

Karen Adam MSP
Equality, Human Rights and Civil Justice Committee
The Scottish Parliament,
Edinburgh,
EH99 1SP

ehrcj.committee@parliament.scot

29 February 2024

Dear Convener,

Correspondence Following Meeting of Tuesday, January 16, 2024 : Universal Periodic Review

Members of the Scottish Human Rights Commission (the Commission) and I were very pleased to participate in the Committee's meeting on the 16th of January 2024 to answer questions on our annual report and future work, in line with Section 15 of the Scottish Commission for Human Rights Act 2006.

During the session, Paul O'Kane MSP asked the panel for views on the UK's response to the 4th cycle of Universal Periodic Review (UPR) and the dialogue between the UK and Scottish Governments in responding to the recommendations. We committed to follow up by correspondence, and I am pleased to provide the following update on our work in relation to the UPR.

As Committee members will be aware, the UPR is a unique mechanism of the United Nations (UN) Human Rights Council that calls for each UN Member State to undergo a peer review of its human rights record every 4.5 years.

Established in March 2006 by the UN General Assembly in resolution 60/251, the UPR is designed to prompt, support, and expand the promotion and protection of human rights in every country.

The UPR provides each State the opportunity to regularly:

- Report on the actions it has taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights; and

Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS
0131 297 5750

hello@scottishhumanrights.com
www.scottishhumanrights.com

- Receive recommendations – informed by multi-stakeholder input and pre-session reports – from UN Member States for continuous improvement.

Since the first periodic review in 2008, all 193 UN Member States have been reviewed three times. The fourth cycle of review began in November 2022, at the 41st session of the UPR Working Group.

As I noted during the Committee’s meeting, the UK issued its response to the UPR recommendations in January 2023^[1] and individually noted, partially supported or supported the full list of 302 recommendations.

Analysis by Birmingham City University suggests that the UK supported around 40% of the recommendations from Member States. According to the NGO UPR Info¹, State parties on average support around 75% of recommendations.

While acknowledging that some recommendations were noted or partially supported due to the difficulties of reflecting devolved divergence, it is disappointing that the UK’s acceptance rate is so comparatively low.

Our general reflection on the process is that the UK Government was open to dialogue with the Commission as Scotland’s NHRI, and we welcome the regular opportunities to meet with UK Government officials in preparation for the UPR, alongside the other UK NHRIs and representatives from devolved administrations. We hope that these meetings will continue as the UK prepares to submit a Mid-Term Review report in 2025.

I am sure that the Committee will share the interest of the Commission on the implications of the UPR in a Scottish context. Since the Commission provided evidence to the Committee, [the Scottish Government has published its own response to the recommendations](#). This response does not form part of the formal UPR, but is a welcome statement of ongoing and intended implementation within the devolved context.

The Scottish Government has supported or partially supported the vast majority of recommendations within competence. In some instances it would be helpful to have more information in the statement to explain why the Scottish Government has reached a particular response.

[1] [G2261226.pdf \(un.org\)](#)

¹ [United Kingdom | UPR info \(upr-info.org\)](#)

As part of our role as the National Human Rights Institution (NHRI) accredited within the UN system to monitor the status of human rights compliance in Scotland, the Commission's intention is to engage in an analysis of UPR recommendations as they impact on devolved policy, and the Scottish Government's response to those recommendations. It is our intention that this analysis will inform the Commission's report to the Mid-Term Review in 2025.

We will commit to sharing our assessment with the Committee to inform your own consideration of Scotland's human rights record.

The Commission welcomes the Committee's interest in the role of United Nations monitoring activity in supporting the protection and promotion of the human rights of the people of Scotland, and any further opportunities to build on our engagement with the Committee in this area.

Yours sincerely, on behalf of the Commission

Jim Farish

Member of the Scottish Human Rights Commission (*Rotational Chair, February 2024*)

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