Submission to the UN Human Rights Council NHRI Report on the United Kingdom's 4th Cycle Universal Periodic Review

30th March 2022

The Scottish Human Rights Commission (SHRC), formed in 2008, was established by the Scottish Commission for Human Rights Act 2006. It is the **National Human Rights Institution (NHRI)** for Scotland, accredited with 'A' status by the Global Alliance of NHRIs and is one of the three UK NHRIs. SHRC is a member of the UK's National Preventive Mechanism. It has a general duty to promote to promote awareness, understanding and respect for all human rights and to encourage best practice. It also has a number of powers including recommending such changes to Scottish law, policy and practice as it considers necessary.

SHRC is pleased to provide this submission to the Human Rights Council as part of the 4th cycle review of the United Kingdom. Issues concerning specific groups' rights are highlighted in **'bold'.** The report's scope and methodology are detailed in Annex 1. Annex 2 presents a Sustainable Development Goals review of themes. Annex 3 collates all recommendations. Annex 4 provides annotated references.

All recommendations are directed at the Scottish Government, unless otherwise specified.

www.scottishhumanrights.com

Contact: Dr Alison Hosie
Scottish Human Rights Commission
Bridgeside House,
99 McDonald Road,
Edinburgh,
EH7 4NS
Email: Alison.hosie@scottishhumanrights.com Tel: 07464 918572

Annex 4: Annotated References

[1] See here for a wide range of briefings produced by SHRC during the pandemic:
- https://www.scottishhumanrights.com/covid-19/

[2] See:
- https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2020/09/the-impacts-of-covid-19-on-equality-in-scotland/documents/full-report/full-report/govscot%3Adocument/Covid%2Band%2BInequalities%2BFinal%2BReport%2BFor%2BPublication%2B-%2BPDF.pdf
- https://nationalperformance.gov.scot/scotlands-wellbeing-impact-covid-19-chapter-4-communities-poverty-human-rights
- https://www.resolutionfoundation.org/publications/the-economic-effects-of-coronavirus-in-the-uk/
- https://fraserofallander.org/what-does-todays-labour-market-and-universal-credit-data-tell-us-about-the-impact-of-covid-19-on-scotland/;
- https://fraserofallander.org/emerging-indicators-of-impacts-of-covid-19-on-the-economy-and-households-in-scotland/;
- https://fraserofallander.org/the-economy-remains-on-life-support-but-its-pulse-is-still-beating-latest-real-time-indicators-of-the-scottish-economy/;
- https://fraserofallander.org/what-can-the-universal-credit-data-tell-us-about-local-impacts-in-scotland/;
- https://fraserofallander.org/what-do-the-latest-indicators-tell-us-about-the-impact-of-the-coronavirus-on-the-scottish-economy/
- https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/114973.aspx
- https://www.resolutionfoundation.org/publications/growing-pains-the-impact-of-leaving-education-during-a-recession-on-earnings-and-employment/

[3] See https://data.gov.scot/coronavirus-covid-19/equality.html

[4] Hon. Lady Poole QC, Senator of the College of Justice of Scotland, will chair the independent public inquiry examining the strategic response to the COVID-19 pandemic in Scotland. The inquiry will cover 12 areas of investigation, each covering a strategic element of the handling of the pandemic, to identify lessons to be learned and recommendations as soon as practicable. The period covered by the inquiry will be from 1 January 2020 to 31 December 2022, but it will also consider pandemic planning undertaken prior to this. See:
- https://www.gov.scot/groups/scottish-covid-19-inquiry/

The UK Covid Inquiry will also cover Scotland for some aspects, see:
- https://www.gov.uk/government/news/covid-19-inquiry-terms-of-reference

[5] See:
- https://www.coe.int/en/web/portal/-/the-uk-ratifies-the-lanzarote-convention-to-protect-children-against-sexual-violence

[6] No other progress has been made towards the ratification of outstanding international human rights treaties, Optional Protocols or removal of existing reservations by the State.

[7] The Independent Human Rights Act Review took evidence from across the UK for nine months, producing a detailed report and concluding there's no case for the kind of widespread reform the UK Government has put forward.
- See https://www.gov.uk/government/consultations/human-rights-act-reform-a-modern-bill-of-rights

[8] The Scottish Parliament passed motions in support of the Act in 2014, 2017 and again on 4 March 2021:
- http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10722&i=98397
- http://www.parliament.scot/parliamentarybusiness/report.aspx?r=9616&i=87353

[9] The Human Rights Act is a pillar of the constitutional framework of devolution in Scotland. Convention rights are protected in Scotland under both the Act and the Scotland Act. Any change to the Act could upset this constitutional arrangement.
- https://www.gov.scot/publications/human-rights-act-letter-to-the-lord-chancellor/
- https://www.gov.scot/publications/human-rights-act-reform-consultation-scottish-government-response/

[10] See:

- https://hrcscotland.org/2022/03/11/46-organisations-join-consortium-to-say-no-to-human-rights-act-reform/

[11] See:

- https://www.scottishhumanrights.com/news/no-case-for-amending-the-human-rights-act-commission-welcomes-joint-committee-on-human-rights-report/

[12] There have been many recent expressions of support for strengthening human rights in the Scottish Parliament, for example during consideration of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. See also, note 12.

[13] 170 organisations from across civil society have signed the Scotland Declaration on Human Rights, expressing their united support for ensuring Scotland is a world leader in rights protection and implementation, see:

- https://humanrightsdeclaration.scot/
- https://hrcscotland.org/wp-content/uploads/2022/01/Final-Exec-Summary-Capacity-Reiew-of-Scot-Civil-Society-on-Human-Rights-Jan-2022.pdf

[14] See recommendations from the First Minister's Advisory Group on Human Rights Leadership:

- https://humanrightsleadership.scot/

See recommendations from the National Taskforce for Human Rights Leadership:

- https://www.gov.scot/groups/national-taskforce-for-human-rights-leadership/

The Scottish Government has also accepted all recommendations for the new Human Rights Bill, see:

- https://www.gov.scot/news/new-human-rights-bill/

It has also restated a its commitment to all 30 recommendations in its Programme for Government and its plans to consult within next 14 months, see:

- https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/

[15] The Taskforce's key recommendations on rights to be included within the framework include the following, so far as possible within devolved competence:

• Reaffirming the relevant rights in the Human Rights Act;

• Incorporation of the International Covenant on Economic, Social and Cultural Rights

• Incorporation of the Convention on the Elimination of All Forms of Discrimination against Women

• Incorporation of the Convention on the Elimination of All Forms of Racial Discrimination

• Incorporation of the Convention on the Rights of Persons with Disabilities

• A right to a healthy environment for everyone

• A right of older people to a life of dignity and independence

• Equality rights for LGBTI people.

[16] Sufficient resourcing will be required for capacity building and a commitment to the maximisation of available resources will be required in order to deliver progressive realisation.

[17] The Bill aims to incorporate the UNCRC into Scots law to the maximum extent of the Scottish Parliament's powers.

[18] The latest update on progress can be accessed here:

- https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-education-children-and-young-people-committee/correspondence/2021/scottish-governments-response-to-uk-supreme-courts-judgment-on-un-convention-rights-of-the-child

Together – the Scottish Alliance for Children's Rights, set out the key elements of the UN Supreme Court Decision - whereby the judges unanimously decided that four sections of the Bill go beyond the powers of the Scottish Parliament. Their decision focused solely on technical matters, see

- https://togetherscotland.blog/2021/10/06/supreme-court-judgment-heres-what-you-need-to-know/

[19] This is in accordance with the UN Paris Principles - adopted by General Assembly Resolution 48134 of 20 December 1993. See:

- https://www.ohchr.org/Documents/Countries/NHRI/GANHRI/EN-SCA-Report-June-2021.pdf

[20] Ibid.

[21] Ibid.

[22] This was something particularly noted during COVID-19, when many organisations covered gaps in public sector services.

[23] See:

- https://hrcscotland.org/2022/01/27/increasing-number-of-scottish-civil-society-organisations-engaging-with-human-rights-read-new-report/

[24] For an independent evaluation of SNAP, see:
- http://www.snaprights.info/evaluation

For further information on SNAP, see:
- https://www.scottishhumanrights.com/projects-and-programmes/scotlands-national-action-plan/
- http://www.snaprights.info/

[25] This has included a dual process of evidence collection and a national participation process.
- see http://www.snaprights.info/national-participation-process

This process has been delayed by the disruption caused by COVID. Short term funding has been provided by the Scottish Government to fund a Secretariat to finalise this process. The aim is for this to be completed in 2022.

[26] This will be co-chaired by the Scottish Government and SHRC, and will comprise of rights holders, civil society and public bodies.

[27] This framework sets out the Scottish Government's approach to promoting race equality and tackling racism and inequality between 2016 and 2030.
- See https://www.gov.scot/publications/race-equality-framework-scotland-2016-2030/

[28] See paragraph 14 on Data inadequacies for further details.

[29] For a more in depth review of the lack of data to enable a full understanding of structural inequalities faced by minority ethnic communities in Scotland, see:
- https://nen.press/wp-content/uploads/2021/10/ethnicity_poverty_and_the_data_in_scotland.pdf

It is also not possible for public authorities to meet some of their Public Sector Equalities Duties, see:
- See https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2020/11/15/Race-Equality--Employment-and-Skills--Making-Progress-/EHRiCS052020R3.pdf

[30] The Joint action plan by the Scottish Government and the Convention of Scottish Local Authorities (COSLA) was developed to address the significant and persistent poorer outcomes experienced by members of Scotland's Gypsy/Travellers' communities, in terms of: living standards, education, health, life expectancy, culturally sensitive accommodation, employment, and extreme and persistent discrimination, stereotyping and hostility.
- See https://www.gov.scot/publications/improving-lives-scotlands-gypsy-travellers-2019-2021/

[31] See https://www.gov.scot/publications/scottish-strategy-autism/

[32] See:
- https://www.gov.scot/publications/evaluation-scottish-strategy-autism/;
- https://www.autism.org.uk/what-we-do/news/scotland-cross-party-group-on-autism-report;

[33] See https://www.gov.scot/publications/mental-health-strategy-2017-2027/

[34] See https://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180913_mental_health.pdf

[35] See https://consult.gov.scot/financial-strategy/tax-policy-and-the-budget-a-framework-for-tax/

[36] See:
- https://www.gov.scot/news/delivering-economic-transformation/
- https://www.gov.scot/publications/scotlands-national-strategy-economic-transformation/

[37] Not all fiscal levers are within the Scottish Government's powers, however, there are a range of options within devolved competencies it could pursue to support COVID-19 economic and social recovery, e.g. further amendments to Income Tax; reforming Scottish property taxes; excluding tax avoiders from government bailouts; levering tax as a tool for behavioural change; and new taxes – including Local Wealth Taxes.
- See https://www.scottishhumanrights.com/media/2235/tax-policy-and-the-budget-a-framework-for-tax-shrc.pdf

The Economic Strategy does not however present an understanding that human rights should be a core foundation of economic policy-making process rather than a side project.

[38] Both of these strategies were introduced to support the integration of refugees and asylum seekers in Scotland's communities and to ensure that people living in communities across Scotland do not experience destitution because of their immigration status.
- https://www.scottishrefugeecouncil.org.uk/wp-content/uploads/2019/10/New_Scots_2018_-_2022.pdf
- https://www.gov.scot/publications/ending-destitution-together/

The Scottish Government must now use all of its powers to the fullest extent to protect the human rights of people in the immigration system, especially in light of proposals within the UK Government's Nationality and Borders Bill

- See https://bills.parliament.uk/bills/3023

[39] See:
- https://www.gov.scot/publications/a-changing-nation-how-scotland-will-thrive-in-a-digital-world/
- https://www.scottishhumanrights.com/news/commission-welcomes-human-rights-focus-in-new-digital-strategy/

[40] See:
- https://www.gov.scot/collections/housing-to-2040/

[41] Child Poverty (Scotland) Act 2017 See https://www.legislation.gov.uk/asp/2017/6/contents/enacted - The Act introduced child poverty reduction targets – which were unanimously agreed by the Scottish Parliament. They are to reduce child poverty to under 18% by 2023/24 & to under 10% by 2030.

[42] This introduces a statutory offence of Domestic Abuse against a partner or ex-partner, and includes psychological and emotional treatment, and coercive and controlling behaviour.
- See https://www.legislation.gov.uk/asp/2018/5/contents

[43] The Act sets out a gender representation objective for public boards to have women comprise 50% of their non-executive members.
- See https://www.gov.scot/publications/gender-representation-public-boards-scotland-act-2018-statutory-guidance/

[44] SHRC welcomed the Children (Equal Protection from Assualt) (Scotland) Act 2019, however, we noted it was only one step towards a comprehensive strategy for the prevention and elimination of violence against children and young people and respect for human rights. See:
- https://www.legislation.gov.uk/asp/2019/16/enacted

[45] This Act sets statutory targets for reducing fuel poverty, introduces a new definition which aligns fuel poverty more closely with relative income poverty and requires Scottish Ministers to produce a comprehensive strategy to show how they intend to meet targets.
- See http://www.legislation.gov.uk/asp/2019/10/enacted

[46] All young people and children aged 5-21 years can apply for a card to access the Young Persons' (Under 22s) Free Bus Travel Scheme, which began on 31 January 2022. Approximately 930,000 young people will join the third of Scotland's population who already benefit from free bus travel through the Older and Disabled Persons Free Bus scheme. See:
- https://www.gov.scot/news/free-bus-travel-for-under-22s/
- https://www.transport.gov.scot/concessionary-travel/young-persons-free-bus-travel-scheme

[47] See:
- https://www.legislation.gov.uk/asp/2020/8/contents

[48] This introduces a statutory duty on health boards to provide person-centred, trauma-informed health care and forensic medical examinations for victims of sexual crime.
- See https://www.legislation.gov.uk/asp/2021/3/contents/enacted

[49] This creates a new independent body, Redress Scotland, to administer a scheme making financial payments to survivors of historical child abuse in care in Scotland.
- See https://www.legislation.gov.uk/asp/2021/15/contents

[50] See:
- https://www.legislation.gov.uk/asp/2021/14/contents

[51] See:
- https://www.legislation.gov.uk/asp/2018/9/enacted

[52] A due regard duty would have meant a significant additional step in strengthening this legislation and filling an accountability gap in relation to the right to social security.

[53] See:
- https://www.legislation.gov.uk/asp/2019/7/contents/enacted

[54] SHRC's view is that Scotland should raise the age of criminal responsibility to a minimum of 14, in line with the majority of European nations and the Council of Europe Parliamentary Assembly's Resolution.
The new law also allows police to hold information on the behaviour of <u>all</u> children under 12, without many of the checks and protections that previously existed, which could have a lifelong impact on children. Scottish Government must monitor this for unintended consequences of the ability of the police to hold information on

all children.

55 See:
- https://www.legislation.gov.uk/asp/2020/6/contents/enacted

56 Rights extended for Scottish Parliament and local government elections.

57 Responding to Human Rights judgments, see:
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1038220/human-rights-judgments-response-2021.pdf#:~:text=The%20implementation%20%28or%20%E2%80%98execution%E2%80%99%29%20of%20judgments%20of%20the,State%20of%20the%20Council%20of%20Europe%20is%20represented.

58 SHRC believes the Scottish Parliament should gone much further, taking the opportunity to demonstrate human rights leadership in taking more progressive steps which foster inclusion and democratic participation and contribute towards the social rehabilitation of prisoners. See:
- https://www.scottishhumanrights.com/media/1838/prisoner-voting-consultation-march-2019-v2.docx

59 See:
- https://www.gov.scot/publications/gender-recognition-reform-scotland-bill-analysis-responses-public-consultation-exercise/

60 The proposals include shortening the process for obtaining legal recognition, removal of the requirement for a diagnosis of gender dysphoria and abolishment of the Gender Recognition Panel which will move legal gender recognition in Scotland closer to the standards set out both in human rights law and in regional and international guidance on the realisation of rights in this area. See SHRC's full submission here:
- https://www.scottishhumanrights.com/media/2001/2020_03_25_shrc-grr-scotland-bill-response-online.docx

There has also been recent Scottish Parliamentary debate where cross party support was demonstrated, see:
- https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13640&i=123796

61 See https://petitions.parliament.scot/petitions/PE1817

Following confirmation that the UK Government legislation wouldn't cover Scotland, the Scottish Government has committed to introducing legislation by the end of 2023 and has set up an expert working group to advise them on a law banning it, which will start shortly and will run until the Summer of 2022. See:
- https://www.gov.scot/news/ending-conversion-practices/?msclkid=971ca066a6dd11ec97bc43303e90e02c

62 For SHRC's full submission to the Equalities, Human Rights and Civil Justice Committee of the Scottish Parliament call to submit views on a petition regarding ending "conversion therapy". See:
- https://www.scottishhumanrights.com/media/2216/21_08_-submission-ehrcjc-ending-conversion-therapy.pdf

This is also supported by a position supported by the Scottish Parliament EHRCJ Committee and the Scottish Government. See:
- https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRCJ/2022/1/25/8c18e05c-08ab-4c7d-992b-4b0467541d70/EHRCJS062022R1.pdf;
- https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/

In its Programme for Government 2021-22 the Scottish Government stated that it would bring forward "legislation that is as comprehensive as possible within devolved powers by the end of 2023, if UK Government proposals do not go far enough".

63 See https://www.parliament.scot/bills-and-laws/bills/disabled-children-and-young-people-transitions-to-adulthood-scotland-bill

This Bill has been introduced due to previous concerns- There has long been criticism over transition support from school for disabled young people and those with learning disabilities. See:
- https://www.jrf.org.uk/report/moving-adulthood-young-disabled-people-moving-adulthood https://www.iriss.org.uk/resources/esss-outlines/disability-poverty-transitions
- https://fraserofallander.org/learning-disabilities-and-scotlands-labour-market/
- https://www.scie.org.uk/publications/tra/files/literature.pdf
- https://healthandcare.scot/default.asp?page=story&story=2948

64 See:

- https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/good-food-nation-scotland-bill/introduced/bill-as-introduced.pdf

[65] SHRC has argued that it is disappointing that the Bill is not framed in terms of the ambition to achieve a just transition to a fair, healthy and sustainable food system, and does not require that food plans set out the steps that will be taken to eradicate hunger and progressively realise the rights to food, health, equality, and a healthy environment. See:

- https://www.scottishhumanrights.com/media/2269/gfn-response-final.pdf

[66] SHRC welcomed links made to the SDGs and the inclusion of a specific National Outcome on human rights in Scotland's National Performance Framework, see:

- https://nationalperformance.gov.scot/

The human rights outcome: "*we respect, protect and fulfil human rights and live free from discrimination*" is one of eleven National Outcomes. However, current NPF indicators, do not enable the meaningful measurement of human rights progress.

[67] SHRC acknowledges the launch of the first phase of the Equality Data Improvement Programme (2021) - https://www.gov.scot/groups/equality-data-improvement-programme-edip-group/#:~:text=In%20April%202021%2C%20the%20Scottish,the%20programme%20in%20late%202022., However, at present 'evidence-based' policy and the adequate assessment of whether Scotland is meeting its international human rights obligations is not possible. Concern has been raised repeatedly by UN treaty bodies.

[68] **Ethnic minorities:**

- https://www.jrf.org.uk/file/58804/download?token=O_MIJydO&filetype=briefing;
- https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2021/3/24/93abd7c0-1d12-40b8-bd41-d4356ecf62a4/EHRiC2021R3.pdf ;
- https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=12832;

Religious minorities

- https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2021/3/24/93abd7c0-1d12-40b8-bd41-d4356ecf62a4/EHRiC2021R3.pdf

Disabled people

- https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2021/3/24/93abd7c0-1d12-40b8-bd41-d4356ecf62a4/EHRiC2021R3.pdf

People with learning disabilities

- https://fraserofallander.org/publications/learning-disabilities-invisible-no-more/;
- https://pureportal.strath.ac.uk/en/publications/invisible-no-more-recommendations-to-build-evidence-based-effecti;
- https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2021/3/24/93abd7c0-1d12-40b8-bd41-d4356ecf62a4/EHRiC2021R3.pdf ;
- https://www.parliament.scot/-/media/files/committees/equalities-human-rights-and-civil-justice-committee/20211019-annexe-from-cabsecsjhlg-re-14-sept.pdf
- https://www.gov.scot/publications/coming-home-implementation-report-working-group-complex-care-delayed-discharge/pages/3/

Prisoners

- https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/994/994.pdf
- https://www.scottishhumanrights.com/media/2027/20_05_letter-to-justice-committe-prisons-covid-vfinal2.pdf ;
- https://www.scottishhumanrights.com/media/2043/shrc-letter-to-cabinet-secretary-for-justice-june-2020.pdf;
- https://www.scottishhumanrights.com/media/2143/letter-to-sps-sep-2020.pdf ;
- https://www.scottishhumanrights.com/media/2145/letter-to-humza-yousaf-msp-15012021.pdf

[69] See:

- https://www.copfs.gov.uk/images/Documents/Statistics/Hate%20Crime%20in%20Scotland%202020-21/Hate%20Crime%20in%20Scotland%202020-21.pdf

[70] There were 1,580 sexual orientation motivated charges; 448 disability motivated charges; 46 charges reported with an aggravation of transgender identity. Research has also revealed that 83% of trans women have experienced hate crime at some point in their lives. Religious aggravation reported 573 charges. Recent research into Islamophobia also revealed that many who felt that they had been victims of hate crime (often

multiple times) saw no point in reporting to police, for fear of not being taken seriously, retribution or concerns over institutional racism in the police. See:

- https://www.copfs.gov.uk/images/Documents/Statistics/Hate%20Crime%20in%20Scotland%202020-21/Hate%20Crime%20in%20Scotland%202020-21.pdf
- https://www.equality-network.org/wp-content/uploads/2017/10/en_hc17-full_final1alores.pdf
- https://eprints.ncl.ac.uk/fulltext.aspx?url=275641%2f983D9A24-4271-4F75-B52B-25B164DDC243.pdf&pub_id=275641&ts=637810554833945882

[71] The Hate Crime and Public Order (Scotland) Act 2021- https://www.legislation.gov.uk/asp/2021/14/contents provides for consolidating, modernising and extending existing hate crime legislation. The provisions ensure that characteristics currently protected within the hate crime legislative framework continue to be protected to the same extent with updated language, including the definition of sexual orientation and transgender identity.

[72] Current data collection methods do not provide an accurate measurement – the new Act will require the annual publication of police statistics on hate crime, as well as conviction statistics from the courts.

[73] 89% believed this to be the case for print media and 85% for broadcast media.

- See https://eprints.ncl.ac.uk/fulltext.aspx?url=275641%2f983D9A24-4271-4F75-B52B-25B164DDC243.pdf&pub_id=275641&ts=637810554833945882

[74] See

- oro.open.ac.uk/53804/1/Women and Equalities- sexual harassment %28Barker %26 Jurasz - March 2018%29.pdf
- https://dera.ioe.ac.uk/34600/1/uuk-changing-the-culture-two-years-on.pdf

[75] See

- https://www.tandfonline.com/doi/abs/10.1080/13562517.2017.1414788

[76] See:

- https://www.dailyrecord.co.uk/news/local-news/stop-discrimination-gypsy-travellers-engage-24325310;
- https://scotland.shelter.org.uk/housing_advice/complaints_and_court_action/discrimination_and_harassment/discrimination_against_gypsiestravellers;
- https://www.bbc.co.uk/news/uk-scotland-42193431;

[77] See:

- https://news.stv.tv/sport/football/scottish-football-to-boycott-social-media-over-racist-abuse
- https://young.scot/get-informed/national/iys-interview
- https://www.bbc.co.uk/news/uk-scotland-glasgow-west-56943542;

[78] See:

- https://eprints.ncl.ac.uk/fulltext.aspx?url=275641%2f983D9A24-4271-4F75-B52B-25B164DDC243.pdf&pub_id=275641&ts=637810554833945882
- https://www.scotsman.com/news/opinion/columnists/scotland-must-bring-online-racists-and-sectarian-bigots-to-book-scotsman-comment-3307752 ;

[79] See http://www.healthscotland.scot/health-inequalities/what-are-health-inequalities

[80] This represents an increase for the fifth year in a row.

- See https://www.parliament.scot/~/media/committ/2558

[81] See:

- https://www.zerotolerance.org.uk/vaw-facts/

A small-scale study in Glasgow showed that 73% of the 62 participating disabled women had experienced domestic abuse, and 43% had been sexually assaulted.

- See https://www.parliament.scot/~/media/committ/2558

[82] See:

- https://www.gov.scot/publications/coronavirus-covid-19-domestic-abuse-forms-violence-against-women-girls-during-phases-1-2-3-scotlands-route-map-22-11-august-2020/ https://www.togetherscotland.org.uk/news-and-events/news/2020/07/covid-19-examining-the-impact-of-the-pandemic-on-violence-against-women-and-girls/
- https://www.cypcs.org.uk/coronavirus/independent-impact-assessment/pandemic-impact-domestic-abuse/
- https://safelives.org.uk/Safe_at_Home_Scotland

[83] Moreover - at least 39% of the 13,131 sexual crimes recorded in 2020-21 by the police related to a victim under the age of 18. See:

- https://www.parliament.scot/~/media/committ/2558
- https://www.zerotolerance.org.uk/vaw-facts/

[84] Lowest recorded level since 1974. See

- https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2020/03/monthly-safer-communities-and-justice-briefs/documents/2021/monthly-safer-communities-and-justice-brief-march-2021/monthly-safer-communities-and-justice-brief-march-2021/govscot%3Adocument/Justice%2Bstatistics%2B-%2BMonthly%2BSafer%2BCommunities%2Band%2BJustice%2BBrief%2B-%2BMarch%2B2021.pdf

Multiple factors lie behind the long term increase in recorded sexual crime including a greater willingness of victims to come forward, more historical reporting, more online offending and the impact of new legislation. The actual figures are reported to be higher than these statistics suggest due to low reporting of these crimes. The Scottish Crime and Justice Survey 2019 - 2020 showed that only 22% of victims/survivors of rape and 12% of women who were victim-survivors of other type of sexual offence reported it to the police, see:

- https://www.zerotolerance.org.uk/cmsplus/content.php?pagename=vaw-facts

[85] The conviction rate for rape and attempted rape in 2019-2020 also fell by 8%. See:

- https://www.zerotolerance.org.uk/vaw-facts/

The Lord Advocate has noted this issue and has recognised that action is needed, although there are no specifics available yet:

- https://www.bbc.co.uk/news/uk-scotland-59151540?msclkid=308abc1da6de11ec9a197c3c10b5b812

[86] More research on LGBT+ people's experiences of GBV is needed.
See:

- https://lgbtdomesticabuse.org.uk/media/1462/out-of-sight.pdf;
- https://www.stonewallscotland.org.uk/lgbt-scotland-hate-crime-and-discrimination;
- http://www.healthscotland.scot/media/2099/gbv-domestic-abuse-march2019.pdf ;
- https://safelives.org.uk/node/1029;
- https://galop.org.uk/hate-crime-report-2021/;
- https://galop.org.uk/resource/the-use-of-sexual-violence-as-an-attempt-to-convert-or-punish-lgbt-people-in-the-uk/

[87] See:

- https://lgbtdomesticabuse.org.uk/blog/2022/lgbt-people-s-experiences-of-domestic-abuse-digital-seminar/
- https://safelives.org.uk/practice_blog/barriers-accessing-services-lgbt-victims-and-survivors

[88] This is 3% from a total of 12,451 – which was an increase from 10,613 referred in 2020. Approximately one quarter of whom were children and young people. See:

- https://www.gov.uk/government/collections/national-referral-mechanism-statistics

[89] This included: 4 in 2017 (2 for sexual and 2 for labour exploitation)/ 5 in 2018 (3 for sexual and 2 for labour exploitation)/ 4 in 2019 (1 for sexual and 3 for labour exploitation)/ 1 in 2020 (for sexual exploitation).

- https://rm.coe.int/greta-third-evalution-report-on-the-united-kingdom/1680a43b36

[90] Grave concern has been expressed over the potential negative impacts on survivors of trafficking if the UK Government's Nationality and Borders Bill is passed. See:

- https://bills.parliament.uk/bills/3023
- https://www.justrightscotland.org.uk/2022/02/a-joint-statement-on-the-borders-bill-not-in-our-name/
- https://www.justrightscotland.org.uk/wp-content/uploads/2022/02/Legal-Opinion-FINAL.pdf

The Scottish Parliament voted by majority to reject the bill on February 22nd 2022. They also agreed that parts of the bill affect laws that the Scottish Parliament has control over. These include the way children and young people are treated in the asylum system and how survivors of human trafficking are identified and supported. The UK Parliament can now decide whether to change the Bill in line with the Scottish Parliament's concerns, or they can pass it as it is.

[91] See:

- https://www.legislation.gov.uk/asp/2015/12/contents/enacted

[92] See:
https://www.scottishrefugeecouncil.org.uk/scottish-parliament-votes-against-the-borders-bill/

[93] Investigation by the Children and Young Persons Commissioner for Scotland in 2018, see:
- https://www.cypcs.org.uk/investigations/investigation-restraint-and-seclusion/

[94] At the end of 2019, CYPCS worked with the Equality and Human Rights Commission Scotland to bring judicial review proceedings against Scottish Ministers for breach of multiple obligations under the European Convention on Human Rights and various provisions of the Equality Act 2010.

[95] A number of different barriers exist, including: complexity, poor access to information; limitations on standing; short-time limits for taking cases; prohibitive costs; and lack of access to legal advice, legal aid and independent advocacy. See:
- https://hrcscotland.org/wp-content/uploads/2018/11/final-overcoming-barriers-to-pil-in-scotlnd-web-version.pdf

SHRC received evidence about the lack of remedial system that is cheap or free, easily understandable, as informal and 'person-friendly' and timely. See report on "All our rights in law" at:
- https://hrcscotland.org/wp-content/uploads/2021/03/HRCS_all-our-rights_report_48pp_web_single-pages.pdf

[96] See:
- https://www.scottishhumanrights.com/media/2163/remedies-for-economic-social-and-cultural-rights.pdf

[97] See:
- https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/documents/

[98] See:
- https://www.lawscot.org.uk/news-and-events/law-society-news/england-and-wales-funding-boost-underlines-scottish-legal-aid-crisis/?msclkid=9a8ee719a6de11ecb7c5b89d0322609e
- https://www.lawscot.org.uk/news-and-events/law-society-news/comment-on-programme-for-government-2021-22/

[99] The final report included 81 recommendations for improvements, with an additional 30 identified in a preliminary report in June 2019.

[100] Police Scotland were found guilty in September 2021 of corporate criminal liability after avoidable failures in its call-handling system "materially contributed" to the death of Lamara Bell in 2015. See:
- https://www.copfs.gov.uk/media-site/media-releases/1978-hma-v-the-office-of-the-chief-constable-of-the-police-service-of-scotland

This resulted in an independent assurance review of the operation, systems and processes in place in Police Scotland's Contact, Command and Control Division. HMICS published an update report in 2018 confirming that all 30 of the recommendations relating to their initial assurance review had been undertaken.

[101] See:
- https://www.spa.police.uk/strategy-performance/independent-advisory-group-coronavirus-powers/

[102] Remand prisoners are those detained while awaiting trial and have not been convicted of a crime.

[103] See:
https://howardleague.scot/news/2021/may/scandal-remand-scotland-report-howard-league-scotland-%E2%80%93-may-2021

[104] A number of recommendations made by the CPT in 2018 and 2019 repeat concerns that the Committee raised on its visit in 2012 and in some instances even earlier, with one recommendation dating back as far as 1994. These remain outstanding, see:
- https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2021/08/NPM_report_FINAL.pdf

[105] Concerns exist over: severe overcrowding; segregation; solitary confinement, restraint and inappropriate use of strip searching in Young Offenders Institutions; poor material living conditions, especially for older prisoners, disabled prisoners and others needing social care; limited access to purposeful activity; lack of timely access to appropriate psychiatric facilities or beds in appropriately secure facilities for women; increasing levels of self-harm and suicide; and high levels of mental ill-health, especially for women and young people.

Overcrowding: Research has confirmed that overcrowding is the single most pressing issue of the Scottish prison system, prior to and during the COVID-19 pandemic. Barlinie is currently running at 132% capacity. Many prisoners are housed two prisoners to a single adapted cell. At the start of the Pandemic there were concerns regarding overcrowding, and calls from many sectors to urgently reduce the number of prisoners

across the prison estate. Some progress was made at the start of the pandemic but this has since has reverted. See:

- https://rm.coe.int/rap-cha-uk-40-2021/1680a1b556 ;
- https://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx

Solitary confinement and restraint: See

- https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2021/08/NPM_report_FINAL.pdf
- https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/994/994.pdf

Strip search: Concerns have been raised about the inappropriate use of strip searching - which was tragically named as a factor in the suicide of 21 year old Katie Allan whilst she was in HMP & YOI Polmont.

- https://www.falkirkherald.co.uk/news/crime/parents-call-reforms-after-polmont-yoi-death-234788
- https://www.prisonsinspectoratescotland.gov.uk/sites/default/files/publication_files/Report%20on%20Expert%20Review%20of%20Provision%20of%20Mental%20Health%20Services%20at%20HMP%20YOI%20Polmont%20-%20Final%20Version.pdf

Older prisoners: The number of older prisoners doubled between 2013 and 2017 and increased again by 46 percent between 2017- 2020. This has been due to a range of factors including: longer life expectancy; longer sentences for serious crimes; and an increased number of convictions for historic cases. See:

- https://www.prisonsinspectoratescotland.gov.uk/publications/hmips-who-cares-follow-review-lived-experience-older-prisoners-scotlands-prisons
- https://www.prisonsinspectoratescotland.gov.uk/publications/who-cares-lived-experience-older-prisoners-scotlands-prisons

Disabled prisoners and others needing social care: See

- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

Mental health: Female prisoners suffering from severe mental health disorders are not being transferred to an appropriate psychiatric facility within two weeks. This was a recommendation the Barron Review, accepted by Government but not yet implemented. See:

- https://www.gov.scot/publications/independent-forensic-mental-health-review-final-report/
- https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2021/08/NPM_Executive_Summary_FINAL.pdf

Self-harm: A Freedom of Information request revealed that there were more than 635 self-harm incidents in Scottish prisons in 2021. This represents a 22% increased since 2017. See

- https://www.liammmcarthur.org.uk/mcarthur_reveals_635_self_harm_incidents_in_prisons_in_2021

Suicide: See:

- https://www.sccjr.ac.uk/news-events/news/less-isolation-and-more-access-to-family-crucial-for-young-peoples-wellbeing-in-custody/
- https://www.scotsman.com/health/suicide-rate-scottish-prisons-higher-previous-estimates-1416908
- https://www.sps.gov.uk/Corporate/Information/PrisonerDeaths.aspx
- https://www.edinburghlive.co.uk/news/edinburgh-news/figures-show-worrying-rise-death-22838872

Young people & mental health: See:

- https://www.prisonsinspectoratescotland.gov.uk/publications/report-expert-review-provision-mental-health-services-hmp-yoi-polmont

[106] The review was co-chaired by SHRC, Her Majesty's Inspectorate for Prisons Scotland and Families Outside. See:

- https://www.prisonsinspectoratescotland.gov.uk/publications/independent-review-response-deaths-prison-custody

Justice Secretary Keith Brown accepted in principle the review's recommendations and has stated the Scottish Government's intention to carefully consider the detail and take forward improvements, as a matter of priority, including the key recommendation of an independent body separately examining every death in custody. See:

- https://www.gov.scot/news/death-in-custody-review/

[107] The review makes 26 other recommendations.

[108] SHRC has made this point in its recent submission to a government consultation on the Investigation of deaths occurring during compulsory care and treatment under mental health legislation in Scotland. See:

- https://www.scottishhumanrights.com/media/2284/investigating-deaths-during-mh-detention-20220214-final.pdf

[109] Dungavel Immigration Removal Centre remains open after the Home Office's plan to close it was rescinded in February 2017. A recent unannounced inspection showed a number of key improvements, however concerns were raised about Detainees who pose risks to women being held in a centre with a mixed population; detainee custody officers complaining of low morale and understaffing and length of detention concerns.

- https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2021/11/Dungavel-web-2021.pdf

[110] The longest detained person had been held for almost a year with little prospect of him being removed in the near future. Many individuals who had received bail in principle also continued to be held because of a lack of suitable release addresses.

[111] Businesses have also due diligence obligations under international law and set out in the UN Guiding Principles on Business and Human Rights to respect human rights. There is a general lack of IT literacy where most people don't understand the very technical issues that exist or their potential implications. There is a lack of legislation regulating the overall design, development and application of new digital technologies. See:

- https://www.scottishhumanrights.com/media/2231/human-rights-and-emerging-technologies-in-policing-issue-paper-vfinalforonline.pdf

[112] See:

- https://www.scottishhumanrights.com/news/commission-welcomes-scottish-biometrics-commissioner-act/

This legislation has created a new Biometrics Commissioner to oversee the acquisition, retention, use and destruction of biometric data by police in Scotland. The Commissioner will also oversee a Code of Practice to guide the use of biometric data such as fingerprints, DNA, and facial and voice recognition. This is a significant step in developing better protection for people's human rights in the area of biometrics and forensics, which will help to ensure that use of such technologies by the police in Scotland complies with human rights standards. See:

- https://www.parliament.scot/-/media/files/legislation/bills/current-bills/scottish-biometrics-commissioner-bill/stage-3/bill-as-passed-scottish-biometrics-commissioner-bill.pdf

[113] This Strategy aims to address many of the concerns over the digital divide that exists in Scotland – for example - getting online in the most deprived areas is lower (82%) than in the most affluent areas (96%).

- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/03/a-changing-nation-how-scotland-will-thrive-in-a-digital-world/documents/a-changing-nation-pdf-version/a-changing-nation-pdf-version/govscot%3Adocument/DigiStrategy.FINAL.APR21.pdf

88% of households have access to internet in Scotland, however 21% of adults in social housing don't use internet and only 50% over 60s in most deprived areas use internet. See:

- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/08/womens-health-plan/documents/womens-health-plan-plan-2021-2024/womens-health-plan-plan-2021-2024/govscot%3Adocument/womens-health-plan-plan-2021-2024.pdf

[114] For example – this year's Programme for Government makes numerous references to the need to consult with people and has a noted focus on promoting democratic participation. See:

- https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/documents/

[115] For example Scotland's Climate Assembly – see https://www.climateassembly.scot/

[116] 'Consultation' or 'engagement with stakeholders' often does not equate with good participative engagement. Historically, not all government consultative processes have provided sufficient time for meaningful engagement and the participation of those whose voices are least often heard, often requires additional time and support.

See:

- https://www.scottishhumanrights.com/media/1804/7-snap-all-our-rights-report-vfinal-word-march-2018.docx;
- https://www.scottishhumanrights.com/media/2014/scotland-2019-obi-report-vfinal.pdf;
- https://www.scottishhumanrights.com/media/2251/paid-participation-report-vfinal.pdf;
- https://www.scottishhumanrights.com/blog/a-rights-based-scotland-where-participation-by-people-with-lived-experience-is-recognised-and-valued-on-an-equal-footing-with-professional-expertise/

[117] Over the last decade nearly 100 cuts have been made to social security entitlement and the value of payments has fallen as social security rates have been either frozen or increased by less than inflation.

- See https://tfn.scot/news/protesters-turn-out-against-uinversal-credit-cut

Some of the recent measures include the social security cap for more than two children, the so called "rape clause", where women can claim for a third or subsequent child if it was conceived "as a result of a sexual act which you didn't or couldn't consent to" or "at a time when you were in an abusive relationship, under ongoing control or coercion by the other parent of the child"; a five week wait for a claimants 1st payment of Universal Credit; the social security sanction regime and the so called "bedroom tax" - also known as under occupancy charge or spare room subsidy) means that you will receive less in Housing Benefit or Housing Costs Element in a Universal Credit claim if you live in a Housing Association or Council property and you are deemed to have one or more spare bedrooms.

The Special Rapporteur on Extreme Poverty has described these measures as "*deliberately retrogressive*" and "*unconscionable*." See Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights.

- https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881

[118] **Disabled people**

42% of children in relative poverty in 2017-20 were in a family with at least one disabled person. Pre-Covid disabled people in Scotland spent on average £632 a month on excess costs (the highest excess costs in the UK) related to living as disabled (including increased use of heating, special equipment, and care costs. Once these costs are accounted for, which is 48% of disabled households in Scotland are living in poverty (half a million disabled people and their families). See:

- https://www.ercs.scot/wp/wp-content/uploads/2021/10/HRHE-and-disabled-peoples-rights-Final-Sept-2021.pdf
- https://www.jrf.org.uk/report/poverty-scotland-2021

Legacy social security benefits were not raised in line with the £20 Universal Credit uplift during COVID-19 – this has particularly impacted disabled people. Twenty percent of disabled women reported losing government support since the start of the crisis. See:

- https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-disabled-women.pdf

Children and young people

- https://www.jrf.org.uk/report/poverty-scotland-2021; http://www.healthscotland.scot/population-groups/children/child-poverty
- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

Women

Gendered issues in the social security system long pre-date the pandemic; and cuts and policy changes since 2010 have increased children's, women's and in-work poverty. Being in employment is not necessarily protective against poverty and women are more likely to be in working poverty than men See:

- https://wbg.org.uk/wp-content/uploads/2021/10/Social-security_-Autumn-2021-pre-Budget-Briefing-1-1.pdf

Women are heavily over represented in occupations which tend to be lower paid and undervalued compared to those which are male dominated, this is damaging for health and one of the main causes of poor health and health inequalities. See:

- https://www.gov.scot/publications/fairer-scotland-women-gender-pay-gap-action-plan/
- http://www.healthscotland.scot/health-inequalities/fundamental-causes/poverty/overview-of-poverty

Lone parents

Between 2017 and 2020 the poverty rate in Scotland was highest for single women with children – See:

- https://data.gov.scot/poverty/
- https://wbg.org.uk/wp-content/uploads/2021/10/Social-security_-Autumn-2021-pre-Budget-Briefing-1-1.pdf

Minority ethnic households

The cumulative changes to public spending from 2010–2011 to 2021–2022 fall the hardest on Black households, see:

- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland

One main driver of poverty for minority ethnic groups is the combination of the minority ethnic pay gap and the large wealth gap between white and minority ethnic families in the UK. See:

- https://www.runnymedetrust.org/blog/the-colour-of-money-race-and-economic-inequality

[119] That is 260,000 children. See:

- https://www.parlamaid-alba.scot/~/media/committ/664

Relative Poverty is defined as below 60% of the median UK income in the current year after housing costs.
[120] See:

- https://www.gov.scot/publications/poverty-income-inequality-scotland-2016-19/
- https://www.ippr.org/blog/covid-19-how-are-families-with-children-faring-so-far

[121] See:

- https://www.gov.scot/publications/poverty-income-inequality-scotland-2016-19/
- https://www.ippr.org/blog/covid-19-how-are-families-with-children-faring-so-far

[122] Scotland has concerning food insecurity, especially amongst are children. See:

- https://www.scottishhumanrights.com/media/1845/good-food-nation-shrc-consultation-response-final-4-april-2019.docx
- https://www.bbc.co.uk/news/uk-scotland-60764442

There has been a 43% increase in the number of food parcels distributed 2016-2020 in Scotland. The Trussell Trust cite that the top four reasons for referral to a food bank were 'low income, 'benefit delay', 'benefit change' and 'debt'. See:

- http://www.scottishhumanrights.com/media/1845/good-food-nation-shrc-consultation-response-final-4-april-2019.docx
- https://www.trusselltrust.org/news-and-blog/latest-stats/end-year-stats/

None of Scotland's dietary goals have been met since their introduction in 1996 – See:

- https://www.foodstandards.gov.scot/downloads/Scottish_Dietary_Goals_-_Adapt_it_sheet.pdf

[123] Prior to the current energy crisis 25% of Scottish households were already estimated to live in fuel poverty, with rates varying by housing sector, geography, fuel type, on/off grid and payment type.
Overall rates of fuel poverty differed between the social (37%) and private sector (20%)
Rates of fuel poverty increased in remote rural areas (from 33% to 43%), increasing the gap when comparing overall urban (24%) to overall rural areas (29%).
Levels of fuel poverty among households using electricity as their primary heating fuel have remained the highest, at 43%, compared to households using gas (22%), oil (28%) and other fuel types (31%) as their primary heating fuel in 2019.
17% of households in Scotland living off the gas grid and reliant on electricity or solid fuel, with bills on average 50% higher than the average Scottish dual fuel bill and 100% higher than the average such bill for the UK.
A higher proportion of households with a pre-payment meter (PPM; electricity, gas or both) were in fuel poverty compared to those without a PPM, 36% compared to 22% respectively.

- https://www.gov.scot/publications/scottish-house-condition-survey-2019-key-findings/pages/6/

[124] See summary here: https://www.scottishhumanrights.com/media/2065/social-security-briefing-shrc-220720.pdf
[125] See:

- https://www.gov.scot/publications/child-chance-tackling-child-poverty-delivery-plan-2018-22/

The plan identifies six priority families as at highest risk of child poverty :

- lone parents,
- minority ethnic families,
- families with a disabled adult or child,
- families with young mothers aged under 25,
- families with a child under one
- larger families (3+ children)

Currently 8 in 10 children living in poverty belong to one of these groups and despite Ethnic Minority children making up 7% of the population they account for 16% of children living in poverty – see:

- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland

[126] Pre-COVID impact analysis by the Resolution Foundation suggested this may rise to 29 per cent by 2023/24, with the Scottish Government's own figures suggesting a figure of 38 percent by 2030 in the absence of significant policy change. See:

- https://www.resolutionfoundation.org/publications/wrong-direction-can-scotland-hit-its-child-poverty-targets/
- http://uwsoxfampartnership.org.uk/wp-content/uploads/2019/06/On-Target-July-2019-Web-FINAL.pdf

The Joseph Rowntree Foundation, Fraser of Allander Institute and the Poverty & Inequality Commission have all noted that to meet its child poverty targets action will be required from the Scottish Government at a much greater pace and scale, and with significantly higher levels of investment. See:

- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland;
- https://www.jrf.org.uk/report/poverty-scotland-2021;
- https://povertyinequality.scot/publication/poverty-and-inequality-commission-response-to-the-social-security-committees-inquiry-into-benefit-take-up/
- https://fraserofallander.org/wp-content/uploads/2021/06/Child-Poverty-Final.pdf
- https://fraserofallander.org/is-child-poverty-heading-in-the-right-direction-taking-stock-ahead-of-the-second-tackling-child-poverty-delivery-plan/

The Scottish Government has committed to doubling the Scottish Child Payment to £20 per week by April in its 2022-2023 budget. A further increase of £5 to £25 by the end of 2022 was also announced in response to the cost of living crisis. However, this will not be enough to meet the interim child poverty targets. Modelling suggests the government would need to increase the Scottish Child Payment to £40 per week - see

- https://www.parlamaid-alba.scot/~/media/committ/663

IPPR Scotland research findings has found that the Scottish Child Payment will lift upwards of 30,000 children out of poverty by the end of 2022, though this figure falls short of the Scottish Government's interim targets for child poverty. The think tank suggests the value of the payment will have to double from £20 to £40 by the end of the current parliamentary session to ensure targets are met.

- https://www.savethechildren.org.uk/content/dam/gb/reports/scotland-tackling-child-poverty-and-destitution_003.pdf

[127] At present an estimated 50,000 children live in poverty only after housing costs, therefore the cost of housing is locking these children into poverty. See:

- https://www.parlamaid-alba.scot/~/media/committ/663

Over half (51%) of minority ethnic people living in poverty are in unaffordable housing, compared to 44% for white people in poverty. See:

- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland

Women's housing situation differs from that of men, and is generally poorer, in terms of affordability, ownership, safety and overcrowding, See:

- https://wbg.org.uk/wp-content/uploads/2021/10/Housing_-Autumn-2021-pre-Budget-Briefing-1-1.pdf
- https://scotland.shelter.org.uk/media/press_releases/scotlands_housing_system_failing_15million_people

One fifth of renters say they must decide between paying rent or bills/food. See:

- https://fraserofallander.org/coronavirus-impact-on-economy-society-17-experts/

[128] See:

- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/03/housing-2040-2/documents/housing-2040/housing-2040/govscot%3Adocument/housing-2040.pdf

[129] See:

- https://scotland.shelter.org.uk/housing_policy/key_statistics/homelessness_facts_and_research

[130] 11,804 children were in households assessed as homeless in 2020-2021, see:

- https://scotland.shelter.org.uk/housing_policy/key_statistics/homelessness_facts_and_research and https://www.gov.scot/publications/homelessness-scotland-2020-2021/

[131] LGBT young people are reportedly over-represented in youth homelessness figures, accounting for 24% of young homeless people. In addition, 69% of homeless LGBT young people had experience of violence, abuse or rejection at home, expressing fear that this could be exacerbated by the current lockdown. See:

- https://homelessnetwork.scot/2020/04/26/inequality-homelessness-covid-19/

[132] The Homeless Network Scotland also reported that 80% of transgender people have experienced abuse from a current or former partner and transgender young people who are not yet 'out' may struggle with increased stress during lockdown – see: ibid.

[133] Young people have always been one of the groups at a higher risk of homelessness in normal times, something which has been exacerbated further by COVID-19. See:
- https://fraserofallander.org/coronavirus-impact-on-economy-society-17-experts/

[134] See https://homelessnetwork.scot/2020/04/26/inequality-homelessness-covid-19/

[135] See https://www.gov.scot/publications/ending-destitution-together/pages/9/

[136] £20 million has been allocated to be invested to provide more and better accommodation for Gypsy/Traveller communities as part of Scotland's first long-term national housing strategy, will enable local authorities to improve existing sites and expand provision over the next five years. See:
- https://www.gov.scot/news/supporting-gypsy-and-traveller-communities/#:~:text=Up%20to%20%C2%A320%20million,over%20the%20next%20five%20years.

[137] See:
- https://www.gov.scot/publications/scotland-sustainable-development-goals-national-review-drive-action/
- https://www.gov.scot/publications/gypsy-travellers-scotland-comprehensive-analysis-2011-census/pages

[138] See:
- https://www.gov.scot/publications/closing-poverty-related-attainment-gap-report-progress-2016-2021/pages/9/
- https://policyscotland.gla.ac.uk/wp-content/uploads/2020/06/Black_ScottishAttainmentandCovid_20200904.pdf

[139] The gap between the most and least deprived areas in 2019/20 for leavers with 1 pass or more at SCQF L4 or better is 7.1 % points; SCQF L5 or better is 20.8 % points; SCQF L6 or better is 36.1 % points. See:
- https://www.gov.scot/publications/summary-statistics-attainment-initial-leaver-destinations-no-3-2021-edition/

[140] The gap between those with ASN and no ASN in 2019/20 for leavers with 1 pass or more at SCQF L4 or better is 7.7 % points; SCQF L5 or better is 22.1 % points; SCQF L6 or better is 31.8 % points. See:
- https://www.gov.scot/publications/summary-statistics-attainment-initial-leaver-destinations-no-3-2021-edition/

[141] Spend per pupil has decreased notably – with the 24.6% decrease in funding represents £4276 to £3224 in cash terms.
- https://www.heraldscotland.com/politics/19403336.per-pupil-funding-children-additional-support-needs-drops/
- https://tfn.scot/news/cash-shortfall-sees-support-for-learning-disabled-children-slashed-as-number-rise

[142] Education (Additional Support for Learning) (Scotland) Act 2004 (as amended 2009) places duties on education authorities to identify, provide for and review the additional support needs of all their pupils. A statutory Code of Practice accompanies the Act.

[143] Between 2012 and 2020 – the number of full-time equivalent ASN teachers (publicly funded primary, secondary, special & centrally employed) decreased by 553 to 2836 = 16.3% decreased and an all-time low. See:
- https://tfn.scot/news/cash-shortfall-sees-support-for-learning-disabled-children-slashed-as-number-rise

[144] See https://www.stonewallscotland.org.uk/scotland-research/education/school-report-scotland

[145] Scotland's national approach to addressing bullying makes little reference to misogyny or gender based harassment.
- https://archive2021.parliament.scot/S5_Equal_Opps/General%20Documents/Children_in_Scotland_-_commissioned_by_EHRiC.pdf

One recent example - An investigation has been launched at a Perthshire school after claims by a pupil that racial and sexual discrimination were "rife."
- https://www.bbc.co.uk/news/uk-scotland-tayside-central-60293759

There were 2,251 racist incidents recorded in Scotland's schools over the last 3 years (a likely underestimate due to underreporting).
- https://www.scotsman.com/news/politics/thousands-racist-incidents-scottish-schools-3086336
- Show Racism the Red Card, www.theredcard.org

[146] See:

- https://www.tes.com/magazine/news/general/intensification-islamophobia-scottish-schools
- https://anassarwar.co.uk/islamophobia-public-inquiry/

[147] In addition 59% witnessed an increase in prejudice-based posts, comments or attitudes. See:
- https://www.tie.scot/s/TIE-ONLINE-IN-LOCKDOWN-REPORT.pdf

[148] The LGBTI Inclusive Education Working Group made 33 recommendations, which the Scottish Government has accepted in full. See:
- https://www.gov.scot/news/milestone-for-equality-in-schools/

[149] See:
- https://www.gov.scot/publications/race-equality-and-anti-racism-in-education-programme-stakeholder-network-group-minutes-november-2021/?msclkid=8827005ea6d811ec80e7f03e6448e235
- https://education.gov.scot/education-scotland/news-and-events/news/race-equality-resource-launched-by-the-cabinet-secretary-for-education/?msclkid=8826dfe7a6d811ec9f53f7505e2af2f5

[150] **Ethnic minorities**

The labour market remains deeply unequal five years on from the publication of the Race Equality Framework, with higher levels of poverty in minority ethnic communities now and with the gap between white and minority ethnic poverty growing. In Scotland just less than 1 in 10 (9%) white workers were underemployed in 2019, while 15% of minority ethnic workers in Scotland were. It is not possible to break down ethnicity for most groups due to a lack of available data.

People from minority ethnic background working in Scotland are likely to be paid less, be on an insecure contract and not get the hours that they want. See:
- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland

Gypsy/Travellers
- https://www.gov.scot/publications/improving-lives-scotlands-gypsy-travellers-2019-2021/documents/

Transgender people

Research has found that more than 50% of survey respondents said they found getting into work difficult or challenging and 40% said their trans identity had a quite or very negative impact on their job prospects. Moreover, harassment at work, including misgendering, explicitly transphobic statements, verbal abuse and discrimination was experienced by 60%; with only a minority reporting it. See:
- https://www.lgbthealth.org.uk/wp-content/uploads/2021/08/Trans-People-and-Work-Survey-Report-LGBT-Health-Aug-2021-FINAL.pdf

Migrant workers

Many migrant women are on zero-hours contracts with no guaranteed wage or access to sick pay. See:
- https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-migrant-women.pdf

Asylum seekers

People seeking asylum in the UK are not allowed to work and are provided with £5.66 per day on which to support themselves. See:
- https://www.scottishrefugeecouncil.org.uk/working-for-change/policy-campaigns/right-to-work/

Disabled people

53.4% of disabled women are employed compared with 71.8% of non-disabled women in the UK. Disabled women's employment has increased by 11.6% in the past 7 years however they are more likely to be underemployed and in low-paid jobs. See:
- https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-disabled-women.pdf

People with learning disabilities

Of the limited available data - employment rates for people with learning disabilities have not improved over the past decade, despite record employment figures being reached for the wider population in the period before the pandemic. See:
- https://fraserofallander.org/wp-content/uploads/2021/03/Learning-disabilities-employment-final.pdf

Zero hour contracts, underemployment and low pay also persist, see:
- https://www.resolutionfoundation.org/publications/low-pay-britain-2021/

The pandemic impacts on employment have also not been felt equally. See:

- https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-28-09-2021?meeting=13327&iob=120886

Many migrant women were not eligible for coronavirus income support and No Recourse to Public Funds meant they could not access Universal Credit and other income-support benefits. See:
- https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-disabled-women.pdf

[151] See:
- https://www.gov.scot/publications/international-mechanisms-revalue-womens-work-research-exploring-evaluating-international-mechanisms-aim-revalue-result-revaluation-womens-work/

[152] In 2020 the gender pay gap in Scotland was:
10.9% median (10.4% mean) when comparing of men's and women's overall average hourly earnings;
3% median (7.5% mean) when comparing men's and women's full-time average hourly earnings (excluding overtime); and 24.4% median (29.7% mean) when comparing men's full-time average hourly earnings with women's part-time average hourly earnings. See:
- https://www.closethegap.org.uk/content/resources/Working-Paper-22---Gender-Pay-Gap-Statistics-2021.pdf
- https://www.gov.scot/isbn/9781800045972

Pre-pandemic young women under 25 were already facing disadvantage in employment in a gender earnings gap (32.8 per cent for 18-21 age group and 19 per cent for 22-29 age group), discrimination and sexual harassment. See:
- https://wbg.org.uk/wp-content/uploads/2020/11/young-women-with-cover.pdf

[153] In 2019, minority ethnic workers in Scotland were, on average, paid £10.99 per hour compared to white workers who were paid £12.25 per hour (£1.26 more per hour). For a full-time worker, working 35 hours a week, this would total a difference of £2,300 a year between the 'average' workers from a minority ethnic and white background. See:
- https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/ethnicitypaygapreferencetables
- https://www.jrf.org.uk/report/review-poverty-and-ethnicity-scotland

[154] Scotland's disability pay gap worsened between 2018 and 2019. In 2019, average pay for disabled employees in Scotland was 16.5% lower than non-disabled employees. See:
- https://www.gov.scot/publications/fairer-scotland-disabled-people-employment-action-plan-year-2-progress-report/documents/

The gap for disabled women is significantly higher at 36% (median earnings compared to a non-disabled man), equivalent to less £7,020 per year. See:
- https://wbg.org.uk/wp-content/uploads/2021/03/Covid-19-and-economic-challenges-for-disabled-women.pdf

[155] There are no sanctions for employers who fail to comply with equal pay legislation and remedies, and it is lengthy and expensive legal action to challenge.

[156] The Scottish Government's most recent Economic Strategy (published February 2022) has highlighted the need to "Take further steps to remove barriers to employment and career advancement for disabled people, women, those with care experience and people from minority ethnic groups. We will set these out the forthcoming refreshed 'A Fairer Scotland for Disabled People: Employment Action Plan' and the Gender Pay Gap Action Plan, and a new ethnicity pay gap strategy and plan". See:
- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/03/scotlands-national-strategy-economic-transformation/documents/delivering-economic-prosperity/delivering-economic-prosperity/govscot%3Adocument/delivering-economic-prosperity.pdf

The Scottish Government could look to California and Iceland, where pay gap reporting measures are extended to race and ethnicity. They should explore whether and how there could be further extension to cover other protected characteristics in Scotland, as well as reporting on pay gaps between workers on standard and nonstandard contracts, as introduced in Japan. See:
- https://www.gov.scot/publications/international-mechanisms-revalue-womens-work-research-exploring-evaluating-international-mechanisms-aim-revalue-result-revaluation-womens-work/

[157] See:
- https://www.fawcettsociety.org.uk/value-care-work

61% of Scotland's 1.1 million unpaid carers are women, see:

- https://www.carersuk.org/images/CarersWeek2020/CW_2020_Research_Report_WEB.pdf

The vast majority, 92%, of lone parents in Scotland are women, see:

- http://healthscotland.scot/media/3133/child-poverty-in-scotland_priority-groups_lone-parent-families_briefing.pdf

[158] This figure is almost double that of the least deprived, see:

- https://oxfamapps.org/scotland/2020/01/20/unpaid-care-worth-36bn/#:~:text=Oxfam%20Scotland%20analysis%20shows%20the,who%20are%20sick%20or%20disabled.

[159] See:

- https://www.mygov.scot/childcare-costs-help/funded-early-learning-and-childcare
- https://www.parlamaid-alba.scot/-/media/files/committees/meeting-papers/education-children-and-young-people-committee/ecyp-paper-3-legacy-paper-cover-note-and-annex.pdf

[160] See:

- https://www.parlamaid-alba.scot/~/media/committt/664

[161] The Scottish Government could develop some form of Equal Pay Certification, drawing on Iceland's example, to strengthen compliance. There are a number of international examples, gender pay gap reports or action plans require the involvement of trade union or employee representatives. See:

- https://www.gov.scot/publications/international-mechanisms-revalue-womens-work-research-exploring-evaluating-international-mechanisms-aim-revalue-result-revaluation-womens-work/

[162] For example, 71% of EU migrants who are 'key workers' would not be eligible for a UK work visa under the new immigration system. This includes essential non-medical NHS staff and social care workers.

- https://wbg.org.uk/wp-content/uploads/2021/10/Health_-Autumn-2021-pre-Budget-Briefing.pdf

[163] Staff shortages have been noted in many areas of health provision, mental health and social care.

- https://www.nursingtimes.net/news/workforce/nurse-staffing-shortfall-in-scotland-now-at-record-high-08-11-2021/
- https://www.bbc.co.uk/news/uk-scotland-59078331
- https://www.mwcscot.org.uk/news/commission-publishes-14-local-visit-reports-16-march-2022

[164] See:

- https://digitalpublications.parliament.scot/ResearchBriefings/Report/2021/10/15/ff1f3d0e-f5db-4d5b-a3e1-ca8e9de6f7db
- https://spice-spotlight.scot/2021/06/23/life-in-the-pandemic-for-lesbian-gay-bisexual-transgender-lgbt-people-in-scotland/

[165] The majority of relevant Scottish Government policy frameworks continue to make very little reference, if any, to the sexual and reproductive health of disabled people. For example, the government's key strategy for delivering on the rights articulated in the CRPD for disabled people, does not mention reproductive and sexual health.
Also See:

- https://www.engender.org.uk/content/publications/1557327269_Engender-note-on-Equally-Safe-A-consultation-on-legislation-to-improve-forensic-medical-services-for-victims-of-rape-and-sexual-assault.pdf
- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

[166] See:

- https://www.scottishhumanrights.com/media/1559/crpdfeb2017ukimuksubmission.pdf

The UN Committee on the Rights of Persons with Disabilities noted their concern in its 2017 concluding observations – see:

- https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fGBR%2fCO%2f1&Lang=en

[167] This was the case in particular for on people with learning disabilities and Alzheimer's and older people.
Legal Guardians had definitely been consulted for only 33% of people who lack capacity and had DNRs.
For another 42% it was not clear whether they had been involved and in the remaining 25% of cases relatives had not been consulted. See :

- https://www.mwcscot.org.uk/news/new-data-shows-rise-numbers-guardianship-orders-scotland
- https://healthandcare.scot/default.asp?page=story&story=2144

- https://www.theguardian.com/world/2021/feb/13/new-do-not-resuscitate-orders-imposed-on-covid-19-patients-with-learning-difficulties

The Care Quality Commission said in December 2020 that inappropriate Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) notices had caused potentially avoidable deaths in 2020 –

- https://www.theguardian.com/society/2020/dec/03/do-not-resuscitate-orders-caused-potentially-avoidable-deaths-regulator-finds
- https://www.ageuk.org.uk/scotland/latest-news/2020/november/watch-serious-concerns-over-dnar-forms/

[168] For example, after adjusting for age:

Alcohol-specific death rates in the most deprived areas were 4.3 times more than those in the least deprived areas.

Avoidable mortality rates in the most deprived areas were 4.5 times more than those in the least deprived areas

Drug death rates in the most deprived areas were 18 times more than those in the least deprived areas. This ratio has doubled since the early 2000s.

Suicide rate in the most deprived areas is 3 times more than in the least deprived areas.

- https://www.nrscotland.gov.uk/files/statistics/avoidable-mortality/2019/avoidable-mortality-19-report.pdf
- https://www.nrscotland.gov.uk/files//statistics/drug-related-deaths/20/drug-related-deaths-20-pub.pdf
- https://www.nrscotland.gov.uk/files/statistics/probable-suicides/2020/suicides-20-report.pdf
- https://www.gov.scot/publications/long-term-monitoring-health-inequalities-march-2022-report/

People living in the most deprived areas of Scotland were 2.4 times more likely to die of COVID-19 than those in the least deprived areas. See:

- https://www.bbc.co.uk/news/uk-scotland-58391579#:~:text=The%20report%20said%20the%20general,early%20stages%20of%20the%20pandemic.
- https://www.ed.ac.uk/usher/anaesthesia/news-views/study-shows-that-poverty-is-linked-to-higher-risk

There are substantial inequalities in child unhealthy weight where risk of overweight or obesity has increased in the most deprived areas but decreased in the least deprived areas. See:

- https://www.isdscotland.org/Health-Topics/Child-Health/Publications/2019-12-10/2019-12-10-P1-BMI-Statistics-Publication-Summary.pdf

[169] These inequalities are reflected in the higher COVID infection rates, more severe outcomes and increased mortality experienced by adults with learning/ intellectual disabilities in the first wave of the pandemic, with people in the learning/intellectual disabilities population more than three times more likely to die from COVID-19 than those in the general population. See:

- http://www.sldo.ac.uk/our-research/life-expectancy-and-mortality/covid-19/

Life expectancy for women with learning disabilities is 18 years less than women in the general population. See:

- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/08/womens-health-plan-easy-read/documents/womens-health-plan-plan-2021-2024-easy-read-summary/womens-health-plan-plan-2021-2024-easy-read-summary/govscot%3Adocument/womens-health-plan-plan-2021-2024-easy-read-summary.pdf

[170] See:

- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf ; http://www.sldo.ac.uk/our-research/life-expectancy-and-mortality/covid-19/
- https://www.healthcareimprovementscotland.org/our_work/inspecting_and_regulating_care/prisoner_healthcare.aspx#:~:text=Healthcare%20Improvement%20Scotland%20works%20with,update%20their%20annual%20self%2Devaluation.

[171] See:

- https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/08/womens-health-plan/documents/womens-health-plan-plan-2021-2024/womens-health-plan-plan-2021-2024/govscot%3Adocument/womens-health-plan-plan-2021-2024.pdf

[172] Police Scotland data do show an 8% decrease for 2021, however, National Records Scotland data for 2021 will not be published until July 2022. Police Scotland's method of recording differs from the official statistics produced by National Records Scotland. See:

- [Suspected drug deaths in Scotland fall in latest figures (msn.com)](https://msn.com)

[173] See:

- https://www.audit-scotland.gov.uk/uploads/docs/report/2022/briefing_220308_drugs_alcohol.pdf
- https://www.nrscotland.gov.uk/files//statistics/drug-related-deaths/20/drug-related-deaths-20-pub.pdf

[174] A further range of issues include:

- A disproportionate proportion of minority ethnic people are subject to compulsory treatment orders - See https://www.mwcscot.org.uk/sites/default/files/2021-09/Racial-Inequality-Scotland_Report_Sep2021.pdf.
- Higher levels of all types of treatment orders for individuals from the most deprived areas - See https://www.mwcscot.org.uk/sites/default/files/2021-09/MentalHealthAct_MonitoringReport_Sep2021.pdf.
- The number of people in Scotland being held in excessive security – seehttps://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf.
- Young people being admitted to non-specialist (mostly adult) wards, with limited access to appropriate advocacy - see https://www.mwcscot.org.uk/sites/default/files/2021-10/YP-Monitoring-2020-21_October2021.pdf

[175] A target was set target of ensuring access to psychological therapies within 18 weeks.

[176] Audit Scotland stated that children and young people waiting more than a year for treatment has trebled in last 12 months (it was 18% in March 2021) which is 'a real marker of the pandemic'.

- https://www.audit-scotland.gov.uk/report/blog-child-and-adolescent-mental-health-services
- https://www.bbc.co.uk/news/uk-scotland-60750321

[177] See:

- https://publichealthscotland.scot/publications/psychological-therapies-waiting-times/psychological-therapies-waiting-times-quarter-ending-september-2021/

[178] It notes that 23.5% of referrals to CAMHS were rejected in 2020/21, but there is a lack of national data to understand if they accessed alternative services and what impact that had. See:

- https://www.audit-scotland.gov.uk/report/blog-child-and-adolescent-mental-health-services

Often it is not clear why children and young people are refused referrals, see:

- https://www.bbc.co.uk/news/uk-scotland-60158804

Audit Scotland's review concluded that: "*The system is complex and fragmented, and access to services varies throughout the country. This makes it difficult for children, young people, and their families and carers to get the support they need*".

[179] See:

- https://www.gov.scot/publications/scottish-health-survey-2019-volume-1-main-report/pages/5/

[180] See:

- http://www.healthscotland.scot/health-topics/mental-health-and-wellbeing/children-and-young-peoples-mental-health
- http://www.healthscotland.scot/health-topics/mental-health-and-wellbeing/children-and-young-peoples-mental-health-indicators
- https://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180913_mental_health.pdf

[181] Adults living in the most deprived areas in Scotland are approximately twice as likely to have common mental health problems as those in the least deprived areas (22% versus 11%); See:

- http://www.parliament.scot/S5_HealthandSportCommittee/Inquiries/201609_MH029_NHS_Health_Scotland.pdf

Major risk factors for mental health problems include poverty, poor education, unemployment, social isolation/exclusion and major life events. See:

- https://www.scotpho.org.uk/comparative-health/burden-of-disease/overview/

[182] The suicide rate in Scotland's most deprived areas is three times the rate in the least deprived areas.

- https://www.nrscotland.gov.uk/files/statistics/probable-suicides/2020/suicides-20-report.pdf
- https://www.publichealthscotland.scot/publications/suicide-statistics-for-scotland/suicide-statistics-for-scotland-update-of-trends-for-the-year-2020/

[183] See:
- https://nationalperformance.gov.scot/scotlands-wellbeing-impact-covid-19-chapter-1-introduction
- https://www.mentalhealthtoday.co.uk/news/therapy/one-in-three-say-they-don-t-have-the-skills-to-deal-with-their-mental-health-finds-mind

This also impacted on Care Experienced young people and young carers, LGBT+ young people. Research has found an increase in negative emotional wellbeing during COVID-19 restrictions (43% of participants reported negative emotional wellbeing, with 69% of LGBTQI+ youth in this category). 84% of participants and 96% of trans participants experienced mental health difficulties - once restrictions have ended these issues will endure. See:
- https://digitalpublications.parliament.scot/ResearchBriefings/Report/2021/10/15/ff1f3d0e-f5db-4d5b-a3e1-ca8e9de6f7db
- https://spice-spotlight.scot/2021/06/23/life-in-the-pandemic-for-lesbian-gay-bisexual-transgender-lgbt-people-in-scotland/

[184] 53% of older people surveyed said that the pandemic had left them feeling more lonely. A third (34%) of older people felt their mental health had gotten worse in the past 5 years.
See https://www.ageuk.org.uk/globalassets/age-scotland/documents/policy-and-research/high-4967-scotinfrom-age-scotland-big-survey---summary.pdf

[185] SHRC has called for a comprehensive review of mental health legislation for a long time. We particularly welcome that the review will focus on improving compliance with the full range of people's rights, including the UN Disability Convention and the European Convention on Human Rights. Importantly, it will also consider the role of incapacity legislation which presents similar challenges in realising people's human rights.
- https://www.scottishhumanrights.com/news/commission-welcomes-the-review-of-the-scottish-mental-health-act/

[186] SHRC welcomes the emphasis placed on taking a human rights based approach in the report, informed by the Panel Principles, listening to and highlighting the voices of people with lived experience of forensic mental health services. The report recommendations set out how the rights of people receiving mental health services in Scotland can be respected, protected and fulfilled. See
- https://www.scottishhumanrights.com/news/commission-welcomes-recommendations-from-independent-forensic-mental-health-review/

[187] Data released by the National Records of Scotland shows that 46% of COVID-19 deaths registered to date relate to deaths in care homes, see:
- https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/general-publications/weekly-and-monthly-data-on-births-and-deaths/deaths-involving-coronavirus-covid-19-in-scotland

[188] In summer 2020, SHRC carried out monitoring research into the impact of the COVID-19 pandemic, and how it has been managed, on people's rights in the context of care at home and support in the community. The report makes 24 recommendations, some of which call for urgent action to resolve immediate human rights concerns. See:
- https://www.scottishhumanrights.com/media/2102/covid-19-social-care-monitoring-report-vfinal.pdf
- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

[189] See:
- https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-equalities-human-rights-and-civil-justice-committee/correspondence/2021/budget-2022-23-pre-budget-scrutiny
- https://www.iriss.org.uk/resources/insights/self-directed-support-ten-years
- https://tfn.scot/tfn-news/local-authorities-need-to-do-more-to-implement-social-care-reform
- https://www.audit-scotland.gov.uk/uploads/docs/report/2017/nr_170824_self_directed_support.pdf

[190] A Freedom of Information request showed that in the region of 4000 care packages had been ceased or reduced across Scotland compared to January 2020. Research in Glasgow found almost 2000 people's care packages were affected. See:
- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

[191] The report detailed how the removal of care plans during COVID-19 had a direct and detrimental effect on people's rights, including potential unlawful interferences and non-compliance with rights contained in the European Convention on Human Rights and the United Nations Convention on the Rights of Persons with

Disabilities. See:

- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

[192] Concerns over funding planned for the new National Care Service (NCS) - The true cost of implementing the Feeley review (See https://www.gov.scot/groups/independent-review-of-adult-social-care/) and setting up a NCS could end up being double what the Scottish government has pledged. See:

- https://www.healthandcare.scot/default.asp?page=story&story=2911
- https://www.cosla.gov.uk/__data/assets/pdf_file/0025/28780/National-Care-Service-Consultation-Response-COSLA.pdf
- https://www.cih.org/media/vcnhhwga/national-care-service-consultation.pdf

[193] See:

- https://www.scottishhumanrights.com/media/2237/ncs-consultation-response-vfinal.pdf

[194] Due to lack of support to live in their own communities close to family, official data reveals that over 1,000 adults have been sent by Scottish local authorities to live 'out of area', meaning not in their home local authority area. Beyond this, a further 67 people are living in hospital. 22% of these people have been there for <u>more than 10 years</u>. See:

- https://www.gov.scot/publications/independent-forensic-mental-health-review-interim-report/pages/12/

SHRC has raised this issue in its submissions to the UN Committee on the Rights of Persons with Disabilities and the CoE European Social Charter reviews see:

- https://www.scottishhumanrights.com/media/2211/coe-european-social-charter-2021-shrc.pdf

Concern has also been raised by the UN Committee on the Rights of Persons with Disabilities.

[195] See:

- https://www.gov.scot/publications/coming-home-implementation-report-working-group-complex-care-delayed-discharge/pages/3/
- https://www.enable.org.uk/myownfrontdoor-campaign-launches/
- https://www.gov.scot/publications/independent-forensic-mental-health-review-interim-report/pages/12/

[196] See:

- https://www.gov.scot/publications/coming-home-implementation-report-working-group-complex-care-delayed-discharge/#page-top

[197] See:

- https://www.scottishhumanrights.com/our-law-and-policy-work/environment-and-climate/#the-right-to-a-healthy-environment-intro-26823
- https://www.gov.scot/publications/national-taskforce-human-rights-leadership-report/pages/13/
- https://togetherscotland.blog/2021/11/08/the-link-between-a-healthy-environment-and-childrens-rights/
- https://www.scotlink.org/plans-for-human-right-to-a-healthy-environment-in-scots-law-welcomed/
- https://www.ercs.scot/an-enforceable-human-right-to-a-healthy-environment/

[198] This was most noted most recently in August 2021.

[199] Aarhus Meeting of the Parties (2011), Decision IV/9i on compliance by the United Kingdom of Great Britain and Northern Ireland, (2014), Decision V/9n on compliance by the United Kingdom of Great Britain and Northern Ireland Paragraph 2(a); (2017) Decision VI/8k concerning compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention; Aarhus Convention Compliance Committee (Aug 2021), Report of the Compliance Committee on compliance by the United Kingdom of Great Britain and Northern Ireland – Part I and Part II. See:

- https://www.ercs.scot/wp/wp-content/uploads/2021/10/HRHE-and-disabled-peoples-rights-Final-Sept-2021.pdf

[200] See:

- https://www.gov.scot/environment-and-climate-change/

Transport in Scotland is a major contributor to Scotland's emissions which have only fallen by 2-3% since 1990. Although Scotland's economy-wide emissions targets are 75% reduction by 2030, 90% reduction by 2040 and net-zero by 2045, from a 1990 baseline, analysis conducted by the Scottish Government using the TIMES model has assigned the transport sector its own emissions envelope of 56% reduction by 2030, 70% reduction by 2040 and net-zero by 2045, from a 1990 baseline. See:

- https://www.transport.gov.scot/media/50338/decarbonising-the-scottish-transport-sector-summary-report-september-2021.pdf

[201] Official analysis by NatureScot, shows that Scotland has also failed to meet 11 of 20 agreed UN targets to protect the environment while one in five animals and plants deemed important to the nation by ministers are under threat. See:
- https://ww2.rspb.org.uk/Images/A%20LOST%20DECADE%20FOR%20NATURE_tcm9-481563.pdf and https://www.heraldscotland.com/news/19281510.bid-give-scots-legal-human-right-healthy-environment---ministers-miss-targets-stop-species-extinction/

[202] The 3rd UK Climate Change Risk Assessment show an increase the urgency scores for 25 risks from climate change in Scotland have increased since the previous CCRA five years ago. Only one risk has decreased and some new risks have emerged. See:
- https://www.theccc.org.uk/publication/independent-assessment-of-uk-climate-risk/

[203] Scotland's climate is changing, but action to adapt to critical impacts such as wetter winters and rising sea levels has stalled, posing risks to people, infrastructure and business. See:
- https://www.theccc.org.uk/2022/03/15/scotland-is-not-yet-climate-ready/

[204] See:
- http://www.upr-info.org/sites/default/files/general-document/pdf/oif_guide_upr_implementation.30.04.2013_e.pdf

[205] Space constraints means this report does not reflect the full range of SHRC's priorities or areas of concern.

[206] See:
- https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf

[207] See:
- https://www.transport.gov.scot/concessionary-travel/young-persons-free-bus-travel-scheme/