

T: 0300 244 4000
E: scottish.ministers@gov.scot

Karen Adam MSP
Convener
Equalities, Human Rights and Civil Justice
Committee
Email: ehrcj.committee@parliament.scot

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Dear Convener,

I am writing to provide the Committee with an update on the Scottish Government's engagement with international human rights systems and institutions. This letter includes details of anticipated activity over the course of the year ahead.

You will recall that my predecessor, Christina McKelvie, in her role as Minister for Older People and Equalities, last updated the Committee in relation to international human rights activity in March of last year.

A number of significant international human rights milestones were marked over the course of 2023. In particular we celebrated 75 years of the Universal Declaration of Human Rights on Human Rights Day (10 December 2023) and on 9 December marked 25 years of the UN Declaration on Human Rights Defenders.

The Council of Europe will also mark its 75th anniversary this year, and will focus on the theme of being "united around our values". A programme of events will examine and celebrate the achievements of the Council of Europe since 1949, including in particular its transformative impact in setting international standards. It will also examine the impact of the European Convention on Human Rights (ECHR) and consider how Council of Europe member states can prepare for and tackle emerging domestic and international challenges.

In the UK, 25 years ago, the landmark Human Rights Act 1998 changed the way in which human rights are enforced throughout the United Kingdom. The Act gave domestic effect to the ECHR. The UK was one of the first countries to sign and ratify the ECHR in 1951.

However, there is still much work to be done and 2024 marks a decisive year in Scotland's human rights journey. This year, the Scottish Government will bring forward a new Human Rights Bill to incorporate four major UN treaties into Scots law, within the limits of devolved competence. These are:

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

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- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- The Convention on the Rights of Persons with Disabilities (CRPD)

The Human Rights Bill will also make provision to recognise the right to a healthy environment and will ensure too that all of the rights it sets out are accessible for everyone in Scottish society, in line with the equality and non-discrimination principles embedded at the heart of all international human rights treaties.

The Human Rights Bill will be an important milestone in our collective efforts to build a better human rights culture and to uphold human dignity in everyday life through law, policy making and service delivery in Scotland.

In doing so, the Bill necessarily builds on the provision already made by the United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Act 2024 (UNCRC Act)¹, which was unanimously passed at Reconsideration Stage by the Scottish Parliament on 7 December 2023. The Bill received Royal Assent on 16 January 2024 and is now an Act of the Scottish Parliament. Duties under the Act will commence on 16 July 2024.

The UNCRC Act incorporates the UNCRC requirements and Optional Protocols 1 and 2 directly into Scots law subject to the limits of devolved competence. Scotland is the first devolved nation to incorporate the Convention. The Act's passage marks a significant advancement in the legal protection of children's rights in Scotland.

As we might expect with the growing profile of the forthcoming Human Rights Bill and passage at reconsideration of the UNCRC Act, we have seen an increase in work related to our international human rights obligations, and in particular in relation to monitoring and reporting of progress in implementing treaty commitments in a domestic context.

This letter updates the Committee on the breadth and depth of this treaty related activity, and on the Scottish Government's engagement with international institutions and mechanisms.

General Overview

As your Committee is aware, the UK is a State Party to seven (out of nine) core UN human rights treaties, together with six (out of nine) optional protocols to those core treaties. In addition to these UN commitments, the UK as a member of the Council of Europe, has ratified a further eight major regional human rights treaties. A full list of relevant instruments can be found in **Annex A**. Further details of the most recent developments are set out later in this letter.

In addition, the UK has human rights obligations under eight fundamental conventions of the International Labour Organisation² together with a number of further significant treaties such

¹ [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act \(legislation.gov.uk\)](https://legislation.gov.uk)

² <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>

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as the Aarhus Convention³, the Rome Statute of the International Criminal Court⁴ and the Genocide Convention⁵.

Monitoring and Compliance

Compliance with treaty obligations is monitored and examined by the relevant UN, Council of Europe, and International Labour Organisation treaty bodies on a cyclical basis.

These treaty bodies and committees are generally comprised of independent experts with specialist knowledge of human rights. In certain cases, periodic and *ad hoc* inspection visits may be carried out by the relevant body. The monitoring and reporting activity undertaken by individual UN treaty bodies is supplemented by the Universal Periodic Review (UPR), carried out approximately every four to five years by the UN Human Rights Council. The UK's most recent UPR examination took place in November 2022. An update on this fourth and current reporting cycle is provided below.

In addition, the UK cooperates with UN Special Procedures⁶ in fulfilment of their mandates and has issued a standing open invitation to all thematic special procedures to undertake visits to the UK, including to Scotland. This commitment includes facilitating visits to the UK by UN Special Rapporteurs (UNSRs) and responding to communications and requests for information on specific thematic issues. The Scottish Government strongly supports the work of UNSRs and welcomes visits to Scotland in both a formal and an informal capacity.

The Scottish Government actively supports and participates in UK Government engagement with all of the above international human rights monitoring mechanisms. Scottish Government Ministers and officials work closely with Whitehall counterparts, and with the Welsh Government and, in so far as possible, the Northern Ireland Executive, to ensure that formal reporting processes (undertaken on behalf of the UK as the State Party) properly reflect devolved policies and interests.

Scottish Government Reporting Policy

Where deemed appropriate, a standalone position statement has been published in support of the Scottish Government contribution to formal reporting by the UK Government, these have complemented the UK's formal reporting activity by providing a more detailed and context-specific account of human rights implementation and compliance in Scotland.

The principal purpose of such statements has been to assist the Scottish Parliament, the National Human Rights Institutes (NHRIs), civil society, the general public and other interested parties in engaging with treaty reporting processes and in scrutinising the Scottish Government's human rights record.

In the course of 2023 and early 2024 we published one Scottish position statement detailing our response to the recommendations made by member states at the 2022 UPR⁷ exercise.

³ <https://unece.org/environment-policy/public-participation/aarhus-convention/text>

⁴ <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

⁵ https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

⁶ <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

⁷ [UN Human Rights Council Universal Periodic Review - fourth cycle recommendations: Scottish Government response - gov.scot \(www.gov.scot\)](https://www.gov.scot)

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This was submitted to the committee in the Scottish Parliament as well as being made publicly available on the Scottish Government website.

In previous years, we have also published position statements in response to visits or communications from UNSRs. Engagement by UNSRs over the course of 2023 was more targeted in nature and the Scottish Government's response has therefore taken the form of subject-specific exchanges, rather than the publication of more general position statements. Further detail is provided below.

Universal Periodic Review

In 2022, the UK completed its fourth UPR cycle with an interactive dialogue held in November 2022 in Geneva. This enabled Scotland, as part of the UK, a welcome opportunity to set out our record on giving effect to international human rights obligations.

Comments and observations were made by 115 participating States and the Dialogue resulted in the UN Human Rights Council adopting a total of 302 recommendations⁸. The questions raised by member states demonstrated an increasing level of awareness of Scottish Government policy on the international stage.

Following the publication of the 302 recommendations by the UN Human Rights Council at the end of 2022, the UK formally responded to these recommendations in Spring 2023. In preparation for this report, my officials worked closely with the Ministry of Justice (MoJ) to develop a combined response⁹ which reflected the differences in approach across the home nations toward devolved policy. Subsequent to this report, my officials have published a more detailed position statement which provides additional information about our response to each of the recommendations. This position statement was published on the Scottish Government website in January 2024 and I wrote to you to provide the committee with a copy.

The next steps of the UPR cycle will comprise a mid-term review which we expect to undertake in 2025.

UN Treaties

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

As part of the 7th cyclical review of the International Covenant on Economic, Social and Cultural Rights (ICESCR)¹⁰ the UN Committee on Economic, Social and Cultural Rights published a List of Issues (Lols)¹¹ in 2023. The UK is required to respond to the Lols by the end of March 2024. My officials have provided the UK Government with information and evidence regarding issues related to devolved areas. As part of the preparation for the UK State party response to the Lols, on the 2 November 2023, my officials joined the MoJ in hosting a stakeholder event online with a range of representation from civil society and the National Human Rights Institutions from across the UK.

The next part of the cycle is an Interactive Dialogue which we expect to take place in Geneva in Spring 2025. My officials will participate in the UK delegation to the UN and will participate in

⁸ [G2261226.pdf \(un.org\)](#)

⁹ [uks-response-fourth-universal-periodic-review.pdf \(publishing.service.gov.uk\)](#)

¹⁰ [International Covenant on Economic, Social and Cultural Rights](#)

¹¹ [International Covenant on Economic, Social and Cultural Rights; List of Issues in relation to the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland](#)

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the Interactive Dialogue for Scottish interests. My officials will continue to work with civil society as we prepare for this next phase of the reporting cycle.

International Covenant on Civil and Political Rights (ICCPR)

Following the UN Human Rights Committee's (UNHRC) scrutiny of the UK's Lols for civil and political rights in spring 2020¹² and the UK's response to this Lols in 2021¹³, my officials worked with colleagues from across the organisation, and with the MoJ, to prepare for the interactive dialogue which took place on the 12 and 13 March in Geneva. The UNHRC scrutinised the UK's record across the spectrum of rights contained within the Convention, and for Scotland made particular focus on:

- Minimum Age of Responsibility,
- Hate Crime
- Safe Access Zones (abortion clinics)
- Legal Aid,
- Prisons: suicides, prisoner segregation, overcrowding and conditions of detention.

On 14 December of 2023, my officials joined the MoJ in hosting an online stakeholder workshop. This enabled civil society stakeholders to set out their assessment of the UK human rights record in advance of the interactive dialogue.

Following the interactive dialogue the UNHRC published its Concluding Observations on the 28th March which the Scottish Government will work with the MoJ to reply to.

Convention on the Rights of the Child (UNCRC)

On the 18 and 19 May 2023, officials attended the interactive dialogue hosted by the UN Committee on the Rights of the Child.

Following this interactive dialogue, the Committee issued its Concluding Observations¹⁴ on 2 June 2023. Scottish Government will publish its Initial Response to the Concluding Observations shortly.

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

The UK submitted its 8th periodic report to the Committee in November 2017. In February 2019, the Committee undertook an oral examination of the UK in Geneva, following which it published its concluding observations, setting out its concerns and recommendations, on 14 March 2019. In its Concluding Observations, the Committee asked the UK to report on progress in relation to 4 of its recommendations within 2 years, which the UK did in May 2021.

The UK was due to submit its 9th periodic report to the Committee in March 2023.

Convention on the Rights of Persons with Disabilities (CRPD)

¹² [List of issues prior to submission of the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland.](#)

¹³ [Eighth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2021.](#)

¹⁴ [UN Committee on the Rights of the Child's Concluding Observations](#)

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On 18 March 2024 my officials attended the follow up dialogue of the 2016 Inquiry of the Committee on the Rights of Persons with Disabilities in Geneva. This Inquiry was enacted under the Optional Protocol to the Convention of the Rights of Persons with Disabilities and the scope of the review was limited to the scope of the Inquiry, which focused on 3 articles in the UNCRPD:

- Disabled people's right to live independently and be included in the community (Article 19)
- Disabled people's right to work and employment (Article 27)
- Disabled people's right to adequate standard of living and social protection (Article 28)

In preparation for this interactive dialogue my officials worked with policy colleagues across Scottish Government and with representatives from the devolved administrations.

United Nations Educational, Scientific and Cultural Organization (UNESCO)

In December, the UK Government confirmed its intention to ratify the 2003 UNESCO Convention for Safeguarding of the Intangible Cultural Heritage, which seeks to protect the crafts, practices, and traditions which are recognised as being key part of national life and providing a sense of identity to communities across Scotland and the UK. These practices are often also referred to as 'intangible cultural heritage' or 'living heritage' and are made up of a myriad of traditions, crafts, customs and cultures.

This Convention talks of 'safeguarding' Intangible Cultural Heritage. Unlike 'preservation' or 'conservation' for tangible heritage, which is usually concerned with making sure the item is not changed or damaged, 'safeguarding' is generally understood to include raising awareness, building participation, ensuring sustainability, and supporting the passing on of skills and knowledge through generations.

The first stage of implementation of this Convention is the creation of a UK-wide inventory. Recognising that each nation of the UK has its own identity and history, the UK -wide inventory will be made up of four national inventories drawing on the experiences and inclusive approach of existing inventories. These national inventories will then be brought together to create a register of cultural heritage in the UK.

International Labour Organisation

The International Labour Organisation (ILO)¹⁵ is the United Nations specialised agency that brings together governments, employers, and workers in 187 member States to set labour standards, develop policies and devise programmes promoting decent work for all. These standards are set out in legally binding international treaties (Conventions) and in non-binding guidance (Recommendations).

Over the course of the year the Scottish Government contributed to UK reporting on compliance with ILO Conventions in accordance with Article 22 of the ILO Constitution. Specifically, we contributed in respect of:

- C029 – Forced Labour Convention, 1930

¹⁵ [International Labour Organisation](#)

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- P029 – Protocol of 2014 to the Forced Labour Convention, 1930
- C081 – Labour Inspection Convention, 1947
- C105 – Abolition of Forced Labour Convention, 1957
- C124 – Medical Examination of Young Persons (Underground Work) Convention, 1965
- C138 – Minimum Age Convention, 1973
- C182 – Worst Forms of Child Labour Convention, 1999

Whilst industrial relations and much of employment remains reserved, I remain keen to ensure that Scotland's distinctive policies and practice, including in areas such as Fair Work and in relation to employment support, are properly understood by international institutions.

To underpin the Scottish Government's understanding of the ILO and build on our relationships with home nations and international institutions, my officials participated in a Department of Work and Pension delegation to the ILO Annual Conference in June. The key topics covered in 2023 were:

- General Discussion on Just Transition Towards Sustainable and Inclusive Economies;
- Standard-Setting Committee on Apprenticeships; and
- A Recurrent Discussion on Labour Protection.

UN Special Procedures

UN Special Rapporteur on the situation of human rights in the Palestinian Territory

On 18 May, the Cabinet Secretary for Constitution, External Affairs and Culture met Francesca Albanese, the UNSR on the situation of human rights in the Palestinian territories occupied since 1967. At this meeting they discussed the general situation in the occupied Palestinian territory and issues related to her mandate. Further to this meeting, the First Minister met with the Head of the Palestinian Mission. At both of these meetings the First Minister and the Cabinet Secretary condemned all acts of violence and made clear their support for a two-state solution.

Working Group of Experts on People of African Descent

The UN Working Group of Experts on People of African Descent made a fact-finding visit to the UK in January 2023 to assess the human rights situation of people of African descent. Subsequent to this visit the Working Group presented its final report to the UN Human Rights Council on the 5 October¹⁶.

The UN Special Rapporteur on Violence Against Women and Girls

On the 16 and 17 February 2024 the UNSR on Violence Against Women and Girls (VAWG) made a visit to the UK and Scotland. Whilst in Scotland the UNSR met with representatives from the Government and from the wider sector. Discussions ranged across the spectrum of policy from the criminal justice system and its treatment of women and girls victims and defendants, to migrant women and girls.

¹⁶ [A/HRC/54/67/Add.1: Visit to the United Kingdom of Great Britain and Northern Ireland - Report of the Working Group of Experts on People of African Descent - Advance unedited version | OHCHR](#)

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The UNSR will submit a comprehensive report containing detailed analysis and recommendations to the United Nations Human Rights Council in June 2025.

Council of Europe

Convention on Preventing and Combating Violence Against Women and Domestic Violence

The UK ratified the Convention on the 21 July 2022 and it came into force in November 2022. A UK baseline evaluation report was submitted to the Group of independent Experts on Action against Violence against Women and Domestic Violence (GREVIO) and was published in July 2023 on the GREVIO website¹⁷. The Scottish Government contributed to the evaluation in relation to devolved matters in Scotland.

As part of the scrutiny process, GREVIO invited stakeholders to provide commentary on the implementation of the Convention and this collaborative report, coordinated by Scottish Women's Aid on behalf of the violence against women sector, was submitted to GREVIO at the end of 2023, the Scottish Human Rights Commission also submitted a report¹⁸.

On 22 and 23 January 2024, representatives from GREVIO visited Scotland and met Ministers and representatives from the judiciary, local authority, education, health, and Police Scotland. The purpose of the visit was to enable GREVIO officials to explore the topics covered by the UK state report in more detail.

GREVIO will now draw up a baseline evaluation report, drawing on the information submitted by the UK and gathered from the January visit and from civil society reports. We expect the evaluation report to be published in late 2024.

The Committee will remain aware that the UK Government's ratification of the Istanbul Convention is subject to a significant reservation in relation to the application of Article 59 of the Convention. This exemption relates to the issuing of residence permits to migrant victims of domestic abuse.

The reservation is under review by the UK Government pending evaluation of its Support for Migrant Victims (SMV) scheme pilot (which concluded in March 2022). The SMV scheme has now been extended to March 2025.

The subject matter of Article 59 relates to immigration control, which is a reserved matter under the Scotland Act 1998. The Scottish Government nonetheless believes that the decision to enter a reservation in relation to Article 59 is detrimental to the interests of migrant women in Scotland and runs counter to Scotland's clearly established commitment to tackling domestic violence across the whole of society.

Scottish Ministers wrote to UK Ministers in June 2023 to reiterate the Scottish Government's disappointment with the UK reservation to Article 59. We have urged them to reconsider this position and will continue to put pressure on the UK Government to revisit its position.

¹⁷ ([1680abd6d3 \(coe.int\)](https://1680abd6d3.coe.int)).

¹⁸ ([Istanbul Convention Report \(scottishhumanrights.com\)](https://www.scottishhumanrights.com))

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The GREVIO baseline procedure does not report on Article 59 as it is currently subject to the reservation entered by the UK Government. As a result, the Scottish Government's concerns were not examined by GREVIO during its visit.

Framework Convention for the Protection of National Minorities (FCPNM)

Following on from the FCPNM's visits and meetings with communities across Scotland in Spring 2022 as part of its 5th cycle, the Advisory Committee subsequently adopted its Opinion on the UK and it was published on the 25 May 2023¹⁹. This Opinion was sent to the UK for formal comments and Scotland contributed to this ahead of publication of the UK Government's response to the Opinion on the 25 August²⁰.

Between September and November, my officials worked with the UKG Department for Levelling Up, Housing and Communities on the development of the 6th report which provides evidence to the Advisory Committee of the FCPNM on how we are implementing the Convention. This activity provides the first stage of the next reporting cycle expected in July 2024.

European Commission against Racism and Intolerance (ECRI)

On the 20 November 2023, a delegation from the ECRI visited Scotland as part of its 6th monitoring cycle to the UK. The ECRI is the Council of Europe's independent human rights monitoring body specialising in combating antisemitism, discrimination, racism, religious intolerance, and xenophobia.

In December 2023 we received the informal initial findings and priority recommendations from the visit. My officials will continue work on devolved matters noted by ECRI while we await a draft of ECRI's report, which is expected later this year. This written report will require a formal UK response which Scotland will contribute to and which the expectation is that our response will be published alongside the ECRI final report in the latter half of 2024.

European Social Charter (ESC)

The ESC²¹ is a treaty that guarantees fundamental social and economic rights as a counterpart to the European Convention on Human Rights²², which refers to civil and political rights. It guarantees a broad range of rights related to employment, housing, health, education, social protection and welfare and places specific emphasis on the protection of vulnerable persons, such as older people, children, disabled people and migrants.

Implementation and conformity with the ESC is monitored by the European Committee of Social Rights (ECSR)²³. Under the reporting and monitoring structure the ESC's provisions are divided into four thematic groups: 'Health, Social Security and Social Protection'; 'Labour Rights'; 'Children, Families and Migrants'; and 'Employment, Training and Equality Opportunities'. State parties report on the provisions of each thematic group once every four years. These reports are then examined by the ECSR which determines whether the national

¹⁹ [United Kingdom: publication of the 5th Advisory Committee Opinion - National Minorities \(FCNM\) \(coe.int\)](#)

²⁰ [1680ac33df \(coe.int\)](#)

²¹ [European Social Charter](#)

²² [European Convention on Human Rights](#)

²³ [European Committee of Social Rights](#)

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situations described by the State conforms with the Articles of the ESC. The UK ratified the ESC in 1962 and has signed, but not ratified, the Revised European Social Charter.

In November, the Scottish Government contributed to an ad hoc State party report on 'social rights and the cost-of-living crisis'. The ECSR advised that they were undertaking this exercise because:

- it addressed a key emerging challenge in terms of rights enjoyed in the Council of Europe area;
- it enabled the Committee to provide a general [pan-European] overview of national situations in light of the challenge; and
- it enabled the Committee to refine and develop further its legal analysis from an ESC perspective.

Officials expect that the ECSR will study the report and publish its response and findings at some point in 2024.

Further thematic annual reporting on the accepted Articles of ESC was paused in 2023 as a result of proposals by the Council of Europe to restructure the reporting process. Periodic reporting is expected to resume this year.

In November of last year, the UK was invited by the Council of Europe to write a report on provisions within the ESC and the Revised European Social Charter (RESC) which have not yet been accepted by the UK. Whilst the UK is a full party to the ESC, not all aspects of the treaty currently apply to the UK. In relation to the RESC, the UK signed the treaty in 1997 but has not yet proceeded to the stage of ratification. The RESC takes account of developments in labour law and social policies since the ESC was drawn up in 1961. Whilst signing creates a 'soft law' obligation to uphold the content of the charter, ratification would lead the UK being legally bound to it.

The UK Government has accepted fifty nine of the seventy two paragraphs from the original ESC and continues to support the work of the Council of Europe. The UK signed the RESC in 1997, however, the UK's approach to the ratification of international treaties has always been to do so only when UK law and practice are compatible with obligations it would undertake. The UK Government has advised that at present a number of provisions of the RESC would be incompatible with UK legislation. The UK Government, therefore, has no plans at present to ratify.

This informal report is part of a new process to help encourage States to identify the positive action that they are already taking to realise the rights contained within non-accepted provisions and or treaties that they have not ratified, and to encourage States to formally accept non-accepted provisions under the Charter or to formally ratify signed Conventions. As these are non-accepted provisions, and therefore States are not bound by law to fulfil the contents of the articles, we agreed with the UK Government that the information we provide to them gives a picture in general terms that is relevant to the provisions. Following this exercise the UK might receive further correspondence on the contents of these articles as the year progresses.

European Code of Social Security (ECSS)

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The ECSS²⁴ is an instrument which encourages the development of effective social security provision in all Council of Europe member States. The instrument does this by driving States to progressively reach ‘the highest level possible.’ The ECSS sets standards which signatories undertake to include in their social security systems and defines ‘norms’ for social security coverage. It establishes minimum levels of protection which parties must provide in areas such as medical care, sickness benefits, unemployment benefit, old-age benefits, employment injury benefits, family benefits, maternity benefits, invalidity benefits, survivors’ benefits and more.

In Spring 2023, the Scottish Government worked with the Department for Work and Pensions to provide its annual contribution on implementation of the ECSS. This annual report demonstrates compliance with the treaty commitments and the progressive realisation of the rights it enshrines. The UK submitted its State party report to the Council of Europe on the 31 August. There is also a biannual report on law and practice relating to the parts of the ECSS that it has not yet adopted, this biannual report last took place in 2022/23 and is expected to take place again in 2024.

Committee on Penological Cooperation (PC-CP)

The PC-CP is part of the Council of Europe and seeks to set minimum standards in prisons and probation services across Council of Europe Member States through non-binding instruments. These instruments are amended and agreed during its plenary sessions at which Scotland is represented by the UK Government’s MoJ. In 2023, the Scottish Government provided the MoJ with comments on two draft instruments from the PC-CP:

- Draft Recommendation regarding the Promotion of Mental Health and the Management of Persons with Mental Disorders by Prison Services and Probation Agencies; and
- Draft Recommendation on the Ethical and organizational Aspects of the use of Artificial Intelligence and Related Digital Technologies by Prison and Probation Services.

The MoJ expect agreement to be reached on both instruments in 2024 following further plenary sessions.

Other International Visits, Delegations and Activity

Organisation for Security and Cooperation in Europe (OSCE) Special Representative for Combating Trafficking in Human Beings

Following the visit by Valient Richey, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings to Scotland in November 2022, the report of the visit was published in July with one recommendation, that Scotland refreshes its strategy and collaborate with the VAWG to tackle collaboratively the demand for sexual and labour exploitation and adult services websites. Officials are developing activity to deliver this recommendation.

The visit and subsequent report focused on trafficking and exploitation policy and operations and work to combat Violence Against Women and Girls. The Special Representative met with Police Scotland, the Crown Office and the Procurator Fiscal Service.

The Council of Europe: Enhancing Minority and Linguistic Rights in Scotland

²⁴ [European Code of Social Security](#)

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In December, Scottish Government officials contributed to an awareness raising event organised by the Committee of Experts for the European Charter for Regional and Minority Languages and the Advisory Committee on the Framework Convention for the Protection of National Minorities. The UK expert members of the respective committees are Prof Rob Dunbar (University of Edinburgh) and Prof David Smith (University of Glasgow). The Scottish Government input included presentations covering the forthcoming Human Rights Bill and the Scottish Languages Bill. Other contributors included civil society organisations such as BEMIS, Bòrd na Gàidhlig and the Scots Language Centre, and discussions included the situation of Gypsy/Traveller communities in Scotland. The secretariat to the expert bodies will publish a note outlining the full extent of the matters examined over the course of the two day event.

Council of Europe Commissioner for Human Rights

The current Commissioner, Dunja Mijatović, will demit office on 31 March. Her successor will be Prof Michael O’Flaherty, who was elected by the Parliamentary Assembly of the Council of Europe in January . He will take up post on the 1 April. Prof O’Flaherty is an Irish human rights lawyer who has served as the Chief Commissioner of the Northern Ireland Human Rights Commission, and (until last year) as Director of the EU Fundamental Rights Agency. He was a member of the UN Human Rights Committee from 2004 to 2012. The UN Human Rights Committee is the expert body that oversees compliance with the International Covenant on Civil and Political Rights.

The mandate of the Commissioner is to observe and assist member states in the implementation of Council of Europe human rights standards and includes the following:

- promote education in and awareness of human rights in member states;
- identify possible shortcomings in the law and practice concerning human rights;
- facilitate the activities of national ombudsperson institutions and other human rights structures; and
- provide advice and information regarding the protection of human rights across the region.

My predecessor, Christina McKelvie and the then Minister for Children and Young People, Clare Haughey, had the pleasure of meeting Ms Mijatović in July 2022 in the course of a fact-finding visit to the UK. The meeting was productive with topics covering proposals for a Scottish Human Rights Bill, action to address Child Poverty and implementation of Scotland’s devolved Social Security system. The UK has a general policy, supported by the Scottish Government, of issuing an open invitation to international human rights mechanisms. I look forward to engaging with Professor O’Flaherty in his new capacity as Commissioner when the opportunity arises.

National Preventive Mechanism

The National Preventive Mechanism (NPM) was established in March 2009 after the UK ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in December 2003. It is made up of 21 statutory bodies that independently monitor places of detention across the home nations.

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In February of this year, the NPM published its fourteenth Annual Report for 2022/23²⁵, which provided an overview of the findings of monitoring exercises across the four nations. This UK focused report raised various concerns including overcrowding, meaningful activity and staff shortages. In April 2023, the NPM published its Annual Report for 2021/22²⁶.

In November, Angela Constance, the Cabinet Secretary for Justice and Home Affairs met with Jim Farish, Chair of the NPM Scotland Sub Group, this was an introductory meeting with the Chair following the Ministerial reshuffle over the summer and the Cabinet Secretary's new appointment to the post. The meeting covered the Scottish Government policy agenda on justice and health detention issues including, prevention of deaths in custody, action to tackle overcrowding in the prisons and access to services for mental health.

Appointment of the UK Judge in the European Court of Human Rights (ECtHR)

The current UK judge, Tim Eicke KC, a graduate of the University of Dundee, was elected to serve in the court in 2016 and his term of office will end in September 2025.

Judges in the ECtHR are selected by the Parliamentary Assembly of the Council of Europe (PACE) from a short-list of three nominees put forward by their member state. They serve for a non-renewable period of nine years.

The process for appointing ECtHR judges takes place in two stages:

1/ **National Selection.** The State Party draws up a list of three nominees to submit to PACE.

2/ **Election.** The shortlisted candidates are examined by an Advisory Panel of Experts, appointed by PACE. An election then takes place, run by the PACE Committee on the Election of Judges. The 306 members of PACE vote by secret ballot. If a candidate receives an absolute majority of votes in the first round, they are elected. Otherwise a second round of voting is held and the candidate with the most votes is elected.

In the UK the national selection process takes the form of an open competition. Any suitably qualified individual may submit an application. An independent expert panel sifts applications and interviews candidates. It then puts forward recommendations to the Lord Chancellor, who selects the final three UK nominees.

The current selection process is now underway and the deadline for applications will be in early April. The UK selection panel will be chaired by Lord Reed, the President of the UK Supreme Court and will include a member of the Judicial Appointments Commission (JAC) and the Chief Executive of the Northern Ireland Human Rights Commission (NIHRC). JAC is liaising with the Judicial Appointments Board for Scotland and with the Northern Ireland Judicial Appointments Commission. NIHRC will represent all three UK National Human Rights Institutions, including the Scottish Human Rights Commission.

²⁵ [National preventive mechanism – Monitoring places of detention 14th annual report 2022/23 - February 2024 \(cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com\)](https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com)

²⁶ [National preventive mechanism – Monitoring places of detention annual report 2021/22 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

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The Scottish Government is working with both the MoJ and the Judicial Appointments Board for Scotland to publicise the recruitment process and to ensure that suitably qualified applicants are aware of the forthcoming vacancy in the Court. Once elected by PACE, the successful candidate will take up office in September 2025.

Liaison with UK and devolved government departments, UK Missions and international institutions

I very much welcome and encourage the collaborative approach to international engagement on human rights which is being taken forward by the Scottish, UK and Welsh Governments in representing UK interests in the Council of Europe and at the UN. Further, I remain grateful to the respective UK Permanent Representatives for their positive engagement and the ongoing assistance provided by their staff.

This investment in our mutual interests on the international stage is manifesting itself well with improved Scottish Government representation at international events e.g. at the UK delegation to the International Labour Conference (above), and with an increase in the breadth of input to reporting activity as demonstrated by the content of this letter.

Forthcoming International Activity

We expect to have a busy year ahead both internationally and domestically, this expectation is built on our increasing profile and growing ambitions as a leader in advancing human rights. We are proud of the investment and emphasis that this Government gives to human rights.

We have planned for the following activity. This will inevitably be supplemented by further international scrutiny exercises both formal and informal, all of which we welcome.

Our current expectations for activity in the year ahead are as follows:

- Continued activity from the Interactive Dialogue covering implementation of the International Covenant on Civil and Political Rights which was conducted by the UN Human Rights Committee on 12 and 13 March;
- Continued activity from the Interactive Dialogue for the Convention on the Rights of Persons with Disabilities which took place in Geneva on 18 March;
- Preparation for the International Covenant on Economic, Social and Cultural Rights Interactive Dialogue taking place in early 2025;
- We are expecting Concluding Observations under the UN Convention Against Torture to be published this year;
- Participation in two exercises for the European Social Charter:
 - A contribution to the reformed reporting process which we expect to be advised of shortly.
 - Follow up activity on reporting of non-accepted provisions of the ESC further to the exercise undertaken in January and described above.
- Contribution by the Scottish Government to the UK's next annual report on the European Code of Social Security.
- Contribution by the Scottish Government to UK reporting on compliance with ratified ILO Conventions; we expect to input into returns under the following Conventions:
 - The UK ratified the Convention 190 on Violence and Harassment in March 2022. This spring we will be required to contribute to the UK's first State party report on the implementation of the treaty.

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- C097: Migration for Employment Convention (Revised),
 - C100: Equal Remuneration Convention
 - C111: Discrimination (Employment and Occupation) Convention
 - C190: Elimination of violence and harassment in the world of work
- We will continue to engage with the National Preventative Mechanism established under the Optional Protocol to the UN Convention against Torture and welcome publication of the NPM's next Annual Report
 - We are expecting to receive a List of Issues under the UN Convention on the Rights of Persons with Disabilities.
 - Following the visit by representatives from GREVIO to Scotland on the 22 and 23 January, we expect a baseline evaluation report be published later in the year.

Domestic Activity

Scottish Government Human Rights Bill

This year marks an exciting moment in Scotland's human rights journey. After extensive engagement, research, and collaboration we will introduce a new Human Rights Bill to the Scottish Parliament. The Bill proposals are ambitious and – if agreed by Parliament – will demonstrate global human rights leadership, placing Scotland at the forefront of human rights legislation and, most importantly, practice.

The Bill takes forward recommendations from the National Taskforce on Human Rights Leadership to incorporate four international treaties into Scots law and to recognise the right to a healthy environment. Our ambition is for the Bill, once in force, to help drive greater respect for, and protection of, economic, social, cultural, and environmental rights along with the specific rights contained in treaties tackling discrimination against women, disabled people and people who experience racism.

The core aim of incorporating economic, social, and cultural rights is about securing a life of dignity for everyone, particularly those who are most marginalised and disadvantaged. This includes enshrining in law fundamental rights such as to health and – importantly for tackling poverty – to an adequate standard of living.

The Bill's public consultation closed in October last year, with an independent analysis of responses published on 24 January 2024.²⁷

Implementing the Bill effectively so that the rights are made real is critical if we are to build a human rights culture in Scotland and tackle inequality. Given the scale, complexity and ambition of this Bill, we anticipate that fully implementing the rights and duties will take time and require careful attention. We need to ensure that duty bearers are prepared to discharge their functions when the Bill is commenced.

We are exploring how best to support implementation of the Bill so that it is done transparently and with consideration of the views of rights holders, for example by gathering views through our consultation and considering the lived experiences of people who have struggled to access their human rights or who have had their rights infringed. We are also exploring how best to

²⁷ [A Human Rights Bill for Scotland: consultation analysis - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/collections/documents/A_Human_Rights_Bill_for_Scotland_consultation_analysis_-_gov.scot.pdf)

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ensure robust and thorough implementation through mechanisms like appropriate guidance for duty bearers and information for rights-holders.

The Bill will also set out a requirement for Scottish Ministers to publish a Human Rights Scheme, setting out the arrangements they have, or will have in place, to ensure that they are taking measures to comply with and progressively realise the framework of rights being incorporated by the Bill. The Scheme will be a crucial mechanism to promote and deliver the aim of embedding and strengthening a human rights culture across Scotland and throughout the public sector, whilst also ensuring Ministerial accountability, and open and accessible scrutiny.

As with any legislative proposals the Scottish Government brings forward there is a need to ensure the Bill operates within the boundaries of the Scottish Parliament's legislative competence. . We continue to seek to work constructively with the UK Government on these proposals and will seek close engagement as they develop and during Bill passage.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024²⁸ received Royal Assent on 16 January 2024. Provisions in the Act will commence on 16 July 2024.

The Act is a landmark piece of legislation that incorporates the UNCRC requirements directly into Scots law subject to the limits of devolved competence. The Act empowers our children and young people to claim their rights and helps make Scotland the best place in the world to grow up.

Once commenced, the UNCRC Act will require Scottish Ministers to create a Children's Rights Scheme, setting out the arrangements they have, or will have, in place to comply with the duties contained in the Act and also to secure better or further effect of children's rights. The Act requires Ministers to report on the Scheme regularly, including actions taken in the previous reporting period and plans for taking forward children's rights in the reporting period ahead. The provisions in the Act also require Ministers to consult with children, the Commissioner for Children and Young People in Scotland and the Scottish Commission for Human Rights on actions to be taken forward under the Scheme.

Section 6 of the Act makes it unlawful for a public authority to act in a way that is incompatible with the UNCRC requirements. Although the duty to act compatibly with the UNCRC requirements applies only when public authorities are carrying out functions conferred by Acts of the Scottish Parliament, or by Scottish statutory instruments made using powers contained in an Act of the Scottish Parliament, or by common law, we are encouraging public authorities to uphold children's rights regardless of the legal source of their powers. In the regular reports required under the UNCRC Act, listed public authorities will be required to report not only on the actions they have taken to comply with the compatibility duty, but also on how they are securing better or further effect to children's rights more generally.

UK Government and the ECHR

²⁸ [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024 \(legislation.gov.uk\)](#)

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The UK Government's Bill of Rights Bill, which was introduced to the UK Parliament in June 2022, has now been withdrawn. Robust cross-party opposition to the Bill led to its abandonment in June 2023, a move which was widely welcomed by all.

However, concerns about the UK Government's overall trajectory remain and there have been a number of suggestions that the current UK administration may seek to withdraw from the European Convention on Human Rights if its plans to deport asylum seekers to Rwanda are obstructed. The Illegal Migration Act already includes provisions which seek to disapply human rights protections for refugees, and the Rwanda Bill not only risks breaching international law but authorises ministers to disregard interim measures indicated by the Court.

We are clear that pulling the UK out of the ECHR would remove vitally important safeguards which protect every member of our society. It would also fundamentally change the devolution settlement and alter the powers of the Scottish Parliament. We will continue to work with stakeholders in Scotland and elsewhere in the UK to oppose any attempt to erode or remove the protections built in to the ECHR and given domestic effect by the Human Rights Act 1998 and the Scotland Act 1998.

In Scotland we are taking a very different approach, we will shortly publish an Equality and Human Rights Mainstreaming Strategy, this Strategy will provide a framework for Scottish Government and the wider public sector to support the mainstreaming of equality and human rights across all functions, including policy and regulation creation.

Conclusion

The Scottish Government remains committed to respecting, protecting and fulfilling human rights for all. Our UNCRC Act, and forthcoming Human Rights Bill will give further and better domestic effect to international human rights obligations by providing new statutory human rights frameworks which support and promote improved delivery of internationally-recognised human rights. Whilst much work remains to be done I look forward to working across Government, the wider public sector and with our stakeholders on delivering a shared vision for a Scotland in which every member of society can live with human dignity and enjoy their human rights in full.

I hope that the information provided in this letter is helpful to the Committee and will assist in enabling appropriate further consideration to be given to monitoring and reporting activity as well as more general engagement with international human rights mechanisms.

Yours sincerely,

EMMA RODDICK

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TREATIES RATIFIED BY THE UK

UNITED NATIONS

The UK has signed and ratified the following core UN human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of all Forms of Racial Discrimination (CERD)
- Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)
- UN Convention on the Rights of the Child (UNCRC)
- UN Convention on the Rights of Persons with Disabilities (UNCRPD)
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (UNCAT)

The UK has not signed the:

- Convention for the Protection of All Persons from Enforced Disappearance (CPED)
- Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CPRMW)

The UK is a party to the following Optional Protocols:

- Second Optional Protocol to the International Covenant on Civil and Political Rights (OP2-ICCPR) (Abolition of Death Penalty)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Communications Procedure)
- Optional Protocol to the Convention on the Rights of the Child (OP-CRC-AC) (Children in Armed Conflict)
- Optional Protocol to the Convention on the Rights of the Child (OP-CRC-SC) (Sale of Children, Prostitution and Pornography)
- Optional Protocol to the Convention on the Rights of Persons with Disabilities (OPCRPD) (Communications Procedure)
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (OPCAT)

The UK is not currently a party to the:

- First Optional Protocol to the International Covenant on Civil and Political Rights (OP1-ICCPR) (Communications procedure)
- Optional Protocol to International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) (Communications Procedure)
- Optional Protocol to the Convention on the Rights of the Child (OP-CRC-IC) (Communications Procedure)

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The UK is party to 50 International Labour Organisation Conventions. The Fundamental Conventions are:

- C029 – Forced Labour Convention
- P029 – Protocol to the Forced Labour Convention
- C087 – Freedom of Association and Protection of the Right to Organise Convention
- C098 – Right to Organise and Collective Bargaining Convention
- C100 – Equal Remuneration Convention
- C105 – Abolition of Forced Labour Convention
- C111 – Discrimination (Employment and Occupation) Convention
- C138 – Minimum Age Convention
- C155 – Occupation Safety and Health Convention
- C182 – Worst Forms of Child Labour Convention
- C187 – Promotional Framework for Occupational Safety and Health Convention

COUNCIL OF EUROPE

The UK has signed and ratified the following Council of Europe human rights treaties:

- European Convention on Human Rights (ECHR)
- European Social Charter (ESC)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment (CPT)
- European Charter for Regional and Minority Languages (ECRML)
- Framework Convention for the Protection of National Minorities (FCPNM)
- European Convention on Action against Trafficking in Human Beings (CATHB)
- Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)
- Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention)

The UK has signed but has not ratified the:

- Revised European Social Charter (rESC)

LIST OF ABBREVIATIONS

- CEDAW* – *Convention for Elimination of all Discrimination against Women (UN)*
CERD – *Convention for the Elimination of Racial Discrimination (UN)*
CESCR – *Committee on Economic, Social and Cultural Rights (UN)*
CPT – *Convention for the Prevention of Torture (Council of Europe)*
ECMRL – *European Charter for Regional or Minority Languages (Council of Europe)*
ECRI – *European Commission against Racism and Intolerance (Council of Europe)*
ECSR – *European Committee of Social Rights*
ECSS – *European Code of Social Security (Council of Europe)*
ESC – *European Social Charter (Council of Europe)*
FCPNM – *Framework Convention for the Protection of National Minorities (Council of Europe)*
HRD – *Human Rights Defender*
ICESCR – *International Covenant on Economic, Social and Cultural Rights (UN)*

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- ICCPR – International Covenant on Civil and Political Rights (UN)*
- ILO – International Labour Organisation (UN)*
- OHCHR – Office of Human Rights Commissioner for Human Rights (UN)*
- UNCAT – Convention against Torture (UN)*
- UNCRC – Convention on the Rights of the Child (UN)*
- UNCRPD – Convention on the Rights of Persons with Disabilities (UN)*
- UNSR – UN Special Rapporteur*
- UPR – Universal Periodic Review (UN)*
- SPT – The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UN)*

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