusing this coming year 2025-26:

- Use of force and segregation in detention settings: The Commission is concerned with issues of inadequate oversight and regulation of the use of restraint and seclusion in a range of settings. We also have concerns in relation to the use of segregation and reintegration units in the prison estate;
- Inadequate mental healthcare including delays in transfers between prisons and the forensic mental health estate and the lack of implementation of the recommendations of the Barron Review;
- Investigating deaths in custody, including mental health detention: The Commission will monitor and engage with the upcoming review of the FAI system instructed by the Cabinet Secretary, focusing on Article 2 ECHR compliance and the ability of the current system to learn, improve and prevent deaths. The Commission will also scrutinise the development of a National Oversight Mechanism to ensure monitoring and implementation of relevant recommendations relating to deaths where they may be state responsibility. While much of the focus to date has been on deaths in prison custody, the Commission would urge that attention and scrutiny are expanded to the lack of independent investigation in other circumstances engaging the right to life, particularly in mental health detention;
- Orders for Lifelong Restriction (OLRs): The Commission is currently considering the operation of OLRs in Scotland with a view to informing the public debate around the human rights implications of these.

We look forward to assisting the Committee in its further scrutiny of any of the above issues.

Yours sincerely,



Professor Angela O'Hagan
Chair, Scottish Human Rights Commission