

**UN Human Rights Council**

**Universal Periodic Review  
Fourth Cycle (November 2022)**

**Scottish Government  
Response to the  
Recommendations**

January 2024

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## Foreword

Scotland's record in implementing internationally-recognised human rights was examined last year by the UN Human Rights Council as part of its Universal Periodic Review of the UK's overall human rights record.

The Universal Periodic Review ("UPR") is one of the principal ways the UN holds individual states to account for their implementation of international human rights standards. It is a cyclical process in which all UN Member States are able to participate.

The recommendations issued by the UN Human Rights Council emerge from a peer-review of performance, and draw on reports submitted by National Human Rights Institutions and civil society campaigners. They are invaluable in identifying opportunities to extend existing good practice and they provide a checklist of areas in which potential improvements can be made.

It therefore gives me great pleasure to be able to respond to the recommendations which emerged from the November 2022 review. In doing so, this response builds on the Scottish Government's UPR position statement published in October 2022<sup>1</sup>.

As Scotland's national devolved government, we welcome international scrutiny of our human rights record. This response provides an update on actions taken by the Scottish Government since the UPR interactive dialogue as well as the forward-looking next steps, key milestones and indicators that will demonstrate further progress in delivering against our international obligations.

Since the UPR examination last year, the need to ensure international human rights are respected, protected and fulfilled has become even more urgent. The war in Ukraine, worsening repression in Russia and China, the humanitarian catastrophe in Gaza and far too many other human rights abuses around the globe have underlined the pressing need for coherent international action. In a domestic context, within Scotland, socio-economic challenges such as the cost of living crisis have further highlighted the necessity for human rights to be embedded at the heart of public policy-making and service delivery.

As the Minister for Equalities, Migration and Refugees with shared responsibility for human rights policy, I am pleased that the Scottish Government continues to engage with a wide variety of international mechanisms, working in close co-operation with the UK Government.

Alongside the UPR, this work has included reporting and monitoring activity under the UN Convention Against Torture ("UNCAT"), responses to requests for information from the International Labour Organisation ("ILO") and our continuing work in preparation for forthcoming performance reviews under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights ("ICESCR").

This response to the UPR recommendations also comes at a time of huge importance for the realisation of human rights in Scotland. The Scottish Government is developing a new Human Rights Bill, to be introduced in the current parliamentary session.

The Bill will break new ground in a UK context by incorporating four human rights treaties into Scots Law, and recognising and including the right to a healthy environment, within the limits of devolved competence. We also remain committed to being the first nation in the UK to incorporate the United Nations Convention on the Rights of the Child (“UNCRC”) into domestic law. On 7 December 2023, the Scottish Parliament reconsidered the UNCRC (Incorporation) (Scotland) Bill and unanimously passed an amended version of the Bill. Subject to Royal Assent it is hoped to commence the Bill by the middle of 2024.

I believe that it is essential for the Scottish Government to lead the way with such initiatives, in order to stand proud as a nation that respects, protects and fulfils human rights for all.

I am delighted to be able to present the Scottish Government’s formal response to the UPR List of Recommendations issued by the UN Human Rights Council.

**EMMA RODDICK**

Minister for Equalities, Migration and Refugees

## Responding to the Universal Periodic Review

1. The UPR is a review of the overall human rights records of all UN Member States.
2. The UPR process is coordinated by the UN Human Rights Council (“UNHRC”), which is composed of 47 elected UN Member States<sup>2</sup>. Other UN Member States may also participate in the UPR process by making observations and presenting recommendations to the state whose record is under review.
3. In October 2022, the Scottish Government published a UPR Position Statement<sup>3</sup> in advance of the formal UPR examination in Geneva. Standalone position statements of this kind are designed to assist the Scottish Parliament, the Scottish Human Rights Commission, civil society stakeholders, other interested parties and the general public in engaging with treaty reporting processes. As such they support direct scrutiny of the Scottish Government’s human rights record. Whilst they do not form part of the formal documentation submitted to the UN they do serve as a document of public record. Critically, they establish a clear benchmark against which future Scottish Government performance can be assessed.
4. Our October 2022 position statement set out the progress that had been made in Scotland since 2017 in giving effect to a range of the UK’s international human rights obligations. It also provided an explanation of the overall UPR process and the Scottish Government’s contribution to the UK’s overall participation, including the role that the Scottish Government has played in supporting civil society engagement and the national reporting stage of the UK’s fourth and current UPR round.
5. Following those initial engagement and reporting stages, the UK’s overall human rights record was examined by the UNHRC during an in-person Interactive Dialogue session in Geneva on 10 November 2022<sup>4</sup>. During that session, the UK was represented by a delegation led by the UK Government’s Parliamentary Under-Secretary of State for Courts and Legal Services, Mike Freer MP, and the UK’s Permanent Representative in Geneva. The UK delegation also included officials from the UK, Scottish and Welsh Governments<sup>5</sup>.
6. As a result of the Interactive Dialogue session, the UK received 302 recommendations from 115 UN Member States<sup>6</sup>. The UK presented its formal response to these recommendations to the UNHRC in March 2023<sup>7</sup>. The Scottish Government provided a contribution to that response, which was coordinated domestically by the UK Government Ministry of Justice. In its response, the UK indicated “support” for 135 of recommendations, “partially supported” 55 of the recommendations and “noted” 112 recommendations.

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<sup>2</sup> [UN Human Rights Council](#)

<sup>3</sup> [Universal Periodic Review 2022: Scottish Government Position Statement - gov.scot \(www.gov.scot\)](#)

<sup>4</sup> [United Kingdom Review - 41st Session of Universal Periodic Review | UN Web TV](#)

<sup>5</sup> Input from Northern Ireland was constrained by the absence of a functioning Northern Ireland Executive.

<sup>6</sup> [Report of the Working Group on the Universal Periodic Review. United Kingdom of Great Britain and Northern Ireland](#)

<sup>7</sup> [UK’s Response to 4th Universal Periodic Review - GOV.UK \(www.gov.uk\)](#)

7. Like much of the UK's human rights reporting documentation that is submitted to the UN, the UK's response to the UPR recommendations was constrained by an overall wordcount limit within which to set out the position of governments across all of the nations and territories of the UK (including the Crown Dependencies and Overseas Territories).

8. For that reason, the Scottish Government has prepared this statement in order to describe in greater detail the Scottish Government's response to the UPR recommendations and to provide information about the action that the Scottish Government is taking forward that will give effect to these recommendations.

9. The recommendations have been grouped thematically, for ease of reference, and we have indicated how the recommendations in each group align with the Scottish Government's National Outcomes<sup>8</sup> and the UN Sustainable Development Goals<sup>9</sup>.

10. In line with the UK's State Party response to the recommendations, the Scottish Government will take action to implement the recommendations that it has "supported" and "partially supported" as far as devolved competency will allow. This is an international political commitment that supports overall UK compliance with international obligations.

11. The UK will report again in 2025 on the progress that it has made in implementing these recommendations in the form of a Mid-Term Review. The Scottish Government will contribute to that review process in due course.

12. Further background information about the UPR process can be found on the UNHRC's website<sup>10</sup>.

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<sup>8</sup> [National Outcomes | National Performance Framework](#)

<sup>9</sup> [THE 17 GOALS | Sustainable Development \(un.org\)](#)

<sup>10</sup> [Universal Periodic Review | OHCHR](#)

# 1. Human Rights Legal Framework

## A) Incorporation of International Obligations

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
37	Samoa	Harmonize the core human rights treaties into domestic law	Note	Support
47	Zambia	Enhance the status of the ratified human rights treaties in domestic law	Note	Support
62	Qatar	Ensure the application of provisions and principles of international conventions on combatting all forms of racial discrimination in local legislation	Support	Support
230	Ukraine	Take further steps towards the incorporation of the Convention on the Rights of the Child into domestic law	Note	Support

### Relevant section(s) in the October 2022 UPR Position Statement

- 1(A) – Scotland’s Human Rights Bill
- 1(B) – Incorporation of the UN Convention on the Rights of the Child

### Recent Progress and Next Steps

#### Scottish Human Rights Bill

The Scottish Government has consulted on proposals for a new Scottish Human Rights Bill<sup>11</sup>, following recommendations made by the National Taskforce for Human Rights Leadership<sup>12</sup>.

The consultation ran from 15 June to 5 October 2023 and nearly 400 consultation responses were received. The Scottish Government remains committed to introducing the proposed bill during the current (2021 to 2026) parliamentary session.

The Bill will incorporate (within the limits of devolved competence) four of the nine core UN human rights treaties<sup>13</sup> into Scots law. The UK has ratified seven of these core treaties<sup>14</sup>. Alongside the UNCRC Bill (see below), this will mean, in due course, that five of the core UN treaties have direct domestic effect in Scotland. The Human Rights

<sup>11</sup> [A Human Rights Bill for Scotland: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/a-human-rights-bill-for-scotland-consultation/pages/10.aspx)

<sup>12</sup> [National Taskforce for Human Rights: leadership report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-taskforce-for-human-rights-leadership-report/pages/1.aspx)

<sup>13</sup> [The Core International Human Rights Instruments and their monitoring bodies | OHCHR](https://www.ohchr.org/en/instruments-treaties)

<sup>14</sup> [United Nations treaties ratified by the UK - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/united-nations-treaties-ratified-by-the-uk/pages/1.aspx)



Act 1998 and the Scotland 1998 already give effect to the key civil and political rights set out in the European Convention on Human Rights. These align closely with the rights set out in two further core UN treaties – the International Covenant on Civil and Political Rights<sup>15</sup> and the UN Convention against Torture<sup>16</sup>.

The treaties which will be incorporated by the Bill are:

- the International Covenant on Economic, Social and Cultural Rights (“ICESCR”)<sup>17</sup>,
- the Convention on the Elimination of Discrimination Against Women (“CEDAW”)<sup>18</sup>,
- the International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD”)<sup>19</sup>, and
- the Convention on the Rights of Persons with Disabilities (“CRPD”)<sup>20</sup>.

### **UN Convention on the Rights of the Child (“UNCRC”)**

The Scottish Government remains committed to ensuring that Scotland is the first UK nation to incorporate the UNCRC into domestic law.

The intent behind the UNCRC (Incorporation) (Scotland) Bill<sup>21</sup> is to deliver a proactive culture of everyday accountability for children’s rights across public services in Scotland. The Bill reflects our overall National Performance Framework commitments to respect, protect and fulfil human rights<sup>22</sup> and to ensure that children in Scotland grow up loved, safe and respected and realise their full potential<sup>23</sup>.

The Bill was passed by the Scottish Parliament on 16 March 2021<sup>24</sup>, but was subsequently found by the UK Supreme Court (“UKSC”) to contain provisions that were outwith legislative competence<sup>25</sup>. In particular, the judgment made clear that the Bill cannot require public authorities to act compatibly with the UNCRC when they are delivering functions under powers contained in a UK Act, if the provisions of the UK Act require the public authority to act incompatibly. That applies even where the subject matter of the UK Act is now within devolved competence.

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<sup>15</sup> [International Covenant on Civil and Political Rights | OHCHR](#)

<sup>16</sup> [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | OHCHR](#)

<sup>17</sup> [International Covenant on Economic, Social and Cultural Rights | OHCHR](#)

<sup>18</sup> [Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 | OHCHR](#)

<sup>19</sup> [International Convention on the Elimination of All Forms of Racial Discrimination | OHCHR](#)

<sup>20</sup> [Convention on the Rights of Persons with Disabilities | OHCHR](#)

<sup>21</sup> [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](#)

<sup>22</sup> [Human Rights | National Performance Framework](#)

<sup>23</sup> [Children and Young People | National Performance Framework](#)

<sup>24</sup> [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](#)

<sup>25</sup> [REFERENCE by the Attorney General and the Advocate General for Scotland - United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Bill - The Supreme Court](#)

The Scottish Parliament reconsidered the Bill, in light of the UKSC judgment, and voted unanimously (on 7 December 2023) to pass an amended version of the Bill<sup>26</sup>. Subject to Royal Assent it is hoped to commence the Bill by the middle of 2024. The effect of the amendments made to the Bill reflect the Scottish Government's assessment that the most *effective* coverage for the compatibility duty in the Bill is for it to apply only when public authorities are delivering functions under powers conferred by an Act of the Scottish Parliament. Adopting this approach resolves the issues identified in the UKSC judgment.

Even with the more limited coverage which will result, we remain confident that the Bill will deliver important new protection for children's rights. A review of UK legislation which applies to devolved areas will be undertaken to identify provisions which impact on children's rights to the extent that Ministers consider that it may be worth legislating to bring those provisions within the scope of the compatibility duty. A review of this kind will take time to complete. Any resulting new legislation would need to be brought forward in a way that manages pressure on the overall legislative business of the Parliament.

#### **Relevant National Outcomes**

- We respect, protect and fulfil human rights and live free from discrimination.
- We grow up loved, safe and respected so that we realise our full potential.

#### **Relevant Sustainable Development Goals**

- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

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<sup>26</sup> [Reconsideration Stage | Scottish Parliament Website](#)

## B) European Convention on Human Rights and Human Rights Act 1998

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
19	Costa Rica	Commit to remain a member state of the Council of Europe and party to the European Convention on Human Rights	Partially Support	N/A
20	Germany	Remain committed to fully implement the European Convention on Human Rights	Support	Support
21	Kenya	Take necessary measures to ensure the current proposed new Bill of Rights does not result in weakening the legal effects, scope and effectiveness granted under the Human Rights Act of 1998	Support	Support
23	Luxembourg	Ensure that the British Bill of Rights (Bill) provides the same level of human rights protection as the 1998 Human Rights Act it seeks to replace	Support	Support
24	Ireland	Ensure that any future human rights legislation complies with the duty under the Good Friday Agreement to ensure full incorporation of the European Convention on Human Rights into Northern Ireland law	Support	N/A <sup>27</sup>
25	Mexico	Ensure that any amendments to the legal framework maintain the same level of protection as the current Human Rights Act of 1998	Support	Support
29	Ukraine	Ensure that any modifications to human rights legislation do not adversely affect the current level of the protection	Support	Support

<sup>27</sup> **Recommendation 24** does not pertain to devolved matters in Scotland, but the Scottish Government notes the concerns expressed by the Northern Ireland Human Rights Commission. [Publication - NI Human Rights Commission Advice on the Bill of Rights Bill | Northern Ireland Human Rights Commission \(nihrc.org\)](#) The Human Rights Act 1998 extends to all parts of the UK and is central to all three devolved settlements and the Scottish Government opposes any erosion or diminution of the Convention rights established in domestic law by the 1998 Act.

		of human rights provided by the Human Rights Act 1998		
30	Venezuela	Stop the plan to replace the Human Rights Act 1998 with a Bill limiting their protection	Note	N/A
31	Australia	Ensure that the current level of human rights protection provided by the Human Rights Act 1998 is maintained and improved if legislation is replaced or reformed	Support	Support
32	Belgium	Reconsider the intention to replace the Human Rights Act 1998 with a Bill of Rights and commit to continued domestic incorporation of the European Convention on Human Rights	Partially Support	N/A
34	Estonia	Ensure the effectiveness and scope of the Human Rights Act in any future legislation	Support	Support
38	Slovakia	Maintain its international obligations and international standards in accordance with the jurisprudence of the European Court of Human Rights	Support	Support
40	Germany	Ensure that any possible reform to the Human Rights Act 1998 does not weaken the protection or limit the ability of individuals to enjoy and enforce rights under the European Convention on Human Rights	Support	Support
42	Portugal	Ensure that modifications to the Human Rights Act do not result in the weakening of the current level of human rights protection	Support	Support
44	Ecuador	Ensure that any instrument that may replace the Human Rights Act of 1998 grants rights-holders at least the same level of effective protection	Support	Support
43	Slovakia	Ensure that the European Convention on Human Rights is fully implemented and given effect in UK law	Support	Support

45	Cyprus	Commit to continued domestic incorporation of ECHR rights and provisions	Support	Support
46	Greece	Ensure that any proposed changes to the Human Rights Act do not diminish access to justice	Support	Support
48	Switzerland	Ensure that any possible reform of the Human Rights Act 1998 does not in any way affect the scope of protection or access to the remedy mechanism of the European Convention on Human Rights	Support	Support
49	Malawi	Refrain from replacing the Human Rights Act of 1998 with more limited legislation, and rather maintain the same level of human rights protection provided by the Human Rights Act in the British Bill of Rights and include additional child-specific rights	Partially Support	Partially Support <sup>28</sup>
50	Canada	Ensure that the current level of human rights protection provided by the Human Rights Act of 1998, including the rights of asylum seekers, are maintained under any legislative reform	Support	Support <sup>29</sup>
109	Mexico	Strengthen measures to ensure the effective enforcement of provisional measures and judgments of the European Court of Human Rights	Support	Support <sup>30</sup>

<sup>28</sup> In relation to **recommendation 49**, the Scottish Government **supports** the principles underlying this recommendation. Implementation will be achieved in Scotland by incorporating children's rights (within the limits of devolved competence) by means of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](#)

<sup>29</sup> The Scottish Government **supports recommendation 50** but notes that immigration and asylum are reserved to the UK Parliament and handled by the Home Office. Restrictions on asylum rights which are applied through reserved immigration legislation and rules apply across the UK, including Scotland, and are not within the competence of the Scottish Parliament.

<sup>30</sup> The Scottish Government **supports** the principles underlying **recommendation 109** but stresses the full independence of the Scottish courts and the importance of maintaining a proper constitutional separation of powers. It is for the courts themselves to decide how best to take account of measures and judgments issued by the European Court of Human Rights.

114	Bahamas	Ensure that any reform of the 1998 Human Rights Act does not reduce the scope of protection or remedies currently enjoyed	Support	Support
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**Relevant section(s) of the October 2022 UPR Position Statement**

- 1(D) – Human Rights Act 1998

**Recent Progress and Next Steps**

Rights derived directly from the ECHR (“the Convention rights”) are already given legal effect in Scotland by means of the Human Rights Act 1998<sup>31</sup> and the Scotland Act 1998<sup>32</sup>. Legislation passed by the Scottish Parliament is not law to the extent that it is incompatible with the Convention rights. The Scottish Ministers similarly have no power to act incompatibly with those same rights. It is unlawful for public authorities to act in way that is incompatible with the Convention rights (except in limited circumstances).

The Scottish Government and the Scottish Parliament have reiterated their unequivocal opposition to attempts by the UK Government to repeal and/or replace the Human Rights Act 1998. The Convention rights established by the Human Rights Act are also embedded in the Scotland Act 1998 and are fundamental to the Scottish Parliament and to Scotland’s devolution settlement<sup>33</sup>. Proposals put forward by the UK Government in June 2022 in its Bill of Rights Bill represented a clear and present danger to fundamental rights and freedoms in Scotland and across the UK as whole.

The Bill of Rights Bill encountered significant cross-party opposition in the UK Parliament and failed to make progress beyond First Reading in the House of Commons. It was subsequently withdrawn in June 2023 and no longer forms part of the UK Government’s legislative programme.

Provisions which have a similar legal effect (in disapplying section 3 of the Human Rights Act) have, however, appeared in other UK Government legislation, notably in the Illegal Migration Act 2023. The Scottish Government has made clear its opposition to such measures<sup>34</sup>. The Scottish Government strongly opposes suggestions made by some members of the UK Government that the UK might seek to denounce its current obligations and withdraw from being a state party to the ECHR.

The Scottish Government will continue to strongly oppose any proposals which would have the effect of altering or undermining the legal and constitutional protections which have so successfully safeguarded and advanced human rights throughout the UK over the last two decades.

<sup>31</sup> [Human Rights Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1998/42)

<sup>32</sup> [Scotland Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1998/12)

<sup>33</sup> [S6M-07133 | Scottish Parliament Website](https://www.scottish.parliament.uk/legislation/S6M-07133)

<sup>34</sup> [Illegal Migration Act 2023 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2023/11)

The Scottish Government will continue to work closely with other Devolved Administrations, the National Human Rights Institutions, civil society campaigners and others to monitor developments at Westminster, defend the Human Rights Act, ensure continued UK membership of the ECHR, and press the UK Government to comply in full with the UK's international obligations. This includes its obligations as a state party to the ECHR.

**Relevant National Outcomes**

- We respect, protect and fulfil human rights and live free from discrimination.
- We live in communities that are inclusive, empowered, resilient and safe.
- We are open, connected and make a positive contribution internationally.

**Relevant Sustainable Development Goals**

- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## C) National Human Rights Institutions

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
52	India	Continue to strengthen the functioning of its various National Human Rights Institutions, in accordance with the Paris Principles	Support	Support

### Relevant section(s) of the October 2022 UPR Position Statement

- 1(E) – Scottish Human Rights Commission

### Recent Progress and Next Steps

The Scottish Government’s proposals for a new Scottish Human Rights Bill include measures to strengthen the role of the SHRC so that it can continue to play a key role in ensuring that human rights are respected, protected and fulfilled in Scotland. Extensive consultation has taken place with the Scottish Human Rights Commission (“SHRC”) and with the Scottish Parliament Corporate Body, which sponsors the work of the Commission.

In particular, the public consultation on the Bill included proposals to extend the powers of the SHRC, for example:

- to bring or intervene in civil proceedings under the Bill; and
- an investigatory power which allows for accountability for systemic issues relating to the rights in the Bill (in respect of civil matters).

The Scottish Government will also consider mirroring any new powers for the SHRC in the remit of the Children and Young People’s Commissioner Scotland (“CYPCS”). This recognises that the rights to be set out in the proposed Scottish Human Rights Bill will also apply to children.

### Relevant National Outcomes

- We respect, protect and fulfil human rights and live free from discrimination.
- We grow up loved, safe and respected so that we realise our full potential.

### Relevant Sustainable Development Goals

- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.



## D) Treaty Monitoring and Implementation

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
18	Lesotho	Continue efforts to ensure the submission of overdue State Party Reports to UN treaty bodies	Support	Support
86	Mongolia	Continue its efforts to implement the recommendations of the United Nations Sub-Committee for the Prevention of Torture	Support	Support
33	Cyprus	Ensure that all new legislation remains in line with the UK's international human rights obligations	Support	Support

### Relevant section(s) of the October 2022 UPR Position Statement

N/A

### Recent Progress and Next Steps

The Scottish Government welcomes international scrutiny of Scotland's human rights record and is committed to engaging with the United Nations and other international human rights monitoring mechanisms.

The Scottish Government contributes to UK-wide reporting activity in order to ensure that UK reports accurately reflect implementation of human rights treaty obligations in devolved areas. Separate Scottish position statements are also published, where appropriate. Whilst these do not form part of formal international reporting mechanisms, they play an important role in supporting effective scrutiny of devolved performance carried out by the Scottish Parliament. Scottish position statements also serve to ensure that civil society partners and the general public are kept properly informed. The two most recent position statements relate to the UPR<sup>35</sup> (published in October 2022) and to compliance with ICESCR<sup>36</sup> (published in November 2022).

In June 2022, the UN Committee against Torture published its List of Issues in respect of UK obligations under UNCAT. It did so in advance of the 7th periodic report from the UK. In December 2022, the Scottish Government provided a response to the List of Issues which was then reflected in the UK state party report published in July 2023<sup>37</sup>.

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<sup>35</sup> [Universal Periodic Review 2022: Scottish Government Position Statement - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>36</sup> [International Covenant on Economic, Social and Cultural Rights: position statement - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>37</sup> [UK response to UN Committee Against Torture's list of issues - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

The Scottish Government also continues to contribute to the UK reports to the International Labour Organisation (“ILO”). In 2023, the Scottish Government contributed to UK state party responses under the following ILO Conventions: C029; P029; C081; C105; C124; C138; C182.

The Scottish Government is participating actively in the 7<sup>th</sup> periodic review of the UK’s overall performance against ICESCR obligations. In March 2023 national human rights institutions and civil society gave oral and written evidence to the UN Committee on Economic Social and Cultural Rights. The Committee has now published a List of Issues which will form the basis for an interactive dialogue between the Committee and representatives of the UK, Scottish and other UK governments. The UK is expected to respond to the List of Issues in March 2024 with an interactive dialogue then taking place in Geneva in either 2024 or 2025.

The 9<sup>th</sup> periodic review of performance under the International Covenant on Civil and Political Rights (“ICCPR”) is currently in progress and the interactive dialogue is scheduled to take place in March 2024. Scottish Government officials will participate in the UK delegation and present information in relation to devolved policies in Scotland.

#### **Relevant National Outcomes**

- We respect, protect and fulfil human rights and live free from discrimination.
- We are open, connected and make a positive contribution internationally.

#### **Relevant Sustainable Development Goals**

- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## E) Ratifications, Reservations and Declarations

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
<b>General</b>				
7	Paraguay	Ratify the pending international human rights instruments and accept the competence of treaty bodies to receive individual communications	Note	N/A
16	Czechia	Take necessary steps to allow individual complaints mechanisms under UN human rights treaties such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child	Note	N/A

<b>Istanbul Convention</b>				
9	Italy	Keep under review the reservations registered upon ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)	Partially Support	N/A
276	Spain	Lift the reservation to article 59 of the Istanbul Convention, so that migrant women can receive the same support and protection	Note	N/A

<b>International Covenant on Civil and Political Rights</b>				
5	Various	Ratify (or take measures to ratify) the Optional Protocol to the International Covenant on Civil and Political Rights (Cyprus) (Estonia) (Uzbekistan)	Note	N/A

<b>International Covenant on Economic, Social and Cultural Rights</b>				
6	Various	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Cyprus) (Portugal) (Spain)	Note	N/A

<b>International Convention for the Protection of All Persons from Enforced Disappearance</b>				
3	Various	Ratify [or consider ratifying] the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina) (Iraq) (Italy) (Japan) (Niger) (Sierra Leone) (Czechia) (France) (Chile) (Mongolia) (Sudan)(Togo)	Note	N/A <sup>38</sup>

<b>Convention on the Elimination of All Forms of Discrimination Against Women</b>				
13	Zambia	Withdraw reservations to the Convention on the Elimination of All Forms of Discrimination against Women	Note	N/A
14	Sierra Leone	Consider to withdraw its reservation on Convention on the Elimination of All Forms of Discrimination against Women	Support	N/A

<b>Convention on the Elimination of All Forms of Racial Discrimination</b>				
10	Namibia	Withdraw its interpretative declaration to Article 4 of the International Convention on	Note	N/A <sup>39</sup>

<sup>38</sup> The Scottish Government condemns the enforced disappearance of all persons in the strongest possible terms.

<sup>39</sup> The Scottish Government is clear that the right to freedom of expression does not confer a right to act in a way that negates the human rights of other members of society.

		the Elimination of All Forms of Racial Discrimination		
11	Côte d'Ivoire	Accept the procedure for the submission of communications from individuals, provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination and withdraw its reservation to article 4 of the Convention	Note	N/A (see 10)
12	Sierra Leone	Consider to withdraw its interpretative declaration under Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination	Note	N/A (see 10)

#### UN Convention on the Rights of the Child

4	Various	Ratify [or consider ratifying] the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Cyprus) (Denmark) (France) (Ecuador) (Mongolia) (Ukraine)	Note	N/A
15	Panama	Withdraw its interpretative declaration on article 1 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Note	N/A <sup>40</sup>
17	Montenegro	Withdraw its interpretive declaration with regard to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Note	N/A (see footnote to 15)

<sup>40</sup> Although defence policy is reserved to the UK Government, the Scottish Government expects the UK Ministry of Defence to comply fully with the requirement to ensure that those recruited into the armed forces, including those from Scotland, do not see active service in conflict before the age of 18.

**International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

1	Various	Ratify [or consider ratifying] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Côte d'Ivoire) (Lesotho) (Morocco) (Niger) (Nigeria) (Sierra Leone) (Somalia) (Togo) (Bangladesh) (Colombia) (Türkiye) (Algeria) (Chile) (Egypt) (Ghana) (Sri Lanka)	Note	N/A <sup>41</sup>
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**Convention for the Safeguarding of the Intangible Cultural Heritage**

8	Lebanon	Ratify the Convention for the safeguarding of the intangible cultural heritage and to facilitate the participation of all stakeholders in cultural heritage and creative expressions	Note	N/A <sup>42</sup>
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Note: The Scottish Government welcomes all of the above recommendations, the UK Government, as the State Party, holds responsibility for most aspects of international relations, including the ratification of international treaties and decisions in relation to reservations and interpretive declarations.. As a result, neither the Scottish Government nor the Scottish Parliament are currently in a position to implement these recommendations.

The Scottish Government has publicly welcomed the availability of communications (i.e. complaint and inquiry) mechanisms in principle. The UK is currently a party to the relevant mechanisms for CEDAW and CRPD, but not ICCPR, ICESCR and CRC.

**Relevant section(s) of the October 2022 UPR Position Statement**

- 1C - Ratification of the Istanbul Convention

<sup>41</sup> The Scottish Government will seek, to the extent allowed by devolved competence, to support migrant workers in Scotland and to ensure they are treated with fairness and respect, in accordance with all applicable human rights requirements.

<sup>42</sup> The Scottish Government is committed to fulfilling the cultural rights set out in all relevant international treaties, including ICESCR and the Council of Europe's Framework Convention on the Protection of National Minorities ("FCNM") and European Charter for Regional and Minority Languages ("ECRML").

## Recent Progress and Next Steps

### CEDAW

The Scottish Government is fully committed to implementing its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW”). CEDAW’s requirements will be reflected, within the limits of devolved competence, in the proposed Scottish Human Rights Bill which will be introduced in the current parliamentary session.

### Istanbul Convention

The Scottish Government considers that the UK’s reservation in relation to Article 59 is contrary to the spirit and substance of the Istanbul Convention and conflicts with the obligation on states parties to implement the Convention without discrimination on any grounds. Ministers have written to the UK Government to ask it to withdraw the UK’s reservation on Article 59<sup>43</sup>.

The Scottish Government contributed to the UK baseline evaluation report<sup>44</sup> submitted to the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (“GREVIO”) which was published in July 2023. GREVIO is expected to undertake an initial visit to the UK in January 2024 to evaluate baseline performance.

### Gaelic and Scots - Education

The Scottish Government is committed to supporting and promoting Scotland’s intangible cultural heritage, including the Gaelic and Scots languages. Actions being taken are wide ranging and will impact all levels of the language communities. A Scottish Government consultation on the Future of Gaelic and Scots ran from August to December 2022<sup>45</sup>.

A new Scottish Languages Bill<sup>46</sup> will be introduced in the Scottish Parliament during the current parliamentary session. It will address aspects such as legal recognition for Gaelic and Scots as official languages of Scotland; a new strategic approach to Gaelic-medium Education; measures to provide protection to key Gaelic communities, and action to provide further support to the Scots language.

The Scottish Government is working with parents and Local Authorities to increase the areas and circumstances in which young people have the choice to access Gaelic education. The capital budget to support Gaelic education has increased to £4 million and the Scottish Government has maintained the grant (total value £4.82 million) which is available to local authorities to help deliver expansion and new provision. In

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<sup>43</sup> [UK Government position on Article 59: joint letter to Minister for Safeguarding - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2023/04/20230420-UK-Government-position-on-Article-59-joint-letter-to-Minister-for-Safeguarding-gov.scot)

<sup>44</sup> [Report submitted by the United Kingdom pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Baseline Report\)](https://www.gov.scot/resources/documents/2023/07/20230714-Report-submitted-by-the-United-Kingdom-pursuant-to-Article-68-paragraph-1-of-the-Council-of-Europe-Convention-on-preventing-and-combating-violence-against-women-and-domestic-violence-Baseline-Report)

<sup>45</sup> [Scottish Government Commitments to Gaelic and Scots and a Scottish Languages Bill: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/12/20221208-Scottish-Government-Commitments-to-Gaelic-and-Scots-and-a-Scottish-Languages-Bill-consultation-gov.scot)

<sup>46</sup> [Scottish Languages Bill - Gaelic and Scots commitments: consultation analysis - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2023/04/20230420-Scottish-Languages-Bill-Gaelic-and-Scots-commitments-consultation-analysis-gov.scot)

addition, the Scottish Government is working with the General Teaching Council Scotland, Education Scotland, the Scottish Qualification Authority and [Stòrlann](#) (the Gaelic resources body) to ensure practitioners are supported and educational materials are available to the sector.

Support for Scots language bodies continues to expand and the available budget was doubled, to circa £520,000, in 2022/23. This has allowed the development of Scots educational support and resources, through bodies such as the Scots Language Centre and Scots Hoose<sup>47</sup>, which allow teachers and young people to access the learning they want.

Gaelic and Scots both featured in the 2022 Census and the resulting information will support the identification and targeting of resource to help both languages. Further information is available in:

- [Gaelic Language \(Scotland\) Act 2005 \(legislation.gov.uk\)](#)
- [The National Gaelic Language Plan – Bòrd na Gàidhlig \(gaidhlig.scot\)](#)
- [Gaelic language plan 2022 to 2027 - gov.scot \(www.gov.scot\)](#)
- [Scots language policy: English version - gov.scot \(www.gov.scot\)](#)

#### **Relevant National Outcomes**

- We grow up loved, safe and respected so that we realise our full potential.
- We respect, protect and fulfil human rights and live free from discrimination.
- We are open, connected and make a positive contribution internationally.

#### **Relevant Sustainable Development Goals**

- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

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<sup>47</sup> [HAME - Scots Hoose](#)



## 2. Equality and Non-Discrimination

### A) Equality (General)

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
79	Ghana	Reinforce measures to combat all forms of discrimination and inequality	Support	Support
146	North Korea	Ensure protecting the right of minorities and migrants for access to employment, housing, public health and education on an equal basis with others and enhancing their quality of life	Note	Support
250	Spain	Strengthen the protection of the rights of women, people with disabilities and LGBTBI people and take measures to prevent hate crimes both online and offline	Support	Support
261	Cuba	Continue taking measures to eliminate disparities affecting minorities in accessing to criminal justice, employment, health, and education	Support	Support

#### Relevant section(s) of the October 2022 UPR Position Statement

- 2 – Equality and Non-Discrimination
- 3 – Tackling Hate Crime

#### Recent Progress and Next Steps

##### Disability Equality & British Sign Language (“BSL”)

The Scottish Government is committed to making Scotland the best place in the world for users of British Sign Language to live, work, visit and learn. To support that ambition we have published a new BSL National Plan for Scotland 2023-2029<sup>48</sup>. The BSL National Plan was developed by a Short Life Working Group consisting of organisations representing the deaf, deafblind and BSL communities.

The Scottish Government has committed to publishing an Immediate Priorities Plan<sup>49</sup> to combat the effects the cost of living crisis continues to have on disabled people.

<sup>48</sup> [British Sign Language \(BSL\): national plan 2023 to 2029 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/bsl-national-plan-2023-2029/pages/1-100.aspx)

<sup>49</sup> [Cabinet Secretary for Social Justice - Programme for Government 2023 to 2024 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/immediate-priorities-plan-2023-2024/pages/1-100.aspx)

The Scottish Government is committed to co-designing this plan with disabled people and the plan is guided by the principles of the UN Convention on the Rights of Person with Disabilities (“UNCRPD”). We engage pro-actively with Disabled Peoples Organisations (“DPOs”). These are civil society organisations where at least 50% of board members (and in most cases staff) have personal lived experience of disability.

A Short Life Working Group has been established to develop the plan and is made up of three key DPOs: Glasgow Disability Alliance, Inclusion Scotland and Disability Equality Scotland. Since March 2023 the group has met five times to ascertain and agree the contents of the Immediate Priorities Plan. We are now in the final stages of refining the actions that will feature within the plan.

The Scottish Government’s Equality and Human Rights Fund<sup>50</sup> currently provides support for a range of work focused on tackling inequality and discrimination, furthering equality, and advancing the realisation of human rights in Scotland.

Through the forthcoming Scottish Human Rights Bill, the Scottish Government will incorporate the UNCRPD, within the limits of devolved competence, into domestic law.

### **Strategic Policing Priorities – equality, diversity and inclusion**

Strategic Policing Priorities (“SPPs”)<sup>51</sup> in Scotland were developed through a public consultation, both online and with in-person events including one hosted by the Scottish Human Rights Commission.

The SPPs were published in December 2019 and refreshed in early 2023. An equality impact assessment was undertaken as part of the consultation, using evidence from the Coalition for Racial Equality and Rights (“CRER”). An emphasis on equality and human rights is at the core of the SPPs, including a commitment to a diverse workforce. Police Scotland’s own Code of Ethics<sup>52</sup> also highlights awareness of cultural issues, beliefs and values. We expect that these priorities will remain in place for a period of two years ahead of the next full review consultation which is due to take place in 2025.

The Scottish Police Authority (“SPA”) is committed to eliminating discrimination on the basis of all protected Equality characteristics. The SPA undertakes Equality Impact Assessments to understand the potential or actual effect of policies, practices and decisions across all protected characteristics. The Joint Equality Outcomes 2021-2023<sup>53</sup> published in May 2021 by the SPA and Police Scotland have eight Equality Outcomes covering both equality in employment and in service delivery, to ensuring equality is at the heart of policing.

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<sup>50</sup> [Equality and Human Rights Fund: projects funded - gov.scot \(www.gov.scot\)](https://www.gov.scot/projects-funded)

<sup>51</sup> [Strategic Police Priorities - gov.scot \(www.gov.scot\)](https://www.gov.scot/strategic-police-priorities)

<sup>52</sup> [Code of Ethics for policing in Scotland - Police Scotland](https://www.policescotland.gov.uk/code-of-ethics)

<sup>53</sup> [Police Scotland and Scottish Police Authority Joint Equality Outcomes for Policing 2021](https://www.policescotland.gov.uk/joint-equality-outcomes)

Police Scotland has also established an Independent Review Group (“IRG”) to act as a critical friend and partner supporting Police Scotland to deliver sustainable improvement to Equality, Diversity and Inclusion (“EDI”) outcomes across the service. EDI is a key element of leadership training through Police Scotland’s ‘Your Leadership Matters’ programme. EDI is also included in probationer training and a plan is in place for force wide EDI refresher training.

The IRG has an independent chair, two vice chairs and seven other members all of whom have vast experience in matters relating to equality, diversity and inclusion and have experience in advocating on behalf of minority communities. The IRG presented the first of its interim reports to the SPA on 25 May. Police Scotland has also developed an Equality, Diversity and Inclusion Strategy 2022-26<sup>54</sup>.

## **Prisons**

The Scottish Prison Service (“SPS”) has statutory obligations under the Human Rights Act 1998 to act compatibly with human rights and under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

The SPS embeds equality, diversity and inclusion into daily practices across all of Scotland’s prisons, including developing policies and procedures with full consideration of equality issues. SPS ensures that strategy, policy development, analysis and practice are in line with equalities and human rights guidance.

The SPS recognises that Equality and Human Rights Impact Assessments (“EHRIA’s”) are an important mainstreaming tool, and conducts EHRIAs as part of its approach to policy review and development. This enables it identify how policies impact groups and individuals in relation to one or more of the protected characteristics. In line with obligations under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012<sup>55</sup>, all EHRIA’s are published on the SPS website.

A recent series of needs assessments conducted by the Scottish Government on substance abuse, social care, mental health and physical health needs of people in prison has provided SPS with more information about the people in its care and it is using this information to look to refresh our health and wellbeing frameworks.

## **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We are creative and our vibrant and diverse cultures are expressed and enjoyed widely.
- We are well educated, skilled and able to contribute to society.
- We have thriving and innovative businesses, with quality jobs and fair work for everyone.
- We are healthy and active.
- We respect, protect and fulfil human rights and live free from discrimination.

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<sup>54</sup> [Police Scotland Equality, Diversity and Inclusion Strategy 2022/26](#)

<sup>55</sup> [The Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012 \(legislation.gov.uk\)](#)

### **Relevant Sustainable Development Goals**

- 1 - End poverty in all its forms everywhere.
- 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 4 - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- 5 - Achieve gender equality and empower all women and girls.
- 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- 10 - Reduce inequality within and among countries.

## B) Gender Equality

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
28	Peru	Undertake the necessary reforms to include protection against gender-based discrimination in the national legislation	Note	Support
115	Lithuania	Continue measures to increase gender balance in political and public life, particularly in Northern Ireland	Support	Support
152	Azerbaijan	Strengthen the implementation of programmes and policies for providing effective access to health care for women belonging to marginalized groups	Support	Support
158	India	Continue with legislative and policy measures for ensuring pay parity and equal access to safe reproductive health services across all of the United Kingdom	Support	Support
160	Eswatini	Continue to address and strengthen laws that improve access to healthcare for women and girls	Partially Support	Support
165	Paraguay	Establish inclusive and affordable measures to facilitate women and girls' access to education, health care and other support services in rural areas	Support	Support
185	Lithuania	Make education, employment and healthcare services more accessible for women and girls living in remote rural areas	Support	Support
188	Nepal	Continue measures to enhance representation of women in decision making levels including from ethnic minorities	Support	Support
191	Slovenia	Apply a combined gender and age perspective in tax and benefits policy changes to avoid disproportionate negative effects on older women	Note	Support

192	Thailand	Continue to promote meaningful participation by women and girls from different ethnic groups, both in their political and public lives	Support	Support
193	Timor-Leste	Ensure the equal participation of rural women in policy making processes and disaster mitigation and climate change	Support	Support
195	Vanuatu	Continue to strengthen mechanisms and policies to eliminate all kinds of discrimination against minorities, in particular women living in the rural areas of the country	Support	Support
197	Bahrain	Continue efforts towards ensuring the protection of women rights	Support	Support
201	China	Promote gender equality and ensure that women are free from all forms of discrimination and violence	Support	Support
206	South Sudan	Take measures to address the low representation of women in Northern Ireland and specific targeted measures to improve the representation of women in political and public life, including “Black, Asian and Minority Ethnic” women and women with disabilities, in Parliament, the judiciary, and decision-making positions	Support	Support

#### **Relevant section(s) of the October 2022 UPR Position Statement**

- 2(A) – Gender Equality
- 3(B) – Working Group on Misogyny and Criminal Justice in Scotland
- 8(F)(i) – Gender Equality in the Workplace

#### **Recent Progress and Next Steps**

Gender equality is at the heart of the Scottish Government’s vision for a fairer Scotland, one where women and girls have and are empowered to exercise equal rights and opportunities, have equitable access to economic resources and decision making, and live their lives free from all forms of violence, abuse, and harassment. Further information specifically on the Scottish Government’s work to tackle Violence Against Women and Girls can be found in Section 4.

The Scottish Government will continue to take steps to protect and promote women’s rights, and end gender inequality and gender based violence.

The [National Advisory Council on Women and Girls](#) (NACWG) was created in 2017 by the former First Minister with a mission to “be bold” and to challenge the Scottish Government about where it needs to do better in order to realise gender equality. The first phase of the Council was from 2018 to 2020 and they delivered an ambitious and challenging package of 21 recommendations from their initial three-year strategy, that they believe will make systemic change if they are taken forward collectively and with energy.

The second phase of the Council was launched on 31 March 2022, adopting a scrutiny and accountability role for a further three years. It will ensure the delivery of the recommendations submitted to the former First Minister in Phase One are implemented in a way that not only shapes policy development but also influences the system as a whole.

Following the recommendations of the NACWG, the Scottish Government is working to embed an intersectional gender competent approach across the entire government. One of the first steps is to ensure the Scottish Government budget is produced recognising the importance of gender competence.

In January 2023, the Scottish Government published the Women’s Health Plan Report on Progress<sup>56</sup>. There is now a specialist menopause service in every mainland health board and a ‘buddy’ support system in place for the Island health boards. We have jointly commissioned new research on endometriosis with Wellbeing of Women, a UK women’s health charity.

We have also launched a new Women’s Health Platform<sup>57</sup> on NHS Inform with new resources on menstrual health, menopause and pelvic health; we have established a NHS Women’s Health Leads Network, with a lead in almost every NHS Board, focussed on driving change at a local level; and we have increased the choices that women have to access contraception at community pharmacies.

Professor Anna Glasier has been appointed as Scotland’s first Women’s Health Champion. Professor Glasier is working with the Scottish Government, and partners across all sectors, to help drive forward improvements in women’s health and the provision of women’s health care.

In maternity care, the Scottish Government continues to lead work to implement the recommendations of ‘The Best Start: A Five Year forward Plan for Maternity and Neonatal Services<sup>58</sup>’. The recommendations are based on a person centred approach to care and include a range of measures to improve maternity and neonatal care for all women and families, such as introduction of continuity of carer and measures aimed at keeping families together in maternity and neonatal services. In addition we have launched new programmes of work to improve miscarriage care and maternity safety.

The Scottish Government has also taken steps to improve women’s access to abortion, including taking forward recommendations from the March 2023 evaluation

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<sup>56</sup> [Women's health plan: progress report - gov.scot \(www.gov.scot\)](#)

<sup>57</sup> [Women's health | NHS inform](#)

<sup>58</sup> [The Best Start: A Five-Year Forward Plan for Maternity and Neonatal Care in Scotland \(www.gov.scot\)](#)

of early medical abortion at home<sup>59</sup> to seek to improve patient choice where appropriate, and ensuring that telephone or video consultations are routinely offered as an option for women accessing abortion services.

In order to ensure that women accessing abortion services are not subjected to harassment, intimidation, or undue influence the Scottish Government has been working to support Ms Gillian Mackay, MSP, with the development of the Abortion Services (Safe Access Zones) (Scotland) Bill<sup>60</sup> which was introduced in the Scottish Parliament on 5<sup>th</sup> October 2023. The Scottish Government will continue to support the Bill throughout its Parliamentary passage.

The Scottish Human Rights Bill, which has just completed its consultation stage, will incorporate CEDAW, within the limits of devolved competence, into Scots law.

Women have historically been underrepresented in public and political life, including in key public and private sector decision-making positions and in the judiciary. While there have been positive increases in women's representation over recent years, notably in relation to Scottish public appointments, many of which are subject to the Gender Representation on Public Boards (Scotland) Act 2018<sup>61</sup>, men continue to dominate other senior decision-making positions, particularly in the private sector and in local government.

In the Scottish Parliament, women now account for 46% of Members, more than at any time in the Parliament's history. The Scottish Cabinet, which is the main decision-making body of the Scottish Government, made up of the First Minister and Cabinet Secretaries, comprises of 8 women and 4 men. Of the 18 additional junior Ministers who support Cabinet Secretaries, 10 are women. However, the position in local government is less favourable. In Scottish local authorities, 35% of councillors are now women, up from 29% in 2017, but still some way from gender parity. The most recent Judicial Diversity Statistics<sup>62</sup> for Scotland, published in November 2022, show that women continue to be under-represented in judicial positions in Scotland, accounting for just 27% of all appointments. Summary Sheriffs have the highest proportion of women at 51%. More broadly, across the organisations that make up Scotland's justice sector, including Police Scotland, the Crown Office and Procurator Fiscal Service, and the Scottish Courts and Tribunals Service, women are under-represented in senior positions.

The Scottish Government and the Convention of Scottish Local Authorities ("COSLA") has recognised that the remuneration of councillors may discourage some women from standing for election to local government. In response, the Scottish Local Authority Remuneration Committee has been asked to carry out an independent review of councillor's terms and conditions, including pay. The Committee is expected to report its findings and recommendations by the end of 2023.

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<sup>59</sup> [Telemedicine early medical abortion at home: evaluation - gov.scot \(www.gov.scot\)](https://www.gov.scot/Topics/health/telemedicine/early-medical-abortion-at-home/evaluation)

<sup>60</sup> [Introduced | Scottish Parliament Website](https://www.parliament.scot/legislation/introduced)

<sup>61</sup> [Gender Representation on Public Boards \(Scotland\) Act 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2018/12)

<sup>62</sup> [2022 - Diversity Stats Scotland.xlsx \(judiciary.scot\)](https://www.judiciary.scot/2022-diversity-stats-scotland.xlsx)



In 2018, the First Minister's National Advisory Council on Women and Girls recommended that the Scottish Government legislate for local and national candidate quotas for all parties. While this is outwith the legislative competence of the Scottish Parliament, the Scottish Government has undertaken a review of international best practice in relation to candidate quotas, which will be published by the end of 2023.

The Scottish Government also provides funding for a number of third sector projects which aim to increase the representation of women in Scottish politics. These projects work: with political parties to assess their policies and practices and identify and remove barriers to women's participation in politics; with women to support and equip them with tools and knowledge to stand for political office; and with young women under 30 to develop skills to enhance their employability, political and voter engagement.

### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We are well educated, skilled and able to contribute to society.
- We value, enjoy, protect and enhance our environment.
- We have thriving and innovative businesses, with quality jobs and fair work for everyone.
- We are healthy and active.
- We respect, protect and fulfil human rights and live free from discrimination.
- We tackle poverty by sharing opportunities, wealth and power more equally.

### **Relevant Sustainable Development Goals**

- 1 - End poverty in all its forms everywhere.
- 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 4 - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- 5 - Achieve gender equality and empower all women and girls.
- 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- 10 - Reduce inequality within and among countries.
- 13 - Take urgent action to combat climate change and its impacts.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## C) Race Equality

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
54	Libya	Continue to work to combat discrimination, achieve equality and remove structural barriers that prevent racial and ethnic minorities from enjoying their rights without discrimination	Support	Support
56	Marshall Islands	Remove structural barriers to racial and ethnic minority communities' equal and non-discriminatory enjoyment of human rights	Support	Support
57	Namibia	Take effective measures to address institutional racism, including by removing structural barriers that prevent racial and ethnic minority communities from enjoying human rights on an equal and non-discriminatory basis	Support	Support
59	New Zealand	Advance comprehensive policies and practices to eliminate discrimination against minorities	Support	Support
60	Nigeria	Scale up efforts in ensuring the elimination of racism and racial discrimination	Partially Support	Support
65	Russia	Take effective measures to prevent manifestations of intolerance on ethnic/national and racial grounds	Partially support	Support
67	Sierra Leone	Take concrete steps in addressing structural forms of racial discrimination	Note	Support
75	Burkina Faso	Remove structural barriers that prevent racial and ethnic minorities from enjoying human rights without discrimination	Support	Support
80	Indonesia	Improve efforts to address discrimination and prejudice towards racial, ethnic and religious minorities including Muslim minorities	Support	Support

111	South Africa	Accelerate the implementation of the 20 actions contained in the [UN's] agenda towards transformative change for racial justice and equality	Support	Support
150	South Sudan	Remove structural barriers to racial and ethnic minority community, equal and non-discrimination enjoyment of human rights, including the rights to health and the right to an adequate standard of living	Note	Support
153	Colombia	Continue the implementation of measures against racial disparities in criminal justice, employment, mental health, and education	Support	Support
162	Barbados	Enhance efforts to address disparities among groups, as experienced on the basis of race, in criminal justice, employment, mental health and education	Support	Support
259	Uzbekistan	Consider paying necessary attention to promote the enjoyment of human rights for ethnic minorities	Note	Support
260	South Africa	Intensify the removal of structural barriers to racial and ethnic minority communities' equal and non-discriminatory enjoyment of human rights	Note	Support
262	South Korea	Continue efforts to promote equal political, social, and economic rights of ethnic minorities, especially women and girls	Support	Support
272	Nepal	Continue efforts to eliminate all forms of discrimination against migrants and ethnic minorities	Support	Support
275	Philippines	Enhance anti-discriminatory measures to protect ethnic minorities and migrants, and	Partially Support	Support <sup>63</sup>

<sup>63</sup> Immigration and asylum are reserved to the UK Parliament and handled by the Home Office. Rules and restrictions applied as a result of reserved immigration legislation and UK Government policies (e.g. No Recourse to Public Funds) apply across the UK, including in Scotland. The Scottish Government does not have competence to make different arrangements in these areas.

		guarantee their access to various government welfare and support programmes		
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**Relevant section(s) of the Scottish Government’s October 2022 UPR Position Statement**

- 2(B) – Race Equality
- 6(G) – Health Inequalities
- 8(F)(ii) – Race Equality in the Workplace

**Recent Progress and Next Steps**

A short-term Anti-Racism Interim Governance Group to Develop National Anti-Racism Infrastructure (“AIGG”)<sup>64</sup> was established in April 2022 concluded at the beginning of September 2023.

The AIGG was an independently-chaired group of public appointees whose role it was to scrutinise the Government’s delivery of anti-racist outcomes for minority ethnic people in Scotland and to provide recommendations on how the Scottish Government can embed anti-racism into the infrastructure of government.

On 28<sup>th</sup> June 2023 we published a progress review of commitments contained within the Race Equality Framework and the Immediate Priorities Plan<sup>65</sup>. Further information can be found in the:

[Anti-racism in Scotland: progress review 2023 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/collections/documents/anti-racism-in-scotland-progress-review-2023.pdf)

**The Anti-Racism Observatory**

We are implementing the Anti-Racism Observatory as part of the recommendations from the Expert Reference Group on COVID-19 and Ethnicity, in recognition of the need for a strategic and coherent anti-racism approach to data, strategy and policy in Scotland. It is expected the Observatory will be formally launched in 2024- and will provide support and oversight of anti-racism work across Scottish Government and the public sector.

Although its functions are yet to be finalised, it is anticipated that they will include:

- Community & co-production – ensuring community-led co-production within Observatory and across public institutions
- Skills building – capacity building of communities and public institution officials
- Accountability – create systems of accountability with communities and develop accountability tools and processes to assess progress and rigour
- Repository of anti-racism related policy and initiatives
- Data and research
- Partnerships, public narrative and cultural engagement

<sup>64</sup> [Developing National Anti-Racism Infrastructure: Interim Governance Group - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/collections/documents/developing-national-anti-racism-infrastructure-interim-governance-group.pdf)

<sup>65</sup> [Anti-racism in Scotland: progress review 2023 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/collections/documents/anti-racism-in-scotland-progress-review-2023.pdf)

- Advocacy – to advocate for power redistribution on decision-making and to be a champion for competent education and understanding of anti-racism

The Observatory will be part of the solution, not the answer, to tackle racism in Scotland.

The Scottish Government's Strategic Team for Anti-Racism is looking at how it can work more strategically, in partnership with the Observatory, to challenge and supporting policy areas across government and the public sector to embed anti-racism. Developing internal governance and accountability is a key piece of this work.

### **Race Equality & Justice**

The Scottish Government has recently published a review of quantitative evidence relating to ethnicity in the justice system in Scotland. The Ethnicity in the Justice System: Evidence Review<sup>66</sup> collates existing data from a range of sources into one compendium for the first time - presenting a picture of what is currently known about the experience of different ethnic groups within Scotland's justice system.

The evidence review includes analysis of the Scottish Crime and Justice Survey data by ethnicity using a pooled sample of survey data (collected from 2008/09 to 2019/20) to investigate how experiences and perceptions of crime may vary for people of different ethnicities in Scotland. The analysis includes people's experiences and perceptions of crime, community safety, and the justice system in Scotland. Key findings include:

- People who identify as African, Caribbean or Black have a higher rate of victimisation than the national average (22% compared to 17%)
- People who identify as White Minority Ethnic (56%) and African, Caribbean or Black (53%) are more likely than the national average (46%) to think that the national crime rate has stayed the same or gone down in the last two years.
- Those who identify as Asian and African, Caribbean or Black have a higher level of fear that they will be victim to both property crimes and violent crimes.
- People who identify as Asian (64%) are less likely to say that they feel safe walking alone in their local area after dark, whilst those from a Mixed or Multiple (81%) or White Minority Ethnic (76%) group feel more safe, compared to the national average (70%).
- People from all minority ethnic groups are more likely to hold positive views of the police than the national average.
- People from minority ethnic groups tend to have more positive views of the justice system than the national average. However, there are exceptions, where those from minority ethnic groups have a more negative view of the justice system. These relate to the fairness and treatment of those accused of a crime.

The Scottish Government has also published an Occasional Paper: analysing the ethnicity of individuals subject to hearings in Scottish courts<sup>67</sup>. The paper presents

<sup>66</sup> [Ethnicity in the justice system: evidence review - gov.scot \(www.gov.scot\)](http://www.gov.scot/ethnicity-in-the-justice-system-evidence-review)

<sup>67</sup> [Hearings in Scottish courts - ethnicity of individuals: analysis - gov.scot \(www.gov.scot\)](http://www.gov.scot/hearings-in-scottish-courts-ethnicity-of-individuals-analysis)

new experimental analysis based on the Scottish Courts and Tribunals Service's management information, on the ethnicity of individuals who were proceeded against and sentenced from April 2016 to February 2023. The analysis, a first of its kind, explores how individuals move through the criminal justice system and compares the journeys of people from different ethnic groups. Key findings include:

- Out of cases completed in court since 2017, White Scottish/White Other British and White minority ethnic people were more likely to be convicted than any other ethnic group.
- For people convicted of any crime or offence since 2017, White Scottish/White Other British individuals were the most likely to receive a prison sentence.
- Of those people sentenced to prison since 2017, individuals from all minority ethnic groups received longer sentences than White Scottish/White Other British individuals on average. Some of this difference is explained by differences in crime type, as more severe crimes tend to receive longer sentences.

The Cross Justice Working Group on Race Data and Evidence will continue to promote best practice and support justice organisations with their data collection and reporting, including workforce data, through mutual support and sharing of good practice. Building on the reports already published around ethnicity and justice, the Working Group will consider evidence gaps and options for further research to better understand experiences of minority ethnic people in the justice system.

The Scottish Government will seek to promote an intersectional approach to justice data and evidence, including through aiming to better understand intersectionality in the justice system by reviewing existing evidence and undertaking an initial scoping study across our datasets to explore the feasibility of undertaking intersectional analysis, to better understand the interaction of race with other protected characteristics such as gender on justice system perceptions, experiences and outcomes.

## **Mental Health**

### **Mental Health and Wellbeing Strategy**

The Scottish Government's Mental Health and Wellbeing Strategy<sup>68</sup> builds on the implementation of our Mental Health Covid Transition and Recovery Plan<sup>69</sup>. The Strategy allows us to identify changing Mental Health needs and priorities and to set out a clear vision for future population mental health, wellbeing and care. The Strategy is evidence-based, informed by lived experience and outcomes-focused.

The scope of the Strategy is wider than previous work in this space, with an increasing focus on wellbeing and prevention. We have also considered how the Strategy can take account of social factors and inequalities that may impact a person's mental health and wellbeing. The new Mental Health and Wellbeing Strategy guides the work that the government, and our partners, will do to improve mental health and wellbeing in Scotland. This includes an overall shared vision, a set

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<sup>68</sup> [Mental health and wellbeing strategy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/mental-health-and-wellbeing-strategy/pages/1-10.aspx)

<sup>69</sup> [Coronavirus \(COVID-19\): mental health - transition and recovery plan - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-covid-19-mental-health-transition-and-recovery-plan/pages/1-10.aspx)

of outcomes, and a forthcoming Delivery Plan that will lay out our first steps in how we will achieve and measure outcomes to improve mental health and wellbeing.

We undertook broad engagement with stakeholders to help us shape the Strategy, this included working closely with our Equality and Human Rights Forum. The Strategy sets out a priority to tackle mental health inequalities, recognising that we must take an intersectional approach so we can most effectively tackle structural and health inequalities including racialised inequality. It recognises we need support, services, care and treatment that are person-centred, anti-racist, culturally sensitive, age-appropriate, fully inclusive and in a range of formats.

Further engagement work has shaped the accompanying delivery plan which was published in November 2023<sup>70</sup>.

### **Communities Mental Health and Wellbeing Fund**

A total of £15 million has been committed to the Communities Mental Health and Wellbeing Fund for Adults in 2023-2024 and distributed to Third Sector Interfaces, covering all 32 regions of Scotland.

In the previous 2 years approximately 3,200 small, grassroots community projects across Scotland have received support from the Fund to help tackle the impact of social isolation and mental health inequalities made worse by the pandemic and the cost of living crisis, with a focus on vulnerable groups including minority ethnic groups.

The third year of the Fund was opened for applications on 29<sup>th</sup> September 2023 and is available to grassroots, community led projects which address prevention and early intervention, suicide prevention and social isolation. The National Fund Guidance<sup>71</sup> has been updated, utilising lessons learned from the first two years of operation.

An independent evaluation<sup>72</sup> of Year 1 of the Fund and the Monitoring and Reporting Summary<sup>73</sup> for Year 2 of the Communities Mental Health and Wellbeing Fund were both published on 19 July 2023.

### **Mental Health Unscheduled Care**

Mental Health Assessment Services for unscheduled mental health presentations were established across health boards during the pandemic to fast-track patients to the appropriate support.

NHS24's Mental Health Hub is still providing 24/7 mental health support to anyone experiencing distress or seeking mental health and wellbeing advice or support. Mental Health Clinicians continue to be available 24/7 in each Health Board for anyone requiring urgent specialist mental health assessment, and they are accessible by GPs and frontline services such as Police Scotland, SAS and NHS24.

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<sup>70</sup> [Mental health and wellbeing strategy: delivery plan 2023-2025 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/mental-health-wellbeing-strategy-delivery-plan-2023-2025/pages/1-introduction.aspx)

<sup>71</sup> [Communities Mental Health and Wellbeing Fund guidance](https://www.gov.scot/publications/communities-mental-health-wellbeing-fund-guidance/pages/1-introduction.aspx)

<sup>72</sup> [Communities Mental Health and Wellbeing Fund for adults: evaluation - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/communities-mental-health-wellbeing-fund-for-adults-evaluation/pages/1-introduction.aspx)

<sup>73</sup> [Communities Mental Health and Wellbeing Fund for adults: year 2 - monitoring and reporting summary - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/communities-mental-health-wellbeing-fund-for-adults-year-2-monitoring-and-reporting-summary/pages/1-introduction.aspx)

We continue to work with partners across NHS Scotland, Police Scotland and Third Sector on improving the mental health unscheduled care pathway and associated services, including addressing national and local challenges and identifying opportunities. We have received input from the Diverse Experience Advisory Panel on ensuring that the mental health pathway and its associated services are accessible to Scotland's different population groups.

The Scottish Government is working, in conjunction with Public Health Scotland, to improve national data on the MHUC pathways and to address local data gaps. We are also developing national messaging to highlight the improvements to the mental health unscheduled care pathway and ensure that people are able to access the right care in the right place, first time.

## **Mental Health Resourcing**

### **Mental Health Workforce and the Mental Health and Wellbeing Workforce Action Plan**

Scotland's mental health workforce has expanded significantly, with NHS mental health expenditure increasing from £651 million in 2006/07 to £1.3 billion in 2021/22 – a rise of 99%. Further, ongoing, action is being taken to grow the mental health workforce:

- We have increased the postgraduate student intake for Psychology Master's and Doctorate programmes by a total of 60 trainees between 2021 and 2023.
- In 2022/23 we increased the number of Core Psychiatry training places by a further ten.
- In 2023 we are funding another 15 Core Psychiatry training places (with five starting in February and the other 10 in August).
- We have increased nursing student numbers every year in the last decade and are working with partners to widen access to nursing programmes.
- We are continuing to create and develop new roles, such as Psychology Wellbeing Practitioners within NHS24 and Enhanced Psychology Practitioners working in Primary Care, community, early years, and school settings.

The Mental Health and Wellbeing Strategy, published in June<sup>74</sup>, set out our strategic vision for workforce planning and is supported by the Mental Health and Wellbeing Workforce Action Plan<sup>75</sup> alongside the Strategy's Delivery Plan<sup>76</sup>. This ensures that the commitments in the Mental Health And Wellbeing Strategy are underpinned by a resilient and sustainable workforce who feel valued and supported to promote better mental health and wellbeing outcomes.

### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.

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<sup>74</sup> [Mental health and wellbeing strategy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/mental-health-and-wellbeing-strategy-2023-2025/pages/1-introduction-and-what-we-will-do-to-improve-mental-health-and-wellbeing.aspx)

<sup>75</sup> [Mental health and wellbeing : workforce action plan 2023-2025 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/mental-health-and-wellbeing-workforce-action-plan-2023-2025/pages/1-introduction.aspx)

<sup>76</sup> [Mental health and wellbeing strategy: delivery plan 2023-2025 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/mental-health-and-wellbeing-strategy-delivery-plan-2023-2025/pages/1-introduction.aspx)



- We are well educated, skilled and able to contribute to society.
- We value, enjoy, protect and enhance our environment.
- We have thriving and innovative businesses, with quality jobs and fair work for everyone.
- We are healthy and active.
- We respect, protect and fulfil human rights and live free from discrimination.
- We tackle poverty by sharing opportunities, wealth and power more equally.

### **Relevant Sustainable Development Goals**

- 1 - End poverty in all its forms everywhere.
- 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 4 - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- 5 - Achieve gender equality and empower all women and girls.
- 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- 10 - Reduce inequality within and among countries.
- 13 - Take urgent action to combat climate change and its impacts.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## D) Disability Equality

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
151	Australia	Continue efforts to identify and eliminate barriers to access to health and services for persons with disabilities	Support	Support
251	Tanzania	Provide support accessible to people with disabilities at the rural level	Support	Support
253	Bulgaria	Incorporate the human rights model of disability into all laws and regulations regarding children and young people with disabilities	Note	Support
256	Gabon	Continue and strengthen its awareness raising campaigns aimed at eliminating prejudice and negative stereotypes regarding people with disabilities	Support	Support
257	Israel	Strengthen awareness-raising campaigns aimed at eliminating negative stereotypes and prejudice towards persons with disabilities	Support	Support
258	Azerbaijan	Implement measures to address the situation of persons with disabilities, in particular, their right to an adequate standard of living and access to health services, as well as their employment	Support	Support

### Relevant section(s) of the October 2022 UPR Position Statement

- 2(C) – Disability and BSL
- 5(I) – Additional Support For Learning
- 6(O) – Independent Living and Self-Directed Support
- 6(P) – Out-of-Area Placements
- 7(B) – Social Security
- 8(F)(iii) – Disability Equality and BSL in the Workplace

### Recent Progress and Next Steps

As outlined in section 2, the Scottish Government has developed a BSL National Plan so demonstrating our commitment to deaf, deafblind and BSL Communities.

Through the Scottish Human Rights Bill, the Scottish Government will incorporate the CRPD, within the limits of devolved competence, into domestic law.

The Scottish Government has committed to publishing an Immediate Priorities Plan to combat the effects the cost of living crisis continues to have on disabled people. The Scottish Government is committed to co-designing this plan with disabled people and the plan is guided by the principles of the UNCRPD. In recognition that we should listen to the lived experience of disability we primarily engage with Disabled Peoples Organisations (DPOs) which are organisations where at least 50% of board members (and in most cases staff) have lived experience of disability.

A Short Life Working Group has been established to develop the plan and is made up of three key DPOs: Glasgow Disability Alliance, Inclusion Scotland and Disability Equality Scotland. Since March 2023 the group has met five times to ascertain and agree the contents of the Immediate Priorities Plan. We are now in the final stages of refining the actions that will feature within the plan.

In addition, the Scottish Government's Equality and Human Rights Fund currently provides support for a range of work focused on tackling inequality and discrimination, furthering equality, and advancing the realisation of human rights in Scotland<sup>77</sup>.

## **Disability Employment**

The Scottish Government is committed to tackling the longstanding issue of the Disability Employment Gap – the difference between the employment rates of disabled people vs non-disabled people. Our ambition is to *at least* half the gap from its 2016 baseline of 37.4% by 2038.

Organisations have a legal duty under the Equality Act 2010 not to discriminate based on disability and to make reasonable adjustments in respect of disabled job applicants and employees.

On 9 December 2022 the Scottish Government published the Fair Work Action Plan<sup>78</sup>, incorporating the views from our public consultation on action required to achieve our Fair Work Nation ambition, and focusing on disabled people's employment, the gender pay gap and how we will take an anti-racist and intersectional approach to addressing structural inequalities in the labour market. This consultation included Disabled Peoples Organisations.

## **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We are well educated, skilled and able to contribute to society.
- We value, enjoy, protect and enhance our environment.

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<sup>77</sup> [Equality and Human Rights Fund: projects funded - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/equality-and-human-rights-fund-projects-funded/pages/10.aspx)

<sup>78</sup> [Fair Work action plan: becoming a leading Fair Work nation by 2025 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/fair-work-action-plan/becoming-a-leading-fair-work-nation-by-2025/pages/1.aspx)

- We have thriving and innovative businesses, with quality jobs and fair work for everyone.
- We are healthy and active.
- We respect, protect and fulfil human rights and live free from discrimination.
- We tackle poverty by sharing opportunities, wealth and power more equally.

### **Relevant Sustainable Development Goals**

- 1 - End poverty in all its forms everywhere.
- 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 4 - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- 10 - Reduce inequality within and among countries.
- 13 - Take urgent action to combat climate change and its impacts.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## E) Faith and Belief

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
82	China	Eliminate Islamophobia and combat religious discrimination and intolerance	Support	Support

### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 2(F) – Faith and Belief

### Recent Progress and Next Steps

On 22 March 2023 Scottish Government published a Faith and Belief Engagement Strategy<sup>79</sup>, making clear our commitment to strengthen communication and collaboration with Scotland's diverse faith and belief communities.

The strategy sets out a vision for improved engagement and the principles underpinning good engagement. It was developed in close collaboration with a wide range of our faith and belief communities in Scotland. The strategy recognises that government policy will be improved by reflecting a better knowledge and understanding around faith and belief. We have broadened the range of communities government engages with, enabling fairer representation for minority groups and intersectional voices. The strategy focuses on interfaith dialogue and collaboration which will further support community cohesion across Scotland.

The Scottish Government Faith and Belief Representatives group meets on a bi-monthly basis to discuss policy issues relevant to faith and belief communities. Policy Engagement in the past year has included input on: Ending Conversion Practices; Safe Access Zones (Abortion); Healthcare Improvement; the new Hate Crime Strategy; Improving Equalities Evidence; Protecting Vulnerable Groups (PVG) Scheme; Net Zero.

The Scottish Government continues to support interfaith engagement work, as well as supporting faith and belief partners to help build inclusive, resilient and cohesive communities across Scotland. We provide funding to promote interfaith dialogue and support faith and belief communities across the country. We do not fund faith based organisations to be or build faith communities, but only to fund discrete projects to meet a particular need or overcome a barrier to equality of outcome or opportunity for a particular faith group.

Work is ongoing to review funding to faith and belief organisations to identify overlap, gaps and potential for new funding. Planning is underway for an annual Ministerial roundtable with faith and belief representatives, to allow faith and belief communities to discuss concerns, issues and progress on shared priorities at Ministerial level.

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<sup>79</sup> [Principles of Engagement - Faith and belief engagement strategy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/principles-engagement-faith-belief-engagement-strategy-2023/pages/1-1-principles-engagement-faith-belief-engagement-strategy-2023.aspx)

Ministerial participation has continued at national events, along with local visits to places of worship. This builds on existing relationships and develops understanding of faith and belief communities. Bilateral meetings between officials and faith and belief organisations have provided the opportunity to discuss in depth issues specific to their communities and to develop a more nuanced Scottish Government understanding of different faiths, denominations and beliefs.

#### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We respect, protect and fulfil human rights and live free from discrimination.

#### **Relevant Sustainable Development Goals**

- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## F) LGBTI Equality, Conversion Practices, and Gender Recognition Reform

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
263	Canada	Continue to fight against the discrimination faced by transgender people, by expanding the planned ban on conversion therapy to include transgender people	Note	Support
264	Israel	Adopt legislation to ban all conversion therapy practices in all forms and settings	Partially Support	Support
266	Malta	Adopt legislation to ban all conversion therapy practices for all LGBTIQ+ persons of all ages	Note	Support
268	Iceland	Ban conversion therapy practices for all LGBTIQ+ persons	Note	Support
269	Chile	Consider moving towards the promulgation of the action plan for LGBTI persons, as well as adopt measures to codifying the prohibition of conversion therapies	Note	Support
271	New Zealand	Uphold and strengthen legal protections for LGBTIQ+ persons, in particular transgender persons	Support	Support
72	Argentina	Adopt urgent measures to prevent violence, discrimination and hate speech that violate the rights and dignified treatment of trans people, and amend any regulatory framework that pathologizes and/or stigmatizes them; and in the same vein, prohibit conversion therapies	Note	Support
265	Uruguay	Develop and implement public awareness campaigns on the human rights of trans persons, including to combat misinformation and stigma	Note	Support

267	Iceland	Combat media disinformation directed against the LGBTQI+ community	Note	Support
26	Netherlands	Reform the Gender Recognition Act in all parts of the UK, bringing it in line with the international human rights standards including with regard to legal self-determination of one's gender without the imposition of medical requirements	Note	Support
35	Iceland	Introduce legislation to reform the Gender Recognition Act, remove requirements of diagnoses and introduce a process of self-determination	Note	Support
36	Malta	Consider introducing legislation to reform the Gender Recognition Act of 2004 to remove requirements of diagnosis, "living in role" for 2 years, spousal veto and to introduce a process of self-determination	Note	Support
205	Australia	Continue work to reform the Gender Recognition Act based on international human rights standards, including recognition of trans and non-binary individuals	Note	Support

### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 2(G) – LGBTI Equality
- 2(H) – Gender Recognition Reform (Scotland) Bill

### Recent Progress and Next Steps

Over £3 million is being provided through the Equality and Human Rights Fund to organisations working to promote LGBTQI+ equality in Scotland between 2021-2024 across five organisations. This funding provides support for a range of initiatives, including work supporting ending conversion practices through legislative and non-legislative measures, advancing non-binary equality, supporting policy development for LGBTQI+ people, research into the lives of the LGBTQI+ community and an LGBT helpline.

The Scottish Government is developing a Non-Binary Equality Action Plan based on the recommendations from the Working Group on Non Binary Equality, as set out in



the Programme for Government 2021-2022<sup>80</sup> and the Bute House Agreement<sup>81</sup>. This plan is due to be published shortly in line with the Programme for Government 2023-2024<sup>82</sup>. The plan aims to improve equality and bring about real, positive and lasting change to the lives of non-binary people.

The Scottish Government's proposals draw on the reports and recommendations of the Equality, Human Rights and Civil Justice Committee and the Expert Advisory Group on Ending Conversion Practices ("EAG") established by the Scottish Government, as well as legislation passed or underway in other countries, research, stakeholder engagement and evidence from those with personal experience of conversion practices. It will publish a public consultation on proposals for legislation.

We are developing a package of non-legislative, supportive measures to end conversion practices and support survivors, to sit alongside any future legislation. So far we have provided funding to LGBT Health and Wellbeing to provide a helpline to support victims and survivors of conversion practices, which is now in operation. Ensuring the helpline service was established prior to the Scottish Government's consultation on legislative proposals was considered essential as the process can be traumatising for victims and survivors.

The Gender Recognition Reform (Scotland) Bill<sup>83</sup> was passed by the Scottish Parliament on 22 December 2022. On 17 January 2023 the Secretary of State for Scotland made an Order under section 35<sup>84</sup> of the Scotland Act 1998 prohibiting the Presiding Officer of the Scottish Parliament from submitting the Bill for Royal Assent. The effect is to prevent the Bill from becoming law. The Scottish Government subsequently challenged the Secretary of State's decision in the Court of Session<sup>85</sup>.

A substantive hearing on this petition took place on 19-20 September 2023, and on 8 December 2023 the Court issued its judgement ruling against the Scottish Ministers, and finding that the section 35 Order was validly made. [Scottish Ministers noted that decision, and are considering its terms.]

The Scottish Government's Non-Binary Equality Action Plan<sup>86</sup> aims to improve the lives of non-binary people in Scotland by taking steps to address inequalities and barriers faced by non-binary people. This Action Plan was published on 16 November 2023.

See further background information in the:

[National LGBT Survey: Research report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/research-data-and-analysis/publications/national-lgbt-survey-research-report)

### **Relevant National Outcomes**

- We grow up loved, safe and respected so that we realise our full potential.
- We live in communities that are inclusive, empowered, resilient and safe.

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<sup>80</sup> [Programme for Government 2021 to 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/programme-for-government-2021-to-2022/pages/introduction/)

<sup>81</sup> [Agreement with Scottish Green Party - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/bute-house-agreement/pages/introduction/)

<sup>82</sup> [Outcomes and Equalities - Programme for Government 2023 to 2024 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/programme-for-government-2023-to-2024/pages/introduction/)

<sup>83</sup> [Gender Recognition Reform Bill passed - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/gender-recognition-reform-bill-2022/pages/introduction/)

<sup>84</sup> [Scotland Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1998/34/section/35)

<sup>85</sup> [Judicial Review of the Gender Recognition Reform \(Scotland\) Bill](https://www.gov.scot/publications/judicial-review-of-the-gender-recognition-reform-scotland-bill/pages/introduction/)

<sup>86</sup> [Non-binary equality action plan - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/non-binary-equality-action-plan/pages/introduction/)

- We respect, protect and fulfil human rights and live free from discrimination.

**Relevant Sustainable Development Goals**

- 4 - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- 10 - Reduce inequality within and among countries.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

### 3. Hate Crime

#### A) Hate Crime

##### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
51	Cuba	Continue updating and ensure the effective implementation of action plans on combating hate crimes	Support	Support
64	South Korea	Take stronger action to combat hate crimes which was aggravated during the COVID-19 pandemic	Support	Support
83	Bahrain	Continue developing effective remedies to protect vulnerable groups and minorities from hate speech	Support	Support
95	Kazakhstan	Continue to improve policies to combat hate crimes in communities and share its best practices with other Member States	Support	Support
58	China	Remove the mentality of colonialism and address the root causes of its systematic racism, xenophobia and hate crimes	Support	Partially Support
66	Saudi Arabia	Continue its efforts to combat hate crimes, by taking effective measures to deter hate speech and racism	Support	Partially Support
69	Uganda	Put in place mechanisms to address all forms of hate crime and racism, especially against persons of African descent	Support	Partially Support
70	USA	Take continued furthering steps to reverse the rising number of violent, and largely racially motivated, hate crimes and strengthen current policies and initiatives to combat societal discrimination against members of racial and ethnic minority groups	Support	Support
113	Bahamas	Take concrete steps to reduce rates of racially motivated hate crimes and discrimination faced by Afro-descendent and	Support	Partially Support

		other ethnic minorities, including in Scotland and Northern Ireland, while ensuring that perpetrators do not enjoy impunity		
116	USA	Strengthen efforts to combat antisemitism and anti-Muslim sentiment by publicly denouncing hate speech and acts of violence at the highest levels of government and through policies and practices promoting religious freedom	Support	Partially Support
61	Pakistan	Prosecute hate crimes and address incidents of Islamophobia	Support	Support
53	Jordan	Adopt measures aiming at combating racism, hate crimes and Islamophobia	Support	Support
55	Malaysia	Continue to refine its policies to combat all forms of hate crimes, particularly those against racial and religious minorities	Support	Support
63	Qatar	Take further measures to strengthen countering racism, intolerance, xenophobia, religious hatred and their related crimes	Support	Support
68	Turkiye	Address racial discrimination, antisemitism, xenophobia, Islamophobia and hate crimes by further strengthening effective legislative and judicial measures	Support	Support
71	Algeria	Continue to refine its policies to counter hate crimes in communities, particularly those motivated by race and religion	Support	Support
73	Bangladesh	Strengthen efforts, including legislative mechanisms, to root out racism, racial discrimination, Islamophobia and hate crimes	Support	Support
74	Belarus	Take additional effective measures to combat neo-Nazi manifestations, discrimination on the basis of race or nationality, ensure a proper response to the increasing	Support	Note

		number of anti-Semitic incidents, including violence, attacks, threats, insults and desecration of property		
77	North Korea	End deep-rooted racism, racial discrimination and xenophobia, as well as all sorts of hate crimes on the basis of ethnic, racial, cultural or religious background in the public sphere	Support	Support
76	Croatia	Identify and address the shortcomings in hate crime legislation with regard to combating racist and xenophobic speech and violence	Support	Support <sup>87</sup>
84	Azerbaijan	Take effective legislative and policy measures with the aim of eliminating and preventing the rising incidents of racist, xenophobic, anti-Semitic, anti-Muslim and anti-disabled crimes	Support	Support
85	Venezuela	Put an end to racism, provide mandatory human rights training for law enforcement against discrimination and hate speech; stop impunity and punish hate crimes, racist, xenophobic, anti-Semitic, anti-Muslim, against LGBTI people, people with disabilities, and ensure the protection of victims	Support	Support
166	Lesotho	Beef up measures to curb racially motivated hate crimes and discrimination against black and other ethnic minorities in schools	Support	Support
81	Iran	Implement the Special Rapporteur on contemporary	Support	Note <sup>88</sup>

<sup>87</sup> The Scottish Government is committed to tackling all forms of hatred and prejudice and would welcome further clarity on the “shortcomings” referred to in this recommendation. Once in force, the Hate Crime and Public Order (Scotland) Act 2021 will modernise, consolidate, and extend existing hate crime legislation in Scotland.

<sup>88</sup> The Scottish Government response to this recommendation reflects paragraphs 74(a)(iii), 74(n), and 74(r) of the 2019 report of the UN Special Rapporteur (“UNSR”) on contemporary forms of racism,

		forms of racism's recommendations regarding the withdrawal of interpretative declaration under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, "[prevent] duty" and media prejudice (paras 74(a), 74(n), and 74(r) <a href="#">here</a> )		
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### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 2(F) – Faith and Belief
- 3(A) - The Hate Crime and Public Order (Scotland) Act
- 3(B) – Working Group on Misogyny and Criminal Justice in Scotland
- 3(C) – Reporting and Recording Hate Crime

### Recent Progress and Next Steps

#### Hate Crime Strategy

In March 2023, the Scottish Government published a new Hate Crime Strategy<sup>89</sup> for Scotland. The strategy has been developed in partnership with organisations with expertise in tackling prejudice, building cohesive communities and advancing human rights. Importantly, it has also been informed by people with lived experience of hate crime. The strategy provides three overarching aims:

- 1) Victims of hate crime are treated with fairness, compassion and in a trauma-informed manner in which their safety and recovery is a priority;
- 2) The nature, characteristics, and extent of hate crime in Scotland are more fully understood and effectively inform appropriate interventions and policy development;
- 3) Communities are empowered, inclusive and safe, and the underlying causes of hate crime are challenged.

The strategy sets out 14 commitments in support of these aims, which set out the strategic priorities for tackling hatred and prejudice in Scotland over the coming years

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racial discrimination, xenophobia and related intolerance (UN Ref: A/HRC/41/54/Add.2). The following competence caveats apply:

- The Scottish Government's support for this recommendation extends to the elements of this recommendation that are within devolved competence (i.e. paragraph 74(r) of the UNSR's report).
- With regard to paragraph 74(a)(iii), the decision to ratify treaties and their optional protocols or to make reservations and interpretive declarations is a reserved matter. However, the Scottish Government is clear that the right to freedom of expression does not confer a right to act in a way that negates the human rights of other members of society.
- With regard to paragraph 74(n), counter-terrorism and the PREVENT strategy are reserved matters.

<sup>89</sup> [Hate Crime Strategy for Scotland. March 2023](#)

while giving us flexibility to respond to emerging issues. The strategy will also support implementation of the Hate Crime and Public Order (Scotland) Act 2021<sup>90</sup>.

A delivery plan, setting out the Scottish Government and partners' immediate and longer-term activity in support of the Hate Crime strategy's commitments, will be published later in 2023.

The Scottish Government is working towards a commencement period of early 2024 for the Hate Crime and Public Order (Scotland) Act 2021 in order to provide sufficient time to allow justice partners to complete a number of IT change programmes which will support implementation.

We are working with partners to develop a new public awareness campaign, to coincide with implementation of new hate crime legislation which will aim to raise awareness of hate crime and how to report.

Once in force, the Act will maintain current legislative protections against offences aggravated by prejudice against disability, race, religion, sexual orientation and transgender identity (which as present includes protection for those with variations in sex characteristics). The Act will also – for the first time – introduce new protections against offences aggravated by prejudice towards a person's age. The Act also provides for new 'stirring up of hatred' offences covering all characteristics protected in the updated legislative framework, to complement the existing offence of stirring up racial hatred that has been part of our criminal law and the law of the whole of the UK for decades.

The Hate Crime and Public Order (Scotland) Act 2021 makes provision requiring information about police-recorded hate crime and about convictions for hate crimes to be published annually, and with greater detail where known. We are working with Police Scotland to ensure their new crime management system will have the capability of capturing disaggregated data, where it is available, on a sustainable basis.

Baroness Kennedy's Working Group on Misogyny<sup>91</sup> recommended reforming the criminal law to improve the justice system's response to misogynistic behaviour. The Working Group advised against adding the characteristic of sex to the hate crime legislative framework – instead recommending the creation of a standalone Misogyny and Criminal Justice (Scotland) Act. The Scottish Government recently consulted on draft laws to tackle misogynistic criminal behaviours with a view to introducing legislation later in this parliament.

## **Reporting and Recording of Hate Crime**

Published by the Scottish Government in January 2023, an Updated Study into the Characteristics of Police Recorded Hate Crime in Scotland<sup>92</sup> provides a detailed insight into the characteristics of recorded hate crime in Scotland. This report presents updated information on the number of hate crimes recorded by the police in Scotland

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<sup>90</sup> [Hate Crime and Public Order \(Scotland\) Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>91</sup> [Misogyny – A Human Rights Issue - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>92</sup> [Police recorded hate crime - characteristics: updated study - gov.scot \(www.gov.scot\)](https://www.gov.scot)

during 2020-21 and 2021-22. Statistics are now also available for 2022-23<sup>93</sup>. The report includes new details on the characteristics of hate crime, based on a random sample of cases recorded by the police in 2020-21, and is a follow-up to the Characteristics of Police-recorded Hate Crime (published February 2021)<sup>94</sup>.

### **Anti-Racism in Education Programme (“AREP”)**

The Scottish Government is clear that there is no place for racism in our schools. Every child has the right to grow up fully included in their learning experience and to be treated with respect. We are working with a wide range of anti-racism organisations and education stakeholders to further strengthen resources and approaches to prevent and respond to racist incidents. This work is being delivered as part of the Scottish Government’s AREP<sup>95</sup> comprises ambitions and goals which align with the Education and Lifelong Learning vision and goals of the Race equality framework for Scotland 2016 to 2030.<sup>96</sup>

Diversity and equality are at the heart of policies that underpin education in Scotland. We have had a national approach to bullying in place since 2017 through ‘Respect for All: The National Approach to Anti-Bullying for Scotland’s Children and Young People.’<sup>97</sup> We have begun a review of Respect for All, which will consider the definition of bullying, prejudice-based bullying, online bullying, and the recording of incidents.

The Racism and Racist Incidents workstream<sup>98</sup> of the Anti-Racism in Education Programme is focussed on the support to schools and school staff to improve understanding of racism and to ensure that these issues are properly identified and addressed. The primary role of the workstream is to develop resources for schools to prevent and respond to racism and racist incidents.

### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We respect, protect and fulfil human rights and live free from discrimination.

### **Relevant Sustainable Development Goals**

- 4 - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

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<sup>93</sup> [Hate Crime in Scotland 2022-23 | COPFS](#)

<sup>94</sup> [Characteristics of police recorded hate crime in Scotland: study - gov.scot \(www.gov.scot\)](#)

<sup>95</sup> [Anti-Racism in Education Programme - gov.scot \(www.gov.scot\)](#)

<sup>96</sup> [4. Education and Lifelong Learning - Race equality framework for Scotland 2016 to 2030 - gov.scot \(www.gov.scot\)](#)

<sup>97</sup> [Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People - gov.scot \(www.gov.scot\)](#)

<sup>98</sup> [Racism and Racist Incidents sub group - gov.scot \(www.gov.scot\)](#)



## 4. Violence Against Women and Girls

### A) Tackling Violence Against Women and Girls

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
41	France	Take all necessary measures to implement the provisions of the Istanbul Convention across its entire territory	Partially Support	Support <sup>99</sup>
190	Samoa	Take measures to ensure victims and families of victims of domestic violence have access to needed support and protection from further abuse	Support	Support
203	Germany	Ensure all women and girls are equally protected from violence	Support	Support
211	Barbados	Further promote efforts to protect persons from gender-based violence	Support	Support
212	Croatia	Take measures to improve data collection on gender-based violence, including disability disaggregated data when reporting such violence	Support	Support
213	Georgia	Continue its efforts to combat violence against women and girls	Support	Support
198	Belgium	Ensure that all cases of domestic violence are effectively being investigated and prosecuted and that all competent authorities have the appropriate training and necessary capacity to investigate, prosecute and penalize this type of violence	Support	Support
207	Pakistan	Pursue a holistic approach to prevent violence against women including through enhanced reporting, increased conviction rates and targeted assistance	Support	Support
210	Argentina	Take effective measures to address low prosecution and	Support	Support

<sup>99</sup> In relation to **recommendation 41** – the decision to ratify treaties and their optional protocols or to make reservations and interpretive declarations is a reserved matter. However, Scottish Ministers have written to the UK Government asking it to withdraw the UK's reservation on Article 59.

		conviction rates in domestic abuse cases, ensuring that all cases of gender-based violence are investigated, and providing compulsory training for judicial and law enforcement officials		
187	Mexico	Review the Domestic Abuse Act to ensure protection and support for women and girls, regardless of their immigration status	Support	Partially Support
283	Iceland	Revise the Domestic Abuse Act to ensure protection and support for migrant women	Support	Partially Support
208	Tunisia	Review the legal framework pertaining to the violence against women to guarantee that women migrants get the necessary protection and support including women migrants who have not the right to get public aids	Support	Partially Support
209	Algeria	Continue combating violence against women and girls in particular the domestic violence	Support	Support
204	Israel	Take effective measures to address low prosecution and conviction rates for domestic violence	Support	Support

### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 4(A) - Combating Violence Against Women and Girls

### Recent Progress and Next Steps

Prosecutorial decisions are a matter for the Crown Office and Procurator Fiscal Service, and determinations of guilt are a matter for the Courts, both of which are independent from the Scottish Government. Our response to recommendations 198, 204, 207 and 210 is necessarily determined by these crucially important principles.

Our aim is to prevent and eradicate violence against women and girls in Scotland once and for all. No woman or girl in Scotland should be subjected to violence or abuse of any kind and no child or young person should have to experience gender-based violence or have to live with the impact of it. Gender-based violence violates a range of human rights, such as the right to life, the right to non-discrimination, and the right to the highest attainable standard of physical and mental health, as well as the fundamental human dignity of women and girls.

The Scottish Government therefore welcomes the fact that the UK has ratified the Istanbul Convention, but is deeply concerned about the reservation applied by the UK to Article 59, which protects migrant women victims of domestic abuse (see Section 1(C)). The forthcoming Scottish Human Rights Bill will incorporate, within the limits of devolved competence, the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) into domestic law.

We are investing significant levels of funding to support our efforts to combat violence against women and girls. Our Delivering Equally Safe Fund<sup>100</sup> provides £19 million per annum supporting 121 projects from 112 organisations that focus on early intervention, prevention, and support services. Our Victim Centred Approach Fund (VCAF) will provide £48 million to 23 organisations across Scotland over the period of 2022-2025. The VCAF includes £18.5 million for specialist advocacy support for survivors of gender-based violence<sup>101</sup>.

The Scottish Government aims to ensure that the funding provided works most effectively to improve outcomes for those using services. An Independent Strategic Review of Funding and Commissioning of Violence Against Women and Girls Services, chaired by Lesley Irving, was commissioned by the Scottish Government and reported its recommendations in June 2023<sup>102</sup>. The Scottish Government is considering the report and its recommendations, along with COSLA, local authority partners and wider stakeholders, to ensure a stable footing for funding in the future is developed.

### ***Domestic Abuse***

A Taskforce has been established to lead the development of Scotland's first national multi-agency Domestic Homicide Review model. Taskforce members include partners from across Justice, Local Government, Health, academia, and victims organisations including Scottish Women's Aid. The aim of Domestic Homicide Reviews are to work with relevant agencies where a victim and/ or perpetrator have come into contact with services, to learn from the circumstances of domestic abuse related homicides. Domestic Homicide Reviews aim to identify and respond to the risks associated with abuse and homicide, and find areas for improvement to prevent further deaths<sup>103</sup>.

The HMICS Thematic Review of Domestic Abuse<sup>104</sup> found that much progress has been made over recent years but that significant challenges still exist in preventing domestic abuse and protecting those who are vulnerable from its harmful effects.

The report contained a number of recommendations directed at Police Scotland, who are committed to continuing to improve their response to domestic abuse and deliver a service that meets the needs of victims. A number of the findings, which relate to

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<sup>100</sup> [Delivering Equally Safe Fund: projects funded - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>101</sup> [NRS Web Continuity Service \(nrscotland.gov.uk\)](https://nrscotland.gov.uk)

<sup>102</sup> [Violence Against Women and Girls - Independent Strategic Review of Funding and Commissioning of Services: report - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>103</sup> [Domestic Homicide Review Taskforce - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>104</sup> [HMICS | HMICS Thematic Inspection of Domestic Abuse Phase 1 - Terms of Reference](https://www.hmics.gov.uk)

victim safety, police officers' awareness of the Domestic Abuse (Scotland) Act<sup>105</sup> and investigation of cases, are consistent with the findings of research the Scottish Government did with victims, which was published on 10 January 2023<sup>106</sup>.

These reports are clear that more is required to tackle domestic abuse and we are committed to working with Police Scotland, and other justice partners, to consider and respond to the review and recommendations.

In response to recommendations 187 and 208 it is now the case that reporting on the Domestic Abuse (Scotland) Act is a statutory requirement<sup>107</sup>. An Equally Safe refreshed strategy is due to be published in December 2023. This will include a revised governance structure to support effective delivery.

## **Misogyny**

We have been consulting on draft laws<sup>108</sup> to implement the recommendations of the Working Group on misogyny and the criminal law chaired by Baroness Kennedy<sup>109</sup>.

## **Prostitution**

The Scottish Government continues to make progress to deliver on the Programme for Government commitment to develop a framework for Scotland which effectively tackles and challenges men's demand for prostitution, and to support those with experience of it. Principles to underpin the Framework were published in December 2022<sup>110</sup>. The principles have been adopted across Scottish Government and we will look to have them incorporated within the planned refresh of Equally Safe, Scotland's strategy to take action on all forms of violence against women and girls.

The principles will also inform relevant policy and practice across the wider public and third sector, in turn supporting Scotland's collective approach to tackling Commercial Sexual Exploitation. The key focus throughout 2023 will be to use the principles to define the component parts of a Framework that will improve access to support for any adult with experience of prostitution, and at the same time challenge men's demand. We anticipate being able to outline the component parts of the Framework before the end of the year.

As with the development of the principles, we continue to work with stakeholders as this work progresses and keep them advised of progress.

## **Women in Justice**

A Women's Leadership Panel<sup>111</sup> was established in January 2022 to address gender inequality and improve women's experiences within the justice system.

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<sup>105</sup> [Domestic Abuse \(Scotland\) Act 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>106</sup> [New domestic abuse powers 'better reflect experience of victims' - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>107</sup> [Domestic Abuse \(Scotland\) Act 2018: interim reporting requirement - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>108</sup> [Misogyny law consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>109</sup> [Misogyny – A Human Rights Issue - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>110</sup> [Challenging men's demand for prostitution: policy principles - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>111</sup> [Women's Justice Leadership Panel - gov.scot \(www.gov.scot\)](https://www.gov.scot)

This Panel has brought together expert women from all aspects of the Justice System to discuss the experience and unique needs of women, and what this means for criminal justice processes, including the interaction with trauma.

This work will promote the development of strategic outcomes which can guide and enhance the scope and uptake for gender competent policy making and the design of justice policies which can go further for women and help achieve our Vision for Justice in Scotland.

The Panel has examined the experiences of women as both victims and offenders in a range of settings including policing, community justice, criminal and civil courts, tribunals and prisons. The Panel are expected to report by summer.

### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We respect, protect and fulfil human rights and live free from discrimination.

### **Relevant Sustainable Development Goals**

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 5 - Achieve gender equality and empower all women and girls.
- 10 - Reduce inequality within and among countries.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## B) Forced Marriage and Female Genital Mutilation

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
199	Burkina Faso	Ensure the full application of its legislation on female genital mutilation and take further measures to prosecute the perpetrators of such acts	Support	Support
202	Gabon	Redouble efforts to fight against forced marriages	Support	Support

### Relevant section(s) of the October 2022 UPR Position Statement

- 4(C) – Forced Marriage and Female Genital Mutilation

### Recent Progress and Next Steps

The Scottish Government is committed to tackling so-called ‘honour-based’ violence and the specific concerns of minority ethnic women in relation to VAWG. To support this work we have established a network comprising of key minority ethnic women stakeholders to help shape our approach. We have engaged with this group as part of our refresh of Equally Safe and are seeking to ensure that it, and the accompanying Delivery Plan recognise and seek to address the specific challenges faced by minority ethnic women.

The Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020<sup>112</sup> seeks to strengthen the existing legislative framework for the protection of women and girls from FGM. It includes two main policies: FGM protection orders and statutory guidance. We will work and consult with stakeholders on the effective implementation of the Act to ensure their voices are heard throughout the development of the statutory guidance.

In 2017, we published multi-agency guidance setting out how agencies, individually and together, can protect girls and young women from FGM, and how to respond appropriately to survivors. This will be updated, if necessary, to align with implementation of the Act.

We will be publishing refreshed Statutory Guidance on Forced Marriage in 2023. Consultation has taken place with a wide range of stakeholders including third sector specialists working with minority ethnic women and local government leadership groups to ensure its suitability for purpose.

The Forced Marriage refreshed statutory guidance is expected to be published by the end of 2023.

### Relevant National Outcomes

- We live in communities that are inclusive, empowered, resilient and safe.
- We respect, protect and fulfil human rights and live free from discrimination.

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<sup>112</sup> [Female Genital Mutilation \(Protection and Guidance\) \(Scotland\) Act 2020 \(legislation.gov.uk\)](https://legislation.gov.uk)

### **Relevant Sustainable Development Goals**

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 5 - Achieve gender equality and empower all women and girls.
- 10 - Reduce inequality within and among countries.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## C) Minimum Age of Marriage

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
241	India	Consider further measures to ensure the minimum age of marriage is raised to at least 18 years across all of the United Kingdom	Partially	Note

### Relevant section(s) of the October 2022 UPR Position Statement

N/A

### Recent Progress and Next Steps

We have been gathering views and evidence from a range of stakeholders around the minimum age of marriage and considering next steps following the recent concluding observation of the United Nations Committee on the Rights of the Child that we prohibit all marriages of under 18s in Scotland.

Whilst very few 16- and 17-year-olds marry or register a civil partnership in Scotland each year (in 2022 out of over 30,000 marriages, only 18 involved a party or parties under 18), we are cognisant of the concluding observations. We have now decided that the Scottish Government should consult formally in this area in 2024.

Reaching a view on reform of the age of marriage is a potentially cross-cutting area given the other rights that we permit 16- and 17-year-olds to exercise whether with or without additional protections. Consequently, we need to carefully consider the full implications of any change in the minimum age of marriage and civil partnership and whether any change may be needed to the existing criminal law on forced marriage.

Data is published by the National Records of Scotland (NRS) on registered marriages in Scotland on the number of parties who were aged 16 to 19: [List of Data Tables | National Records of Scotland \(nrscotland.gov.uk\)](#)

### Relevant National Outcomes

- We grow up loved, safe and respected so that we realise our full potential.
- We are healthy and active.
- We live in communities that are inclusive, empowered, resilient and safe.
- We respect, protect and fulfil human rights and live free from discrimination.

### Relevant Sustainable Development Goals

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 5 - Achieve gender equality and empower all women and girls.
- 10 - Reduce inequality within and among countries.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.



## 5. Children’s Rights

### A) Overarching Children’s Rights Strategy

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
223	France	Develop a national strategy aimed at facilitating access for children to health, education, culture and justice, in particular for children in a situation of vulnerability	Note	Support

#### Relevant section(s) of the Scottish Government’s October 2022 UPR Position Statement

- 5(B) – Implementing the UN Convention on the Rights of the Child

#### Recent Progress and Next Steps

The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was reconsidered by the Scottish Parliament on 7 December 2023 and an amended version of the Bill was passed unanimously<sup>113</sup>. Once commenced, the Bill will require the Scottish Ministers to create a Children’s Rights Scheme, setting out the arrangements to be put in place to secure compliance with the duties contained in the Bill and to secure better or further effect of the rights of the child. The Scheme will include arrangements for the Scottish Ministers to:

- Ensure children are able to participate in decision making with access to such support and representation (for example from children’s advocacy services as they require to do so);
- Use and promote the use of inclusive ways of communicating;
- Identify and address any situation where a child’s rights are (or are at risk of) not being fulfilled;
- Raise awareness and promote children’s rights;
- Promote child-friendly complaints processes that children can understand and use;
- Ensure children have effective access to justice;
- Protect children’s rights in relation to non-government bodies (e.g. public services delivered by third sector or private bodies);
- Consider the rights of children in the Scottish Government’s budget process;
- Prepare Child Rights and Wellbeing Impact Assessments

The Bill will require Scottish Ministers to report on the Scheme annually, including actions taken in the previous year and plans for taking forward children’s rights in the year ahead.

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<sup>113</sup> [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](#)

Work is ongoing to draft the first Children's Rights Scheme and to prepare materials for a public consultation.

The Scheme is an important part of the framework established by the Bill to ensure there is regular consideration and scrutiny of the steps Ministers must take to ensure children's rights are realised in practice and deliver improved processes and outcomes for children and young people throughout Scotland.

Section 13 of the UNCRC Bill provides that Scottish Ministers must review and publish a report on the Scheme as soon as practicable after the end of each reporting period.

Each report is required to include:

- a summary of the actions taken by Scottish Ministers during the reporting period for the purpose of: ensuring that they have complied with the duty under section 6(1) and securing better or further effect the rights of children;
- a statement as to whether or not they intend to amend the Scheme or make a new Scheme to replace it in light of the findings of their review, and;
- a summary of any actions that they intend to take in the next reporting period.

Before publishing a report, in deciding what actions for the coming year are to be included in the report, Ministers must undertake a consultation.

The annual report must be published in such a manner as the Scottish Ministers consider appropriate, laid before the Scottish Parliament as soon as practicable after it is published and be accompanied by a child-friendly version.

#### **Relevant National Outcomes**

- We grow up loved, safe and respected so that we realise our full potential.
- We live in communities that are inclusive, empowered, resilient and safe.
- We are creative and our vibrant and diverse cultures are expressed and enjoyed widely.
- We are well educated, skilled and able to contribute to society.
- We are healthy and active.
- We respect, protect and fulfil human rights and live free from discrimination.

#### **Relevant Sustainable Development Goals**

- 1 - End poverty in all its forms everywhere.
- 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 4 - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- 5 - Achieve gender equality and empower all women and girls.

## B) Education

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
161	Botswana	Undertake deliberate and robust measures to ensure equitable access to quality education opportunities at all levels	Support	Support
163	Armenia	Continue its efforts towards developing comprehensive legislative policy framework for inclusive education for children with disabilities	Partially Support	Support
255	Eswatini	Further strengthen laws that ensure all children within the education system are afforded quality education, especially children living with disabilities	Note	Support
164	Romania	Ensure equitable access to education in public schools for all children while combating the bullying phenomenon offline and online	Support	Support
234	Bulgaria	Develop a comprehensive digital inclusion strategy for children and young people to promote their online safety and sustainable inclusion	Support	Support

### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 5(H) – Scottish Attainment Challenge
- 5(I) – Additional Support For Learning
- 5(J) – Bullying
- 5(N) Digital Inclusion in Schools

### Recent Progress and Next Steps

#### Scottish Attainment Challenge

Data from 2021/22 for Achievement of Curriculum for Excellence (“ACEL”)<sup>114</sup> showed the biggest single year decrease in the poverty-related attainment gap in relation to primary numeracy and literacy levels since records began (in 2016/17). This demonstrated positive progress in recovery from the impact of the Covid-19 pandemic.

<sup>114</sup> [Achievement of Curriculum for Excellence \(CfE\) Levels, 2021/22 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/achievements/achievement-of-curriculum-for-excellence-cfe-levels-2021-22)

Data published in June 2023 showed that the poverty-related gap amongst 2021/22 school leavers in positive destinations 9 months after the end of the school year was at a record low of 7%. This gap has narrowed from 18.7% in 2009-10.

Local authorities set stretch aims<sup>115</sup> for progress in closing the poverty-related attainment gap in the 2022/23 which were published in December 2022. Progress based on national data will be evident into the next academic year.

We remain committed to the Scottish Attainment Challenge<sup>116</sup> and to closing the poverty-related attainment gap. Having set local stretch aims for closing the poverty-related attainment gap in the 2022/23 academic year, local authorities are now required to set stretch aims for the next three academic years through to 2025/26.

The Scottish Government will also continue to evaluate the Scottish Attainment Challenge programme.<sup>117</sup>

### **Additional Support for Learning**

The latest Additional Support for Learning progress report<sup>118</sup>, published in November 2022, confirmed that, at that time, 24 of the 76 actions had been completed. In order to secure progress on delivery of the actions at pace, the Scottish Government and COSLA have established the ASL Project Board. The role of the Project Board is to oversee the delivery of the ASL Action Plan<sup>119</sup> and associated workstreams.

Throughout the life of this plan there has been continued progress towards the achievement of these actions, and this has continued since the publication of the last report in November. We expect to see more progress before the next progress report in May 2024.

### **Bullying**

In February 2023, Education Scotland published the findings of its thematic inspection of the use of the recording and monitoring of incidents of bullying in schools.<sup>120</sup>

We are now undertaking a review of the national anti-bullying guidance, *Respect for All*.<sup>121</sup> In March 2023, we established a working group, made up of key stakeholders, to update the guidance and better support schools to prevent and respond to bullying. We expect the updated guidance to be published in 2024.

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<sup>115</sup> [Summary - Scottish Attainment Challenge - local stretch aims: 2022 to 2023 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/summary-scottish-attainment-challenge-local-stretch-aims-2022-to-2023/pages/summary-scottish-attainment-challenge-local-stretch-aims-2022-to-2023.aspx)

<sup>116</sup> [Scottish Attainment Challenge - 2022 to 2023 – 2025 to 2026: fairer Scotland duty assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-attainment-challenge-2022-to-2023-2025-to-2026-fairer-scotland-duty-assessment/pages/scottish-attainment-challenge-2022-to-2023-2025-to-2026-fairer-scotland-duty-assessment.aspx)

<sup>117</sup> [Attainment Scotland Fund - 2022 to 2026: evaluation strategy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/attainment-scotland-fund-2022-to-2026-evaluation-strategy/pages/attainment-scotland-fund-2022-to-2026-evaluation-strategy.aspx)

<sup>118</sup> [Introduction - Additional Support for Learning review action plan: second progress report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/introduction-additional-support-for-learning-review-action-plan-second-progress-report/pages/introduction-additional-support-for-learning-review-action-plan-second-progress-report.aspx)

<sup>119</sup> [Additional Support for Learning review: action plan - November 2022 update - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/additional-support-for-learning-review-action-plan-november-2022-update/pages/additional-support-for-learning-review-action-plan-november-2022-update.aspx)

<sup>120</sup> [Approaches to recording and monitoring incidents of bullying in schools \(education.gov.scot\)](https://www.education.gov.scot/publications/approaches-to-recording-and-monitoring-incidents-of-bullying-in-schools/pages/approaches-to-recording-and-monitoring-incidents-of-bullying-in-schools.aspx)

<sup>121</sup> [Respect for All: national approach to anti-bullying - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/respect-for-all-national-approach-to-anti-bullying/pages/respect-for-all-national-approach-to-anti-bullying.aspx)

Our work on the review is being informed by Education Scotland's thematic inspection of the use of recording and monitoring of incidents of bullying in schools. Education Scotland are currently undertaking a second phase of the thematic inspection which will look at good practice in how schools are responding to bullying, to be published later this year. The findings will inform our future work.

The Scottish Government continues to fully fund *respectme*<sup>122</sup>, Scotland's anti-bullying service. *respectme* works with all adults who have a role to play in the lives of children and young people to give them the practical skills and confidence to deal with bullying behaviour.

See further information at: [Approaches to recording and monitoring incidents of bullying in schools \(education.gov.scot\)](https://www.education.gov.scot/publications/Approaches-to-recording-and-monitoring-incidents-of-bullying-in-schools/Pages/default.aspx)

### **Digital Inclusion in Schools**

We are committed to improving digital access for pupils and are working with local government partners to maximise the value which digital technologies, and approaches, can add to teaching and learning experiences across the breadth of the curriculum.

### **Relevant National Outcomes**

- We grow up loved, safe and respected so that we realise our full potential.
- We are well educated, skilled and able to contribute to society.
- We respect, protect and fulfil human rights and live free from discrimination.

### **Relevant Sustainable Development Goals**

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 4 - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

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<sup>122</sup> [Respectme website](https://www.respectme.org.uk/)

## C) Physical Punishment of Children and Child Abuse

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
222	Norway	Take further measures to protect children from physical punishment and ensure the right of every child to adequate standard of living, in accordance with the Convention on the Rights of the Child	Partially Support	Support
231	Venezuela	Take urgent action to end corporal punishment of children and raise the age of criminal responsibility to international standards	Note	Support
232	Zambia	Enact legislation which explicitly prohibit corporal punishment of children in every setting	Note	Support
238	Finland	Introduce a ban on all corporal punishment of children as recommended by the Committee on the Rights of the Child and other treaty bodies	Note	Support
239	Sweden	Ban corporal punishment of children in all settings, including the family, to ensure the full protection and freedom from violence for all children as required by the convention of the Rights of Child	Note	Support
215	Lichtenstein	Ensure that all cases of violence, especially sexual assault, against children in detention are promptly,	Partially Support	Support <sup>123</sup>

<sup>123</sup> The Scottish Government **supports** the principles underlying **recommendation 215** and notes that:

- Investigations are carried out by a range of partners independent of the Scottish Government, including the police and the Care Inspectorate,
- Training for judges is a matter for the Lord President of the Court of Session, who is the head of the Scottish judiciary, independent of the Scottish Government, and has statutory responsibility for making and maintaining appropriate arrangements for the training and guidance of judicial office holders.
- Responsibility for the delivery of judicial training is delegated to the Judicial Institute which plays an active role in the European Judicial Training Network, and the International Organisation of Judicial Training.

		impartially and effectively investigated and that judges, prosecutors and members of the police receive specialized training in preventing the abuse of children in detention		
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### Relevant section(s) of the Scottish Government’s October 2022 UPR Position Statement

- 5(Q) – Physical Punishment of Children

### Recent Progress and Next Steps

In relation to recommendations 222, 231, 232, 238 and 239 - The [Children \(Equal Protection from Assault\) \(Scotland\) Act 2019](#) is now in force. The Implementation Group for this Act continues to meet on occasional basis.

In relation to recommendation 231 - The [Age of Criminal Responsibility \(Scotland\) Act 2019](#) increased the age of criminal responsibility from 8 years to 12 years (the highest age within the UK). The Act fully commenced in December 2021. The Act places a duty on Ministers to review the operation of the Act with a view to considering a future age of criminal responsibility within 3 years of commencement.

The Scottish Government is planning to make updates to the web-based public-facing information on physical punishment of children.

The Scottish Government will also be running focus groups with key bodies and individuals affected by the legislation to examine the impact of the Act on various sectors and groups of people.

A review of the evidence on the physical punishment of children is available at: <https://cypcs.org.uk/wp-content/uploads/2020/03/Equally-Protected.pdf>

### Relevant National Outcomes

- We grow up loved, safe and respected so that we realise our full potential.
- We live in communities that are inclusive, empowered, resilient and safe.
- We are healthy and active.
- We respect, protect and fulfil human rights and live free from discrimination.

### Relevant Sustainable Development Goals

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 4 - Ensure inclusive and equitable quality education and promote lifelong
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## D) Families

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
121	Egypt	Promote policies to support the family as the natural and fundamental unit of society	Partially Support	Note
221	Nigeria	Respect the rights of parents to raise and educate their children, in accordance with the Convention on the Rights of the Child	Support	Support

### Relevant section(s) of the October 2022 UPR Position Statement

N/A

### Recent Progress and Next Steps

The Scottish Government is committed to supporting the family in all its diverse forms. We support families in all forms including where parents are mixed sex; same sex; lone; shared parenting after separation and regardless of whether parents are married; in a civil partnership; co-habiting; or no longer together. The Scottish Government also supports other family members such as grandparents. In all cases, the welfare and wellbeing of children is paramount. The Scottish Government considers that parents are usually the best people to bring people up although the state may have to intervene in certain circumstances (e.g. child protection).

The Scottish Government supports parents and carers to be able to lay strong foundations for loving, nurturing relationships that we know are integral to children's emotional, physical, socio-economic and educational well-being. We do this by investing in the third sector who play a critical role in our ambition to improve outcomes for our children, young people, and their families.

Through the Children, Young People and Families Early Intervention & Adult Learning and Empowering Communities (CYPFEI & ALEC) third sector fund we have committed £29 million in core funding to 115 third sector organisations until March 2025. This funding aims to Keep the Promise, tackle child poverty, provide family support, implement Children's Rights, and promote positive mental and physical health and wellbeing to children and young people and their families.

Organisations such as One Parent Families Scotland, Shared Parenting Scotland, Relationships Scotland, The Spark, NSPCC, Home-Start all receive core funding through this fund to support children, young people and their families via direct support and a range of programmes designed to deliver whole family support from pregnancy, the early years and beyond. The Scottish Government also gives funding directly to Shared Parenting Scotland, to support separated parents and progress their New Ways for Families training programme, and to Relationships Scotland to provide child contact services for separated parents and their children.



The Scottish Government recognises that grandparents can be an important source of support for their grandchildren particularly in times of a family crisis, such as when parents separate or divorce. We have been promoting the Charter for Grandchildren<sup>124</sup>, which forms part of the Scottish Government's Your Parenting Plan<sup>125</sup>, with key bodies in Scotland. The Charter highlights the role that grandparents, and the wider family, can play in a child's life.

On the 7 December, the Scottish Parliament unanimously passed an amended UNCRC Bill. When commenced, its provisions will make it unlawful for public authorities, including the Scottish Government, to act incompatibly with the UNCRC requirements within the scope of the Bill.

### **Relevant National Outcomes**

- We grow up loved, safe and respected so that we realise our full potential.

### **Relevant Sustainable Development Goals**

- 1 - End poverty in all its forms everywhere.
- 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 4 - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- 5 - Achieve gender equality and empower all women and girls.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

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<sup>124</sup> [Your Parenting Plan: charter for grandchildren - gov.scot \(www.gov.scot\)](http://www.gov.scot/Your-Parenting-Plan/charter-for-grandchildren)

<sup>125</sup> [Your Parenting Plan - gov.scot \(www.gov.scot\)](http://www.gov.scot/Your-Parenting-Plan)

## 6. Health

### A) Access to Healthcare

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
148	Kenya	Strengthen the implementation of programmes and policies aimed at providing effective access to health care for ethnic minorities and marginalized groups	Partially Support	Support
159	Bahrain	Strengthen measures taken to ensure equal access to healthcare	Support	Support

#### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 6(F) – Access to Services
- 6(G) – Health Inequalities
- 6(H) – Mental Health

#### Recent Progress and Next Steps

In June 2023 the SG published 'Anti-Racism in Scotland: Progress Review 2023: The Race Equality Framework and the Immediate Priorities Plan'<sup>126</sup>. This report takes stock of what we have achieved to date in relation to the goals set out in the Scottish Government's 2016 Race Equality Framework<sup>127</sup>, as well as the actions set out in the more recent Immediate Priorities Plan<sup>128</sup>.

Anti-racism leadership development sessions are being delivered to members of the Racialised Health Inequalities in Health & Social Care Steering Group and senior leaders across Scottish Government's DG Health & Social Care by the Coalition for Racial Equality and Rights. Senior civil servants within DG Health & Social Care have also been provided with support (guidance and a workshop) to set themselves meaningful anti-racism business objectives.

A short life working group, led jointly by Public Health Scotland and Scottish Government, has been established with the aim of developing a cohesive, coordinated approach to improving ethnicity data collection and use within health and social care, adhering to ethical and anti-racism principles.

<sup>126</sup> [Anti-Racism in Scotland - Progress Review 2023: The Race Equality Framework and the Immediate Priorities Plan \(www.gov.scot\)](http://www.gov.scot)

<sup>127</sup> [Race Equality Framework for Scotland 2016-2030 \(www.gov.scot\)](http://www.gov.scot)

<sup>128</sup> [Race Equality Immediate Priorities Plan \(www.gov.scot\)](http://www.gov.scot)

A new Data Strategy for Health and Social Care<sup>129</sup> – ‘Greater access, better insight, improved outcomes: a strategy for data-driven care in the digital age’ – has been published in February 2023. The strategy commits to further improving the quality and consistency of protected characteristics data, including ethnicity data, to ensure that equitable care is provided to everyone in Scotland requiring it. The strategy emphasises the importance of treating privacy, particularly of protected characteristics like ethnicity, sensitively to prevent bias or discrimination. It also includes a commitment to assess the fairness and impartiality of data processes and working with experts in systemic racism, disability, and social policy to ensure appropriate analysis, and to mitigate bias and discrimination.

Public Health Scotland published its second annual report on monitoring racialised health inequalities<sup>130</sup> in Scotland on 30 May 2023. It provides information on ongoing improvements in ethnicity data collection and analysis to allow routine monitoring of racialised health inequalities across the health and care system.

Scottish Government is providing a final year of funding for the Gypsy / Traveller Community Health Worker service to enable a sustainable model or solution for maintaining the provision for Gypsy / Traveller health related support and services to be identified and continued learning from the project to be gathered. Recruiting and training Gypsy/ Traveller Community Health Workers was one of the key health related commitments included in the Scottish Government’s 2019 Gypsy/Traveller Action Plan. The aim of the Health Workers is to improve access, experience and outcomes in healthcare and health for the Gypsy/Traveller community. Feedback on the impact of the service has been excellent and is outlined in the Interim Evaluation Report<sup>131</sup> published by the University of Dundee in August 2022.

### **Racialised Health Inequalities in Health & Social Care in Scotland Steering Group**

The overarching aim of the Group is to improve equity of access, experience and outcomes for minority ethnic people in Scotland, and address structural racism within health and social care. The current focus of the Group, which was set up in April 2022, is to deliver on existing commitments made in relation to the findings of the Expert Reference Group on Covid and Ethnicity.

### **Care & Wellbeing Portfolio**

The Care and Wellbeing Portfolio<sup>132</sup>, established in 2022, is the Scottish Government’s principal vehicle for health and social care reform. It brings oversight and coherence to the major health and care reform programmes designed to improve population health and wellbeing, reduce inequalities and achieve health and care system sustainability. To maximise opportunities for early intervention and prevention, the Portfolio has adopted the eight Marmot policy objectives as its overarching policy framework. The framework is clear on the breadth of factors

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<sup>129</sup> [Greater access, better insight, improved outcomes: a strategy for data-driven care in the digital age \(www.gov.scot\)](https://www.gov.scot)

<sup>130</sup> [Monitoring racialised health inequalities in Scotland Data and evidence.](#)

<sup>131</sup> [Gypsy/Traveller Community Health Worker Service: Interim Evaluation, August 2022 — Discovery - the University of Dundee Research Portal](#)

<sup>132</sup> [Care and Wellbeing Portfolio Board - gov.scot \(www.gov.scot\)](https://www.gov.scot)

(determinants of health) that impact on people's health and wellbeing, many of which go beyond what the health and social care system itself can deliver. The Portfolio approach provides a means by which to coordinate and maximise health and care's contribution to these wider policy areas to address the wider determinants of health and in turn reduce health inequalities.

The principal work of the Portfolio is led through three interlinked programmes: Place and Wellbeing<sup>133</sup>, Preventative and Proactive Care ("PPC") and NHS Recovery, Renewal and Transformation. All programmes are tasked with considering the health and wellbeing outcomes of racialised communities and individuals, alongside other groups who experience health inequalities.

### **Relevant National Outcomes**

- We are healthy and active.
- We respect, protect and fulfil human rights and live free from discrimination.

### **Relevant Sustainable Development Goals**

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 10 - To reduce inequalities, policies should be universal in principle, paying attention to the needs of disadvantaged and marginalized populations.

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<sup>133</sup> [Health inequalities: Place and Wellbeing Programme - gov.scot \(www.gov.scot\)](http://www.gov.scot)

## B) Gender Identity Health Services

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
157	Iceland	Protect and fulfil the right to health of trans persons by increasing capacity and competence of gender identity health care services	Support	Support

### Relevant section(s) of the October 2022 UPR Position Statement

- 6(T) – Gender Identity Services

### Recent Progress and Next Steps

The Scottish Government has provided direct funding to all Scottish Health Boards that host a gender identity clinic to support work to improve how these services are delivered, and to reduce waiting times.

In November 2022, the Scottish Government awarded a grant to develop a third sector hosted Lived Experience Coordinator role. This post engages with trans/non-binary people across Scotland who have personal experience of accessing, or waiting to access, gender identity services, and represents their voices to the Scottish Government and NHS partners in work to improve gender identity healthcare.

In early 2023, the Scottish Government awarded a grant to the University of Glasgow to deliver a programme of research into the long-term health outcomes of people accessing gender identity healthcare.

In December 2021, the Scottish Government published its NHS gender identity services: strategic action framework 2022 – 2024<sup>134</sup>.

This Framework sets out how Scottish Government is working with partners to improve access to, and delivery of, NHS gender identity services.

Commitments made in this Framework which are currently being progressed include:

- developing national standards for adult and young people’s gender identity services;
- developing a Transgender Care Knowledge and Skills Framework for healthcare staff; exploring opportunities for staff training and improved resources to support best care of trans people accessing services in the NHS;
- establishing robust national waiting times data collection, monitoring and reporting for gender identity services;
- funding research into the long term health outcomes of people accessing gender identity healthcare; and providing direct funding to Scottish Health

<sup>134</sup> [NHS gender identity services: strategic action framework 2022-2024 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/nhs-gender-identity-services-strategic-action-framework-2022-2024/pages/134.aspx)

Boards that host a gender identity clinic to support work to improve services and reduce waiting times.

**Relevant National Outcomes**

- We are healthy and active.
- We respect, protect and fulfil human rights and live free from discrimination.

**Relevant Sustainable Development Goals**

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 10 - To reduce inequalities, policies should be universal in principle, paying attention to the needs of disadvantaged and marginalized populations.

## 7. Poverty and Welfare

### A) Tackling Poverty

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
143	Vietnam	Allocate more resources for poverty reduction and social welfare programs	Note	Support
144	Barbados	Continue to develop and implement public policies and measures to safeguard the human rights of persons living in poverty	Note	Support
147	Romania	Elaborate and implement an emergency poverty strategy that addresses the impact of rising costs on child poverty targets and on access to affordable, accessible and culturally appropriate social housing	Note	Support
214	Kazakhstan	Provide more targeted social policies to help disadvantaged families, and in particular their children, establish a government strategy for the eradication of child poverty	Partially Support	Support
218	Malaysia	Develop a comprehensive nationwide anti-poverty strategy and eliminate child poverty	Note	Support
237	Estonia	Consistently implement the International Covenant on Economic, Social and Cultural Rights, by establishing a strategy for the eradication of child poverty	Note	Support

#### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 7(A) – Child Poverty
- 7(B) – Social Security
- 7(C) – Welfare Reform Mitigation
- 7(D) – Housing and Homelessness

## Recent Progress and Next Steps

### Child poverty

The Child Poverty (Scotland) Act 2017 (“the 2017 Act”)<sup>135</sup> sets in statute ambitious income-based targets to significantly reduce child poverty by 2030-31, with interim targets to be met in 2023-24.

The 2017 Act also establishes a robust framework for taking action and monitoring progress. The Scottish Ministers are required by the Act to publish Tackling Child Poverty Delivery Plans<sup>136</sup> identifying the action being taken to drive progress towards the child poverty targets. Ministers must publish annual reports on progress made towards meeting the child poverty targets and in implementing the relevant Delivery Plan.

The most recent annual progress report<sup>137</sup>, published in June 2023, highlights that 40 of the 101 actions set out in our second Tackling Child Poverty Delivery Plan, ‘Best Start, Bright Futures’<sup>138</sup>, are either complete or delivering at scale with a further 39 in progress. The report also shows that in 2022-23 we invested an estimated £3 billion across a range of programmes targeted at low income households, with an estimated £1.25 billion directly benefitting children. Key actions taken over the reporting period have included:

- Delivery of the planned expansion and further increase in the value of our Scottish Child Payment from 14 November 2022, which is projected to lift 50,000 children out of relative poverty in 2023-24;
- Investment of around £84 million in Discretionary Housing Payments to support people with housing costs and mitigate the UK Government’s bedroom tax, including making £2.6 million available to mitigate the UK Government’s Benefit Cap as fully as is possible within the scope of devolved powers;
- The introduction of legislation to freeze rents in the private and social rented sector and increase protections for tenants in response to the cost of living crisis;
- A doubling of investment in our Fuel Insecurity Fund to £20 million in 2022-23 and tripling investment to £30 million in 2023-24;
- A doubling of the final Bridging Payment made to low income families with school age children to £260 per child, benefitting 143,000 children in December 2022. Bridging Payments were introduced to provide support to these families ahead of the full roll-out of Scottish Child Payment on 14 November 2022 and provided almost £170 million in direct financial support over two years.

Alongside the annual progress report, the Scottish Government published modelling<sup>139</sup> estimating that 90,000 fewer children will live in relative and absolute poverty in 2023-24, with poverty levels 9% lower than they would otherwise have been.

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<sup>135</sup> [Child Poverty \(Scotland\) Act 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>136</sup> [Tackling Child Poverty Delivery Plan 2022-26 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>137</sup> [Tackling child poverty delivery plan: progress report 2022 to 2023 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>138</sup> [Executive Summary - Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>139</sup> [Tackling child poverty delivery plan - annual progress report: annex b - cumulative impact assessment update - gov.scot \(www.gov.scot\)](https://www.gov.scot)



The Scottish Government will continue to focus on strengthening the support available to families in order to mitigate the ongoing cost of living crisis and to break the cycle of child poverty in Scotland. Particular areas of focus for 2023-24 include:

- Supporting families by introducing regulations that remove income thresholds and so increase eligibility for Best Start Foods, to around an additional 20,000 people from February 2024.
- Launching Carer Support Payment in pilot areas from November 2023, expanding to more areas from spring 2024, to be available nationally by autumn 2024.
- Investing a further £15 million to continue to design an all-year-round system of school age childcare, and a further £4.5 million of capital funding to help local authorities provide school age childcare and holiday clubs, targeted to help those from low-income households.
- Continuing to implement Whole Family Wellbeing Funding, driving whole system change to deliver a long-term shift towards earlier, preventative intervention.
- Delivering the actions set out in the refreshed Fair Work Action Plan<sup>140</sup> and publishing an evidence plan in late 2023 along with an accompanying measurement framework to monitor the fair work context and progress we are making over time.
- Working with business leaders to agree a set of actions that business can take to support the transition to a wellbeing economy within the frame of the New Deal for Business.
- Building on emerging evidence to support targeted scale up and sharing of learning around place based transformation.

In March each year, the Scottish Government publishes an analysis of [poverty and income inequality in Scotland](#), alongside a separate child poverty update. Additional child poverty analysis is also published on ad-hoc basis as required. The latest analyses and statistics can be accessed at: [Child poverty analysis - gov.scot \(www.gov.scot\)](#).

## **Social Security**

We are now delivering 13 devolved social security benefits - seven of which are entirely new forms of financial support available only in Scotland.

Income delivered via social security benefits is a key driver in tackling poverty in Scotland and strengthening support for families. Ensuring that people access all of the social security benefits to which they are entitled is therefore a fundamental priority for the Scottish Government.

The Social Security (Scotland) Act 2018<sup>141</sup> establishes a legal duty for the Scottish Ministers to promote the take-up of benefits within the Scottish social security system. As part of our duties under the 2018 Act, the Scottish Government must

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<sup>140</sup> [Fair Work action plan: becoming a leading Fair Work nation by 2025 - gov.scot \(www.gov.scot\)](#)

<sup>141</sup> [Social Security \(Scotland\) Act 2018 \(legislation.gov.uk\)](#)



Our fourteenth benefit, Carer Support Payment,<sup>148</sup> is replacing Carer's Allowance in Scotland from November 2023, with a phased national roll out from spring 2024 and available nationally by Autumn 2024. This benefit will extend eligibility to more carers in full-time education, removing barriers to study, and will help to link carers to wider support and services.

Carers receiving Carer Support Payment will continue to benefit from the additional support provided through Carer's Allowance Supplement.

Benefit statistics, including for Winter Heating Payment and Scottish Child Payment, are published: [Social Security Scotland statistics: publications - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/social-security-scotland-statistics/). Further social security policy research is available at: [Social security policy research and evaluation: publications - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/social-security-policy-research-and-evaluation/).

## Homelessness

In January 2023, the Scottish Government introduced the fuller benefit cap mitigation policy as part of the child poverty plan 'Best Start, Bright Futures'<sup>149</sup>. In Scotland in 2022/23, 98% of households affected by the benefit cap were families and 72% were lone parent families.

An additional £2.6 million of Discretionary Housing Payment ("DHP") funding was made available to local authorities from 1<sup>st</sup> January 2023 so they could mitigate the benefit cap as far as possible. In 2023/24 the Scottish Government has made £6.2 million available for benefit cap mitigation, in-line with Scottish Fiscal Commission forecasts. An additional £7.9 million will help mitigate the damaging impact of other UK Government welfare cuts including changes to the Local Housing Allowance rates.

By the end of 2023-2024 the Scottish Government will have invested more than £520 million in DHPs since 2017. This includes £69.7 million in 2023-2024 to fully mitigate the bedroom tax to help over 92,000 households in Scotland to sustain their tenancies. The Scottish Government is also committed to abolishing the bedroom tax at source as soon as possible using Universal Credit flexibility powers.

The Scottish Fiscal Commission's forecasts for DHPs are available at: [Scotland's Economic and Fiscal Forecasts – May 2023 | Scottish Fiscal Commission](https://www.gov.scot/publications/scotland-economic-and-fiscal-forecasts-may-2023/) and further DHP statistics have been published: [Scottish Government social security statistics publications - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-government-social-security-statistics/).

## Relevant National Outcomes

- We respect, protect and fulfil human rights and live free from discrimination.
- We tackle poverty by sharing opportunities, wealth and power more equally.

## Relevant Sustainable Development Goals

- 1 - End poverty in all its forms everywhere.
- 10 - Reduce inequality within and among countries.

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<sup>148</sup>[Supporting unpaid carers - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/supporting-unpaid-carers/)

<sup>149</sup>[Executive Summary - Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/executive-summary-best-start-bright-futures-tackling-child-poverty-delivery-plan-2022-to-2026/)



In April, the Scottish Parliament passed regulations to increase the rent cap for the private rented sector from 0% to 3% and to extend the Act for a further 6 months, to 30 September.

Formal governance processes have been established to support the delivery of Housing to 2040 including:

- a Strategic Board to provide strategic oversight and support sector-wide delivery of Housing to 2040 (which comprises of Scottish Ministers, the COSLA Wellbeing Spokesperson and senior stakeholders); and
- an internal Steering Group comprising Scottish Government senior officials, which provides operational level assurance of progress and supports cross-government working.

Work continues in relation to the operation of the emergency temporary legislation under the Cost of Living (Tenant Protection) (Scotland) Act 2022 and to progress delivery of further permanent reform to the rented sector including a national system of rent control as well as strengthening.

On 1 June, further regulations<sup>153</sup> were laid before Parliament to extend the emergency Act for a further, and final, 6 month period to March 2024 (retaining the provisions as they currently stand).

As part of our legal duty to raise awareness of the temporary emergency measures and to inform future rented sector reform work, a stakeholder engagement strategy is being developed and will be taken forward over the next 6 months. This engagement work complements our short-life PRS stakeholder group and our Local Authority working group which have been established to provide an opportunity for stakeholders to input into rent control policy as it is developed, to inform the framework to be included in primary legislation. The group also provides a mechanism for stakeholders to feed into other future proposed reforms to the private rented sector.

Further information is available from the following sources:

- Private sector rental statistics - [Private Sector Rent Statistics, Scotland, 2010 to 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/private-sector-rent-statistics-scotland-2010-to-2022/pages/introduction.aspx)
- Scottish House Condition Survey - [Scottish House Condition Survey - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-house-condition-survey/pages/introduction.aspx)
- Scottish Household Survey – [Scottish Household Survey - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-household-survey/pages/introduction.aspx)

## Homelessness

Our homelessness strategy, Ending Homelessness Together<sup>154</sup>, is supported by a £100 million fund until the end of this parliamentary term. This funding is supporting

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<sup>153</sup> [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 - 2nd proposed extension: statement of reasons - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/cost-of-living-tenant-protection-scotland-act-2022-2nd-proposed-extension-statement-of-reasons/pages/introduction.aspx) and [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(Amendment of Expiry Dates and Rent Cap Modification\) Regulations 2023 \(legislation.gov.uk\)](https://www.gov.scot/publications/cost-of-living-tenant-protection-scotland-act-2022-amendment-of-expiry-dates-and-rent-cap-modification-regulations-2023/pages/introduction.aspx)

<sup>154</sup> [Ending homelessness together: annual report 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/ending-homelessness-together-annual-report-2022/pages/introduction.aspx)

councils to make the transition to rapid rehousing and Housing First<sup>155</sup>. Housing First provides settled accommodation with intensive support for people experiencing homelessness who have complex needs. As of March 2023, over 1,400 Housing First tenancies had started across Scotland.

Since October 2022, we have taken further steps to strengthen rights for people experiencing homelessness. We have modified the local connection rules so that people no longer need to have a local connection to the area where they make a homelessness presentation. They have the freedom to settle wherever they choose – whether that is to access support, take advantage of job opportunities or have a fresh start.

Frontline organisations continue to report that the number of people rough sleeping remains lower than pre-pandemic levels in the centres of Edinburgh and Glasgow, where rough sleeping is usually concentrated.

We have worked closely with local authorities and third sector partners to ensure there has been no return to night shelter or dormitory style provision by continuing to support the implementation of rapid rehousing welcome centres (“RRWCs”) in Glasgow and Edinburgh over the winter months.

RRWCs provide safe and self-contained rapid access accommodation alongside multi-agency services which support people at risk of rough sleeping to access appropriate support services and move onto settled accommodation, including Housing First.

The UK Government’s no recourse to public funds policy prevents local and national government from providing support to people and remains the biggest barrier to eradicating rough sleeping in Scotland. We have continued to do all we can within devolved powers to support people with no recourse to public funds to avoid destitution.

Since October 2022 we have provided over £207,000 of funding to ensure RRWCs operated over winter 2022/23 in Glasgow and Edinburgh. RRWCs are open to everyone.

We have also provided £43,000 of funding to frontline homelessness organisations for personalised budgets. These empower frontline staff to make immediate decisions centred around the specific needs of each individual in order to prevent rough sleeping and assist people to access support in a dignified way.

We are taking steps to reduce the number of homeless households in temporary accommodation, including by investing at least £60 million in 2023-24 to support a national acquisition plan to increase the supply of social and affordable housing. This funding will support councils and registered social landlords to purchase properties including empty homes and private sector homes. Other measures we are taking include working with social landlords to increase allocations to homeless households and maximising the use of existing homes for homeless households.

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<sup>155</sup> [Housing First - Homeless Network Scotland: we are all in](#)



We are also exploring additional personalised budget funding for frontline organisations across Scotland to continue to prevent rough sleeping and ensure those at risk of or experiencing acute homelessness receive immediate support.

### **Affordable Housing Supply Programme**

We have committed to delivering 110,000 affordable homes by 2032, of which at least 70% will be available for social rent and 10% will be in our remote, rural and island communities. To end March 2023 we have delivered 11,570 homes against this target with 79% of these for social rent.

We are making £3.5 billion available over the period 2021 to 2026 to help deliver more affordable homes.

We continue to work closely with partners to deliver more affordable homes as quickly as possible. As part of efforts to reduce the number of households living in temporary accommodation we have also committed to invest at least £60 million this year through the Affordable Housing Supply Programme to support a national acquisition plan.

Further information is available in the [Affordable Housing Supply Programme quarterly statistics](#).

### **Relevant National Outcomes**

- We respect, protect and fulfil human rights and live free from discrimination.
- We tackle poverty by sharing opportunities, wealth and power more equally.

### **Relevant Sustainable Development Goals**

- 1 - End poverty in all its forms everywhere.
- 10 - Reduce inequality within and among countries.

## C) Food Insecurity

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
252	Brazil	Advance measures to improve food security, in particular for young children, adolescents and persons with disabilities	Note	Support

### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

7(C) – Food Insecurity

### Recent Progress and Next Steps

We continue to measure food insecurity through the Scottish Health Survey<sup>156</sup>, following recommendations from the Independent Working Group on Food Poverty, and through the UK-wide Family Resources Survey. We use national data published by the Trussell Trust and Independent Food Aid Network as an additional indicative tool.

In June 2023 the Scottish Government published Cash-First: Towards Ending the Need for Food Banks in Scotland (“Cash-First Plan”)<sup>157</sup>. This sets out our human rights based approach to tackling food insecurity and details nine actions that we will take in collaboration with partners over the next three years to improve the response to financial hardship and start to reduce the need for emergency food parcels. Scotland is the first nation in the UK to have a plan of this nature and the learning from this and wider actions in the Cash-First Plan will help to identify measures that move us closer towards our longer term ambition of a Scotland without the need for food banks.

In November 2022, we issued £30 million in capital funding to local authorities to continue the phased expansion of free school meal support for primary children. The funding was to be used to support capital costs incurred in delivering free school meals expansion to include all pupils in primary 5, and to prepare for further expansion to include pupils in primaries 6 and 7.

As set out in our new Cash-First Plan, we will take forward nine collaborative actions over the next three years to improve the response to financial hardship and start to reduce the need for emergency food parcels. This includes a £1.8 million Cash-First Programme which will provide funding and practical assistance to up to eight area-based Partnerships to support urgent access to cash in a crisis alongside wider support. We will monitor the progress of this programme to better understand the needs and priorities of households and communities to strengthen rights-based action on food insecurity across Scotland.

<sup>156</sup> [Scottish Health Survey - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/information/scottish-health-survey/)

<sup>157</sup> [Cash-First - towards ending the need for food banks in Scotland: plan - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/information/cash-first-towards-ending-the-need-for-food-banks-in-scotland-plan/)



Linked to this, the Scottish Government is progressing work with partners, including Public Health Scotland, NHS Scotland and local authorities, to ensure robust pathways are in place locally to meet the particular needs of families with infants under 1 facing financial crisis. This has included bringing together key stakeholders to share existing good practice, identify evidence gaps, and agree shared principles for delivery of consistent, coordinated and well communicated local emergency pathways to access stage one formula milk.

We are continuing to work with key delivery partners on our free school meal expansion programme. The next phase of this will see provision extended to Primary 6 & 7 pupils whose families are in receipt of the Scottish Child Payment. This will be the next step towards delivering universal free school meals for all primary school pupils.

Further information is available from:

[Annual Scottish Health Survey](#)

[UK-wide Family Resources Survey](#)

[Trussell Trust Latest Statistics](#)

[Independent Food Aid Network Data](#)

[Annual Pupil Census](#)

[Annual School Healthy Living Survey Statistics](#)

#### **Relevant National Outcomes**

- We are healthy and active.
- We respect, protect and fulfil human rights and live free from discrimination.
- We tackle poverty by sharing opportunities, wealth and power more equally.

#### **Relevant Sustainable Development Goals**

- 1 - End poverty in all its forms everywhere.
- 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- 3 - Ensure healthy lives and promote well-being for all at all ages.

## 8. Business, Fair Work and Employment

### A) Fair Work

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
138	Vietnam	Strengthen investment and policy mix for job skills training aimed at reducing income inequality and levelling up opportunity for the working-age population	Support	Support
139	Botswana	Strengthen the labour inspection regime, including through adequate budgetary provision, to ensure favourable and non-discriminatory conditions in the workplace	Note	N/A <sup>158</sup>

#### Relevant section(s) of the October 2022 UPR Position Statement

- 8(A) – Promoting Fair Work and Responsible Business
- 8(E) – Scottish Business Pledge

#### Related section(s) in this Position Statement

- Section 8B – Equality in the Workplace

#### Recent Progress and Next Steps

In March 2022, the Scottish Government (SG) published its National Strategy for Economic Transformation (“NSET”)<sup>159</sup>. Priorities for action included a Skilled Workforce and a Fairer and More Equal Society. Scottish Government’s aim in terms of a skilled workforce was to ‘ensure that people have the skills they need at every stage of life to have rewarding careers and meet the demands of an ever-changing economy and society and that employers invest in the skilled employees they need to grow their businesses.’

Actions as part of the overall plan to achieve this include a commitment to the development and implementation of a Lifetime Skills Offer which will target investment and support to working age people in poverty. The evidence gathering phase for this work, which ran between July 2022 and July 2023 is now complete and work is underway to draw this together for publication. Evidence includes evaluation of existing skills programmes and a literature review of adult lifetime skills which sought specific evidence on the impact of skills on tackling inequality and poverty.

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<sup>158</sup> In relation to recommendation 139, the Scottish Government supports the principles underlying this recommendation but notes that employment law and its enforcement are a reserved matter.

<sup>159</sup> [Scotland's National Strategy for Economic Transformation - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/nset-2022/pages/introduction.aspx)

We have also worked with the Poverty Alliance who are undertaking a programme of evidence-gathering with grassroots community groups and individuals to provide primary evidence on tackling poverty through upskilling. In June 2023, we published the Purpose and Principles for Post-School Education, Research and Skills<sup>160</sup> which sets out a framework for decision making for post-school education, skills and research to ensure the system is fit for the future, delivering the best outcomes for learners, employers and value for money. Equality is the first principle of the Framework.

On 09 December 2022 we published our refreshed Fair Work Action Plan (“FWAP”)<sup>161</sup>. This brings together our original Fair Work, Gender Pay Gap, and Disabled People’s Employment action plans, along with the actions from our new Anti-Racist Employment Strategy. It includes actions being taken forward by the Scottish Government and various public bodies to:

- encourage employers to offer appropriate effective voice channels;
- support strong trade unions and promote collective bargaining;
- continue to apply Fair Work conditionality to as much of our public spending as we can, within the limits on devolved competence;
- continue to reduce the gender pay gap, halving the disability employment gap, reduce labour market inequalities for racialised minorities, and reduce intersectional barriers.

All of the areas of work above form part of a broader, long term period of reform of the post-school education system to ensure it is fit for the future and supports those who need it most. The work is in early planning stage so it is not possible to provide further detail at this time.

Scottish Ministers announced on 6 December 2022 that the default position is that grant recipients awarded a public sector grant<sup>162</sup> on or after 1 July 2023 will be required to pay at least the real Living Wage and provide appropriate channels for effective workers’ voice.

The Living Hours Accreditation Scheme for Scotland<sup>163</sup>, set up in July 2021, has now increased the number of Accredited employers since its launch to 22. Due to its success the Scottish Government is working with the delivery partner, Living Wage Scotland<sup>164</sup>, to promote the scheme further as part of its ambitions to increase the number of workers in Scotland getting paid, at least the Real Living Wage. The Scottish Government recognises that security of pay and contract is essential for those that are able to work and that the number and frequency of work hours are critical to tackling in-work poverty.

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<sup>160</sup> [Post-school education, research and skills - purpose and principles - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/post-school-education-research-and-skills-purpose-and-principles/pages/1-introduction.aspx)

<sup>161</sup> [Fair Work action plan: becoming a leading Fair Work nation by 2025 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/fair-work-action-plan-becoming-a-leading-fair-work-nation-by-2025/pages/1-introduction.aspx)

<sup>162</sup> [Public sector grants and funding - Fair and inclusive workplaces - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/public-sector-grants-and-funding-fair-and-inclusive-workplaces/pages/1-introduction.aspx)

<sup>163</sup> [New scheme to promote fair working hours - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/new-scheme-to-promote-fair-working-hours/pages/1-introduction.aspx)

<sup>164</sup> [Living Wage Scotland | The real Living Wage \(scottishlivingwage.org\)](https://www.scottishlivingwage.org/)

The Scottish Government (within the FWAP) is undertaking an equal pay audit, on course to be completed by 2024. We have committed to act on the findings; and to promote existing and new advice, support and guidance on the benefits of flexible working to employers across Scotland which is of real benefit to many disabled people, as well as working women balancing caring responsibilities with work. Best practice examples developed for Fair Work First aim to support employers in addressing the labour market barriers faced by women including highlighting resources to support women experiencing menopause and calling for private, healthy and safe spaces for breastfeeding mothers to express and store milk in the workplace.

In addition, Close the Gap<sup>165</sup> are being funded up to £700,000 between 2021-2024 to support employers address gender pay gaps.

A review of the Scottish Business Pledge (SBP)<sup>166</sup> is underway. New applications have been put on hold. The review will consider the role and purpose of the SBP in 2023, acknowledging that the post Brexit, post pandemic economic environment presents substantial challenges to businesses operating in Scotland.

The Scottish Business Pledge is only open to employer businesses with a Scottish base. Charities, businesses with no employees in Scotland, and sole-proprietor businesses are not eligible. The Scottish Business Pledge is self-policing, the onus is on the business to advise the SBP team if they no longer meet the eligibility criteria. The implementation approach is described as light touch and voluntary.

We will report to the Scottish Parliament on an annual basis on progress against the actions in the Fair Work Action Plan as set out in the Fair Work measurement framework.

For further information see:

- National Strategy for Economic Transformation - [Scotland's National Strategy for Economic Transformation - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/04/Scotland's_National_Strategy_for_Economic_Transformation_-_gov.scot.pdf)
- [Adult lifetime skills: a literature review - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/04/Adult_lifetime_skills_a_literature_review_-_gov.scot.pdf)
- Post School Education , Research and Skills Purpose and Principles - [Post-school education, research and skills - purpose and principles - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/04/Post_school_education_research_and_skills_-_purpose_and_principles_-_gov.scot.pdf)
- Independent Review of Scotland's Skills Landscape - [Fit for the Future: developing a post-school learning system to fuel economic transformation - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/04/Fit_for_the_Future_developing_a_post-school_learning_system_to_fuel_economic_transformation_-_gov.scot.pdf)
- Lifetime Skills Offer – Evidence and conclusions paper to be published Autumn 2023, including summary of the work by the Poverty Alliance.
- National Strategy for Economic Transformation - [Scotland's National Strategy for Economic Transformation - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/04/Scotland's_National_Strategy_for_Economic_Transformation_-_gov.scot.pdf)
- Fair Work Action Plan - [Fair Work action plan: becoming a leading Fair Work nation by 2025 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/04/Fair_Work_action_plan_becoming_a_leading_Fair_Work_nation_by_2025_-_gov.scot.pdf)

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<sup>165</sup> [Close the Gap | Working on women and work](https://www.gov.scot/resources/documents/2022/04/Close_the_Gap_Working_on_women_and_work.pdf)

<sup>166</sup> [Home | Scottish Business Pledge](https://www.gov.scot/resources/documents/2022/04/Home_Scottish_Business_Pledge.pdf)

**Relevant National Outcomes**

- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We are well educated, skilled and able to contribute to society.
- We have thriving and innovative businesses, with quality jobs and Fair work for everyone.

**Relevant Sustainable Development Goals**

- 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- 9 - Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation.

## B) Equality in the Workplace

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
136	South Africa	Make pay gap reporting on race and ethnicity mandatory	Note	N/A <sup>167</sup>
137	Georgia	Continue its work on strengthening measures for the prevention of sexual harassment in the workplace	Support	Support
140	Maldives	Enhance efforts to further narrow the gender pay gap	Partially Support	Support
141	Viet Nam	Increase opportunities for women to gain access to formal employment with equal pay for work of equal value	Partially Support	Support
189	Moldova	Strengthen legislation in order to eliminate all forms of gender discrimination in employment, including pay gaps and access to fund enforcement bodies	Note	Support
194	Peru	Redouble efforts to protect women from harassment at work and to promote access to the labour market for women belonging to marginalized groups	Support	Support
200	Cambodia	Continue taking additional measures to increase opportunity for women to gain access to formal employment	Partially Support	Support
247	Jordan	Develop an effective employment policy for persons with disabilities aimed at ensuring decent work for them and ensuring equal pay	Support	Support
248	Kazakhstan	Increase opportunities for women and persons with disabilities to gain access to formal employment and ensure equal pay for work of equal value	Support	Support
249	Somalia	Develop an effective employment policy, specifically	Support	Support

<sup>167</sup> In relation to **recommendation 136** – the Scottish Government **supports** the principles underlying this recommendation but notes that employment law and enforcement, including the power to mandate ethnicity pay gap reporting, is a reserved matter.

		designed for people with disabilities		
254	Cambodia	Develop an effective employment policy for persons with disabilities aimed at ensuring decent work for them and equal pay for work of equal value	Support	Support
270	Norway	Strengthen the protection against sexual harassment in the workplace affecting women workers with disabilities and LGBTIQ workers, in accordance with the ILO Convention No. 111	Support	Support <sup>168</sup>

### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 8(F) – Equality in the Workplace
- 8(F)(i) – Gender Equality in the Workplace
- 8(F)(ii) – Anti-Racism in the Workplace
- 8(F)(iii) – Disability Equality and BSL in the Workplace

### Recent Progress and Next Steps

#### Equality in the Workplace

The right to just and favourable conditions of work, including pay, is established in the United Nation's Universal Declaration of Human Rights<sup>169</sup>, and as such, the Scottish Government's commitment to Fair Work is central to our economic strategy. Our vision, shared with the Fair Work Convention<sup>170</sup>, is for Scotland to be a leading Fair Work Nation by 2025, where fair work drives success, wellbeing and prosperity for individuals, businesses, organisations, and society.

On 09 December 2022 we published our refreshed Fair Work Action Plan<sup>171</sup>. This brings together our original Fair Work<sup>172</sup>, Gender Pay Gap<sup>173</sup>, and Disabled People's Employment action plans<sup>174</sup>, along with the actions from our new Anti-Racist Employment Strategy<sup>175</sup>. It includes actions being taken forward by the Scottish Government and various public bodies, including to:

- encourage employers to offer appropriate effective voice channels;

<sup>168</sup> In relation to recommendation 270 – in the absence of powers over employment law, the Scottish Government will do all it can within devolved powers to promote and embed fair and inclusive working practices and prevent issues such as workplace bullying or harassment.

<sup>169</sup> [Universal Declaration of Human Rights | United Nations](#)

<sup>170</sup> [The Fair Work Convention](#)

<sup>171</sup> [Fair Work action plan: becoming a leading Fair Work nation by 2025 - gov.scot \(www.gov.scot\)](#)

<sup>172</sup> [Fair Work: action plan - gov.scot \(www.gov.scot\)](#)

<sup>173</sup> [A fairer Scotland for women: gender pay gap action plan - gov.scot \(www.gov.scot\)](#)

<sup>174</sup> [A Fairer Scotland for Disabled People: employment action plan - gov.scot \(www.gov.scot\)](#)

<sup>175</sup> [Anti-racist employment strategy - A Fairer Scotland for All - gov.scot \(www.gov.scot\)](#)

- support strong trade unions and promote collective bargaining;
- continue to apply Fair Work conditionality to as much of our public spending as we can, within the limits on devolved competence;
- continue to reduce the gender pay gap, halving the disability employment gap, reduce labour market inequalities for racialised minorities, and reduce intersectional barriers.

As many employers return to a hybrid working model, we will build on the progress made in terms of flexible working, which has benefited many disabled workers.

We will develop and promote good practice guidance for employers to showcase the successful application of positive action measures as per the Equality Act 2010<sup>176</sup>, giving particular attention to sex, pregnancy, race, age and disability by the end of 2024.

While employment law remains reserved to the UK Government, we will use our Fair Work policy to promote fairer work practices across the labour market in Scotland.

Using the levers we have available we have:

- Increased the number of accredited real Living Wage employers from 14 in 2014 to over 3,400 in 2023. Some 64,000 workers in Scotland have had a pay rise as a result of accreditation, making a real impact for people in the lowest paid jobs. The Scottish Government continues its long held commitment to payment of the Real Living Wage and the benefits it brings to Scotland's economy and people. It is a committed Accredited Living Wage Employer, and promotes payment of the Real Living Wage by funding to the Scottish Living Wage Accreditation Initiative. The Real Living Wage applies to all employees aged 18 and over. It is calculated according to the basic cost of living and takes account of the adequacy of household incomes for achieving an acceptable minimum living standard.
- A lower full-time median Gender Pay Gap than the UK as a whole since 2003 and a lower overall median pay gap than the UK as a whole since 1997.
- Reduced the Disability Employment Gap by 5.5 percentage points from our baseline year (2016), ensuring we are on course to meet the target of it being halved to 18.7 percentage points by 2038.
- Attached Fair Work First criteria to some £4 billion of public funding since 2019. This includes criteria to address gender pay gaps and create more diverse and inclusive workplaces and criteria asking employers to offer flexible working from day one of employment.

## **Gender Equality in the Workplace**

Current work also includes delivery of the Workplace Equality Fund<sup>177</sup>, first launched in 2018, which aims to remove labour market barriers for certain priority groups including women across different sectors of the Scottish economy by supporting employers to improve their policies and practice in addressing workplace inequality. For 2022-23, 13 projects received funding of over £750,000.

<sup>176</sup> [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>177</sup> [Workplace Equality | Employability in Scotland](#)



Scottish Ministers remain committed to improving access to flexible working for all sectors of the economy as an important means to help people balance work and manage commitments such as care or health conditions without dropping out of the workplace with the loss of income, experience and skills that this entails and in turn to enable businesses to recruit and retain a wider pool of talent. To support this in 2022/23, we provided £222,000 in funding to flexible working experts, Flexibility Works and have committed a further £127,000 so far this year.

Our 2023 Programme for Government commits to provide three days of paid leave to families who sadly experience miscarriage or stillbirth. We will work to implement this across the public sector and call on the UK Government to make the necessary changes to employment law to make this available for everyone.

From Jan 2021 – March 2023 the Scottish Government provided over £2.8 million as part of our Women Returners Programmes<sup>178</sup> funding through which over 2,100 women have been given support to help with their route back to work following a career break. This fulfils our 2018/19 Programme for Government commitment to support over 2000 women by the end of the 2022-23 financial year. Funding for this programme ended on 31 March 2023 with women able to access tailored employability support provision through our devolved employability services such as No One Left Behind, Parental Employability Support Fund and Fair Start Scotland<sup>179</sup>.

## **Anti-Racism in the Workplace**

In December 2022 we published our Anti-Racist Employment Strategy, alongside the refreshed Fair Work Action Plan. The Strategy seeks to respond to the scale and challenge of institutional racism, supporting employers to take an anti-racist and intersectional approach to policies and practices. It provides practical guidance and case studies to support employers to remove barriers for racialised minorities in recruitment, retention and progression; improve ethnicity workforce data; and build fair, diverse and inclusive workplaces.

Commitments set out in the refreshed Fair Work Action Plan further underpin the Strategy and include action to:

- evaluate the Minority Ethnic Recruitment Toolkit<sup>180</sup> which was published in 2020, to ensure it continues to support employers in their recruitment of people from racialised minority backgrounds.
- develop the next stage of our Anti-Racism Workplace Training Framework to support public and private employers to assess their own training needs and provide learning pathways that will build capability of employers to address racial inequality in the workplace.
- develop guidance to show how employers have used positive action to address under-representation, retention and progression of staff in their workforce.
- encourage and support public sector leadership to build an understanding of institutional racism and its impact and address the recommendations of the Scottish

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<sup>178</sup> [Up to £2m funding for Women Returners Programme | Skills Development Scotland Helping women return to work - gov.scot \(www.gov.scot\)](https://www.gov.scot/helping-women-return-to-work)

<sup>179</sup> [Employability Services | Employability in Scotland](https://www.gov.scot/employability-services)

<sup>180</sup> [Minority ethnic recruitment toolkit - gov.scot \(www.gov.scot\)](https://www.gov.scot/minority-ethnic-recruitment-toolkit)

Parliament Equalities and Human Rights' Committee's inquiry into race equality, employment and skills.

## **Disability Equality and BSL in the Workplace**

The Fair Work Action Plan – firmly embedding the social model of disability - ensures that we take an intersectional approach where possible to tackle the key structural labour market inequalities faced by disabled people and other groups, many of which have been further exacerbated because of COVID-19.

Organisations have a legal duty under the Equality Act 2010 not to discriminate based on disability and to make reasonable adjustments in respect of disabled job applicants and employees.

The Workplace Equality Fund<sup>181</sup> is focused on providing financial support for employers to address longstanding barriers in the labour market that are experienced by particular priority groups, including disabled people. The fund supports collaborative projects which seek to improve equality-related outcomes for priority groups and create a more inclusive working environment.

We have continued our work to simplify the employability system by setting out the case for further change through the development of No One Left Behind, which will reach the next stage of implementation when referrals to Scotland's current devolved employability service Fair Start Scotland end on 31 March 2024. No One Left Behind will deliver on our devolved responsibilities, to provide employability support for those at risk of long term unemployment and disabled people.

Fair Start Scotland (FSS) supports disabled people and those with mental health conditions through Supported Employment and Individual Placement Support. Since launching in 2018, a similar proportion of FSS participants have reported a disability (44%) as reported not having a disability (47%), while this was unknown for the remaining 9%. The proportion of disabled participants has varied across years with the highest proportion (55%) in year 1 and the lowest (32%) in year 3, where an impact on the collection of equalities data in general was observed following the move away from face to face service delivery due to Covid-19. There may also have been a direct impact from Covid-19 policies such as shielding. In year 4, the proportion of disabled participants increased to 47%. In year 5 to date, the proportion of disabled participants is 45% though it was lower in the most recent quarter at 40%.

For current No One Left Behind delivery, 14% of participants accessing support reported having a disability. See Background Information for disability definition. Unlike that observed with gender and ethnicity, there is little variation between younger (under 25; 14%) and older (25 and over; 15%) age groups. The proportion of participants reporting a disability has been fairly consistent with the exception of a marked decrease across year 2 to 11% before increasing to 14% in year 3. The proportion increased to 17% in year 4 so far, with the highest proportion of participants to date at 19% in the latest quarter (July – September 2022).

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<sup>181</sup> [Workplace Equality Fund](#)

The lived experience of disabled people in the labour market, including the impacts of the pandemic, directly informed our refreshed Fair Work Action plan, and will continue to be going forward with the implementation phase. Actions and ongoing work include:

- Fair Start Scotland (FSS) provides individual, person-centred support to the long term unemployed, disabled people, those with long term health conditions, and those facing other barriers to moving into and sustaining fair work.
- FSS also provides specialist support through either Supported Employment or Individual Placement and Support, the latter proven to be particularly effective for participants with significant mental health conditions.
- Scottish and Local Government will work with service users and stakeholders to consider the best way to deliver No one Left Behind specialist employability support within a local governance structure to deliver a system that is more person-centred, tailored and responsive to the needs of people of all ages who want help and support on their journey towards and into work, particularly people with health conditions, disabled people and others who are disadvantaged in the labour market.
- The Workplace Equality Fund is focused on providing financial support for employers to address longstanding barriers in the labour market that are experienced by particular priority groups, including, women, racialised minorities and disabled people. The fund supports collaborative projects which seek to improve equality-related outcomes for priority groups and create a more inclusive working environment.
- The Scottish Government will undertake an internal equal pay audit examining pay gaps by disability, gender, race and age by March 2024. We will act on findings to review and refresh our recruitment and retention policies to address workplace inequalities by end of 2025.
- By end of 2023 we will update the Fair Work First criteria to better reflect priority action required to address labour market inequalities faced by disabled people, women, and people from racialised minorities - ensuring people can enter, remain and progress in work.
- We are developing and publishing an Evidence plan and Measurement Framework to accompany the delivery of the FWAP.

### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We have thriving and innovative businesses, with quality jobs and fair work for everyone.
- We respect, protect and fulfil human rights and live free from discrimination.

### **Relevant Sustainable Development Goals**

- 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- 10 - Reduce inequality within and among countries.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## C) Human Rights Due Diligence

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
177	Palestine	Enact legislations to conflict affected areas and to provide guidance and advice for business enterprises on ensuring respect for human rights and to prevent and address the heightened risk of corporate involvement in gross human right violations in conflict affected areas including situations of foreign occupation/	Note	Partially Support

### Relevant section(s) of the October 2022 UPR Position Statement

- 8(l) – International Trade

### Recent Progress and Next Steps

#### Discretionary measures against Russia

Taking a principle-based approach to trade has never been more important in view of Russia's continued illegal invasion of Ukraine. Trade and economic relationships with Russia have been a focus of the co-ordinated worldwide response. The Scottish Government therefore – and in addition to the UK's legally binding sanctions regime – led calls for businesses to sever their links to Russia and made clear that the Scottish Government and its enterprise agencies will use all available powers not to support trade and investment activity with Russia.

Our economic agencies undertake a range of checks on businesses to identify any ongoing investment, trading, or other links with Russia, and steps they have taken to withdraw from them, while recognising where it may not always be feasible to do so, for example due to contractual obligations or if staff safety might be jeopardised.

#### Relevant National Outcomes

- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We are open, connected and make a positive contribution internationally.

#### Relevant Sustainable Development Goals

- 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- 10 - Reduce inequality within and among countries.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## 9. Human Rights and the Environment

### A) Right to a Healthy Environment

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
149	Maldives	Continue to strengthen the legal and institutional systems on environmental protection, in particular with respect to the right to a Healthy Environment	Note	Support
172	Costa Rica	Incorporate the human right to a clean, healthy and sustainable environment in its legal system	Note	Support
171	Vanuatu	Enhance the Government's commitment to take ambitious action to combat climate change, biodiversity loss and environmental degradation by recognizing the right to a clean, healthy and sustainable environment, and align its legislation to guarantee the enjoyment of this right by all	Note	Support

#### Relevant section(s) of the October 2022 UPR Position Statement

- 1(A) – Scotland's Human Rights Bill

#### Recent Progress and Next Steps

The Scottish Government has developed proposals for the recognition and inclusion of the human right to a healthy environment in Scots Law, as part of a planned Human Rights Bill. The Scottish Government's proposals for the right to a healthy environment are still in development, and there will be careful consideration of the results of the Bill's consultation<sup>182</sup> on the proposals, which opened in June 2023 and closed in October.

The Scottish Government has also published its Report into the Effectiveness of Governance Arrangements<sup>183</sup> and launched a consultation to consider views on the report. Section 41<sup>184</sup> of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 requires the report to consider:

- whether there continues to be effective and appropriate governance relating to the environment following the withdrawal of the United Kingdom from the EU,

<sup>182</sup> [A Human Rights Bill for Scotland: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/consultations/human-rights-bill/pages/consultation.aspx)

<sup>183</sup> [Environmental governance arrangements: report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/reports/pages/environmental-governance-arrangements-report.aspx)

<sup>184</sup> [Environmental governance arrangements: report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/acts/pages/uk-withdrawal-from-the-european-union-continuity-scotland-act-2021.aspx)

- whether access to justice on environmental matters is effective and sufficient, and
- whether the establishment of an environmental court could enhance the governance arrangements.

Unlike the other rights to be included in the Human Rights Bill, the right to a healthy environment is not enshrined in an international treaty. However, the right has a strong underpinning international framework including the UN Framework Principles on Human Rights and the Environment<sup>185</sup>, the Aarhus Convention<sup>186</sup>, and via regional human rights treaties. We will be guided by these standards in the development of the right and have set out in the consultation the substantive and procedural aspects we think the right should include.

Introducing the right to a healthy environment will help promote a human rights culture in public service delivery in Scotland. It will help to demonstrate our understanding that living in a healthy environment is essential to upholding our human rights. For the first time, those delivering public services will have to actively consider the right to a healthy environment when making decisions and, in time, ensure they are making that right real for people.

#### **Relevant National Outcomes**

- We value, enjoy, protect and enhance our environment.
- We respect, protect and fulfil human rights and live free from discrimination.

#### **Relevant Sustainable Development Goals**

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 13 - Take urgent action to combat climate change and its impacts.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

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<sup>185</sup> [Framework Principles on Human Rights and the Environment \(2018\) | OHCHR](#)

<sup>186</sup> [Aarhus Convention](#)

## B) Net Zero

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
168	Bahamas	Accelerate efforts to achieve the objective of net zero carbon emissions by 2050, including by ensuring the mobilization of adequate resources for this purpose	Note	Support
169	Samoa	Fully implement and go beyond emission reduction targets in NDCs	Partially Support	Support
170	Marshall Islands	Intensify efforts to address the harmful effects of fracking, environmental pollution, and climate change, to ensure that all persons can enjoy a clean, healthy, and sustainable environment	Note	Support
180	Costa Rica	Establish an immediate moratorium to grant new oil and gas exploration and exploitation concessions	Note	Note

### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 9(A) – Net Zero and Just Transition

### Recent Progress and Next Steps

The Scottish Government is committed to playing its' part in delivering the aims of international climate treaties, including the 2015 UN Paris Agreement. In direct response to the Paris Agreement, Scotland increased the ambition of its' domestic climate change targets under the Climate Change (Scotland) Act 2009, setting in law a target to reach net zero emissions of all greenhouse gases ("GHG") by 2045. To ensure achievement of this target, interim and annual targets are set for every year until net zero, including an ambitious 75% interim reduction target by 2030 which goes beyond the level of the UK Nationally Determined Contribution.

GHG statistics published in June 2023 show Scotland is already halfway to net zero. In December 2022, the Scottish Government received the latest progress report from its' independent statutory advisers, the UK Climate Change Committee ("CCC")<sup>i</sup>, on progress reducing GHG emissions. This recognises Scotland's "extraordinary ambition" to decarbonise the economy over the next decade, and welcomes the focus on a fair and just transition. However, the CCC is also clear on the scale of the changes needed to achieve emissions reduction targets to 2030.

In addition, the Scottish Government is implementing the policies and proposals to reduce emissions in the updated Climate Change Plan<sup>187</sup>, finalised in March 2021, and publishes annual monitoring reports on progress. The latest report was published in May 2023<sup>188</sup>.

The most recent Programme for Government<sup>189</sup> (September 2023) sets out the Scottish Government's priorities for tackling climate change. This includes setting out how we will continue to drive down emissions in a new Climate Change Plan, with bold action across transport, heat, our natural environment, and other areas, demonstrating how our ambition will be realised while maximising opportunities for the economy, job creation, and health.

Statutory interim and net zero emissions reduction targets include:

- **By 2030** – 75% reduction on baseline (1990/95) GHG emission levels
- **By 2040** – 90% reduction on baseline GHG emission levels
- **By 2045** – Net zero GHG emissions

To help ensure delivery of long-term emissions reduction targets, Scotland's climate change framework also includes annual targets for every year to net zero<sup>190</sup>.

#### **Relevant National Outcomes**

- We value, enjoy, protect and enhance our environment.
- We respect, protect and fulfil human rights and live free from discrimination.

#### **Relevant Sustainable Development Goals**

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 13 - Take urgent action to combat climate change and its impacts.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

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<sup>187</sup> [Securing a green recovery on a path to net zero: climate change plan 2018–2032 - update - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/secure-green-recovery-on-a-path-to-net-zero-climate-change-plan-2018-2032-update/gov.scot/)

<sup>188</sup> [Climate change monitoring report 2023 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/climate-change-monitoring-report-2023/gov.scot/)

<sup>189</sup> [Programme for Government - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/programme-for-government/gov.scot/)

<sup>190</sup> [Reducing greenhouse gas emissions - Climate change - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/reducing-greenhouse-gas-emissions-climate-change/gov.scot/)



## C) International Climate Change

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
167	Philippines	Accelerate and scale up climate action in accordance with its international obligations and with a view to upholding climate justice	Partially Support	Support
219	Marshall Islands	Sign the Declaration on Children, Youth and Climate Action and accelerate efforts to achieve “net zero” no later than 2050	Partially Support	Support
224	Panama	Sign the Declaration on Children, Youth and Climate Action, and accelerate action to achieve net zero emissions no later than 2050	Partially Support	Support

### Relevant section(s) of the Scottish Government’s October 2022 UPR Position Statement

- 9(B) – International Climate Change

### Recent Progress and Next Steps

In relation to accelerating action to achieve net zero emissions no later than 2050 (part of recommendations 219 and 224), the Scottish Government is committed to playing its’ part in delivering the aims of international climate treaties, including the 2015 UN Paris Agreement. In direct response to the Paris Agreement, Scotland increased the ambition of its’ domestic climate change targets under the Climate Change (Scotland) Act 2009, setting in law a target to reach net zero emissions of all greenhouse gases (GHG) by 2045.

In relation to recommendations 219 and 224, the Scottish Government signed the Declaration on Children, Youth and Climate Action in November 2021 during COP26.

GHG statistics published in June 2023 show Scotland is already halfway to net zero.

The most recent Programme for Government<sup>191</sup> (September 2023) sets out the Scottish Government’s priorities for tackling climate change. This includes setting out how we will continue to drive down emissions in a new Climate Change Plan, with bold action across transport, heat, our natural environment, and other areas, demonstrating how our ambition will be realised while maximising opportunities for the economy, job creation, and health.

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<sup>191</sup> [Programme for Government - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/programme-for-government-2023/pages/1-introduction-to-the-programme-for-government-2023.aspx)

**Relevant National Outcomes**

- We value, enjoy, protect and enhance our environment.
- We respect, protect and fulfil human rights and live free from discrimination.

**Relevant Sustainable Development Goals**

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 13 - Take urgent action to combat climate change and its impacts.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## 10. Justice

### A) Places of Detention

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
87	Pakistan	Improve prison safety and conditions to address self-harm, suicide and overcrowding	Support	Support
88	Venezuela	Put an end to appalling conditions of violence, overcrowding and racial disproportion in prisons	Partially Support	Note <sup>192</sup>
90	China	Investigate ill-treatment and misuse of force in detention facilities and promote accountability	Support	Support
91	Czechia	Continue efforts to improve conditions in prisons	Support	Support
287	Sri Lanka	Improve safety in prisons, and address issues around immigration detention including a statutory limit on immigration detention	Note	Support

#### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 10(J) – Inspections and Monitoring of Prisons
- 10(K) – Prison Population Size
- 10(M) – Prison Estate Modernisation
- 10(N) – Violence in Prisons
- 10(O) – Deaths in Custody
- 10(R) – Mental Health in Custody
- 10(X) – Control and Restraint in Prisons

#### Recent Progress and Next Steps

The Scottish Prison Services (SPS)<sup>193</sup> is committed to ensuring safe and dignified conditions of detention throughout Scotland's prison estate. Central to that ambition are strategic initiatives to reduce violence and overcrowding and to support action which acknowledges the overrepresentation of some minority groups, in line with the

<sup>192</sup> Prison conditions in Scottish prisons are not "appalling" and that suggestion is refuted. While it is a clear aspiration that we put an end to all violence, overcrowding, and racial disproportion in the prison, the Scottish Prison Services'(SPS) strategic aim is to reduce violence and effectively manage prison population in a safe and dignified way. The Scottish Government's Race Equality Framework aims to ensure race equality within Scotland's Justice system.

<sup>193</sup> [Publications \(sps.gov.uk\)](https://www.sps.gov.uk/publications)

Scottish Government's Race Equality Framework. The Scottish Government rejects the suggestion in recommendation 88 that prison conditions in Scottish prisons can reasonably be described as "appalling".

HMP Stirling, the new national facility for women, opened in June 2023 and is focused on delivering world leading and trauma-informed care and management for women in custody. This provides them with the best possible chance of a successful return to their communities at the end of their sentence. The opening of HMP Stirling is a significant milestone in the response to Lady Elish Angiolini's 2012 report<sup>194</sup>. This is the third new facility built specifically for women in the past year, with the Bella and Lilius Community Custody Units opening in Dundee and Glasgow in 2022 in line with our commitment to improve conditions for women in custody.

The Bail and Release from Custody Bill<sup>195</sup>, passed in June 2023, intends to refocus how remand is used so that it is reserved for those who pose a risk to public and victim safety. The legislation also improves support for people leaving prison, helping them to successfully resettle in their communities and not reoffend.

A follow up report<sup>196</sup> on progress of implementation of the recommendations in Independent Review of the Response to Deaths in Prison Custody<sup>197</sup> was published in December 2022. The progress report recognises that we have completed some of the recommendations and are making progress on many of the other recommendations.

The Scottish Government is taking action to address the high imprisonment rate in Scotland. That includes ongoing investment in community-based interventions which have been demonstrated to be more effective at reducing reoffending than short-term imprisonment<sup>198</sup>. We will provide a total of £134 million to support community justice services in 2023-24.

A programme of development of Scotland's prison estate, including new building projects HMP Glasgow and HMP Highlands, and improvements in the availability of technology within prisons, will continue to improve conditions in Scottish Prisons over the coming years.

The safe treatment and mental health of all those in custody is a key priority for Scotland's prisons, which care for people with higher levels of risk and vulnerability than the general population as a whole.

We are making progress with a number of the recommendations from the Independent Review of the Response to Deaths in Prison Custody<sup>199</sup>, including those

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<sup>194</sup> [Commission on Women Offenders Angiolini Report 2012 \(1\).pdf](#)

<sup>195</sup> [Bail and Release from Custody \(Scotland\) Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](#)

<sup>196</sup> [Independent Review of the Response to Deaths in Prison Custody: progress report - follow up - gov.scot \(www.gov.scot\)](#)

<sup>197</sup> [Independent Review of the Response to Deaths in Prison Custody | HMIPS \(prisonsinspectoratescotland.gov.uk\)](#)

<sup>198</sup> [National Strategy for Community Justice: Delivery Plan \(www.gov.scot\)](#)

<sup>199</sup> [Independent Review of the Response to Deaths in Prison Custody | HMIPS \(prisonsinspectoratescotland.gov.uk\)](#)

that relate to the SPS's internal Death in Prison Learning, Audit and Review and the key recommendation that a new independent investigation should be carried out into every death in prison custody. This should help families receive information and answers to questions they may have about the circumstances of a death sooner.

We are also working closely with Scottish Prison Service to implement a new Suicide Prevention Strategy, published in September 2022.<sup>200</sup> SPS is also improving training for staff so they are better able to identify individuals who may be struggling and in need of additional support.

The National Suicide Prevention Management Group provides the governance for the review of Talk to Me<sup>201</sup> (Prevention of Suicide Strategy in Prisons) and has approved the action plan to progress this work. The working group has a range of members, including the Scottish Government, Public Health Scotland, NHS, Samaritans, Families Outside and Breathing Space.

A short-life strategic leadership group has been set up to engage the Scottish Government, NHS and the Scottish Prison Service at national level to support improvements in providing a shared approach to health and wellbeing interventions required for those in prison. A workstream has been identified to action improvements, including Health Improvement. This work will help to inform the Health & Wellbeing Framework scheduled for completion by the end of 2023. Work has already concluded on collating the recommendations from a series of needs assessments and associated reports. There are a total of 505 recommendations to consider, theme and prioritise.

The safety of those in our care is fundamental to a high quality prison system that respects, protects and fulfils human rights. SPS takes a zero tolerance approach to violence. Each month, establishments hold a Tactical Tasking and Co-Ordination Group meeting which will consider any analysed trends associated with acts of violence allowing appropriate measures to be put in place to mitigate risk.

Following acts of violence, a Violent Incident Review Strategy meeting will take place which supports managers to identify areas for improvement or good practice in the management of violent incidents. Violence reduction meetings are held regularly in line with SPS Violence Reduction Strategy and some establishments facilitate a Safer Prisons Forum which focuses on a range of issues, including violence reduction and personal safety.

All allegations of inappropriate use of force within our prisons are investigated by SPS. Where appropriate, complaints are referred to Police Scotland. Processes are in place for the timely reporting of use of force via SPS reporting procedures. Heads of Operations in local establishments review each Use of Force form as part of the assurance process that force has been used in line with Rule 91.

SPS is developing a new Family Strategy with key stakeholders that supports principles set out in the Scottish Government's Getting It Right For Every Child policy, and in the United Nations Convention on the Rights of the Child.

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<sup>200</sup> [Suicide Prevention Strategy – 'Creating Hope Together' - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/suicide-prevention-strategy-creating-hope-together/pages/1-introduction.aspx)

<sup>201</sup> [Talk to Me Strategy](https://www.gov.scot/publications/talk-to-me-strategy/pages/1-introduction.aspx)

Under current constitutional arrangements in the UK immigration is reserved to the UK Government. The lead UK department is the Home Office, which is responsible for the operation of immigration detention facilities. The Scottish Government supports calls for a 28 day time limit on immigration detention and for the presumption to be in favour of community-based solutions.

#### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We are healthy and active.
- We respect, protect and fulfil human rights and live free from discrimination.

#### **Relevant Sustainable Development Goals**

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## B) Law Enforcement Officials

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
94	Russia	Take effective measures to prevent an arbitrary interpretation of the permissible limits of the use of force by the police	Note	Support
98	Brazil	Continue training of law enforcement officials for the proportionate use of force especially with regard to minority groups	Support	Support
97	Libya	Incorporate the minimum rules for the treatment of prisoners (the Mandela Rules) into police training curricula	Support	N/A

### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 10(I) – Human Rights Training of Police Officials
- 10(W) – Human Rights Training for Prison Officials

### Recent Progress and Next Steps

In relation to recommendation 94 and 97, all constables who join Police Scotland declare as part of their Oath of Office that they will “uphold fundamental human rights and accord equal respect to all people”.

HM Inspectorate of Constabulary in Scotland carries out regular inspections of police custody arrangements in Scotland in recent years to assess the care and welfare of detainees. Independent Custody Visitors monitor the welfare of people detained in police custody facilities (“PIRC”) independently investigates incidents involving the police including deaths in police custody.

In relation to recommendation 97, Police Scotland’s training curriculum is an operational matter for the Chief Constable who operates independently of the Scottish Government.

### Human Rights Training of Police Officers

The Scottish Government takes seriously any concerns raised by or against police officers and are clear that when things go wrong the police are held to account, lessons learned and improvements made This includes concerns about the interpretation of permissible limits of the use of force. The Scottish Government commissioned Dame Elish Angiolini to carry out an Independent Review of

Complaints Handling, Investigations and Misconduct Issues in Relation to Policing,<sup>202</sup> which was published in 2020. The review recognised the need to have robust, clear and transparent mechanisms in place to investigate complaints or other issues of concern.

The introduction of the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill<sup>203</sup> on 6 June 2023 is part of the response to the Dame Elish Angiolini Review, and delivers on the 2022-23 Programme for Government commitment to introduce legislation on this important matter. It also demonstrates the Scottish Government's further commitment to making meaningful change to the police complaints and misconduct system through delivering major business transformation and service redesign to improve how complaints are handled, bringing greater transparency, fairness and accessibility to systems, policies and processes.

Police Scotland operates under the principle of policing by consent, where officers must act in a way that secures and maintains the respect and trust of the public and respects human rights. The Scottish Government is clear that if the conduct of officers and staff falls short of expectations, it is essential that the public has trust in the processes in place to deal with complaints and allegations of misconduct.

The Scottish Government continues to work with policing partners, including: Police Scotland; Scottish Police Authority; Police Investigations and Review Commissioner; His Majesty's Inspectorate of Constabulary in Scotland and the Crown Office and Procurator Fiscal Service to implement the remaining recommendations from the review which do not require legislation. The latest progress report<sup>204</sup> published in May 2023 is on the Scottish Government website and details the progress made.

### **Human Rights Training for Prison Officials**

A Scottish Prison Service review group has led the re-development and implementation of a system of restraints for the management of distressed behaviour within a prison setting in Scotland. This work included the development of a physical interventions curriculum, based on international best practice, non-pain inducing restraint techniques and located within a wider framework of restraint reductions, taking account of the impact of trauma on distressed people in our care.

These new products emphasise the need to understand why people in the care of the SPS may display distressed behaviours, how best to de-escalate these proactively and how to safely manage situations in which the use of physical interventions is the last available option to keep everyone safe. It represents a shift away from more traditional control methods towards a more care-based system of managing distressed behaviours in prison settings.

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<sup>202</sup> [Supporting documents - Policing - complaints handling, investigations and misconduct issues: independent review - gov.scot \(www.gov.scot\)](#)

<sup>203</sup> [Police \(Ethics, Conduct and Scrutiny\) \(Scotland\) Bill: equality impact assessment - gov.scot \(www.gov.scot\)](#)

<sup>204</sup> [Complaints, investigations and misconduct in policing: implementation progress report - gov.scot \(www.gov.scot\)](#)



The work is underpinned by the best practice principles of the Restraint Reduction Network<sup>205</sup> and in line with a Human Rights approach to managing distress. In particular the United Nations Convention on the Rights of the Child was instrumental in driving this new approach; however, the new physical interventions are deemed to be appropriate for use with all people in custody, taking specific account of individual risk factors such as previous trauma, underlying health conditions, neurodiverse conditions and others. The team developed strong relationships with external partners to ensure that the approach is fully risk assessed for both physical and psychological risks.

Alongside the new techniques, the pilot includes the use of local Violence and Restraint Reduction (“VRR”) Managers on-site, who support the development of a prison-based restraint reduction strategy. This includes the debriefing of people in our care post-incident, the development of proactive strategies and working closely with partners to identify individuals at increased risk of restraint. The VRR Manager will further provide increased coaching and mentoring to officers involved in restraint, with the view of reducing future incidents by reflective learning approaches. This framework follows the model of the six core competencies for restraint reduction, putting the lived experience of staff and people in our care at the centre of development.

#### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We respect, protect and fulfil human rights and live free from discrimination.

#### **Relevant Sustainable Development Goals**

- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

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<sup>205</sup> [The Restraint Reduction Network Training Standards - Restraint Reduction Network](#)

## C) Youth Justice and Minimum Age of Criminal Responsibility

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
216	Lithuania	Consider raising the minimum age of criminal responsibility to at least 14 years of age	Note	Support
217	Luxembourg	Raise the minimum age of criminal responsibility to at least 14 years and ensure the full implementation of juvenile justice standards and prohibit the application of solitary confinement measures to juveniles	Note	Support
220	Montenegro	Raise the minimum age of criminal responsibility to at least 14 years	Note	Support
225	Paraguay	Raise the minimum age of criminal responsibility to 14 years, in accordance with international standards	Note	Support
227	Slovenia	Consider prohibiting the use of solitary confinement for juveniles	Partially Support	Support
228	Peru	Evaluate revising the minimum age of criminal responsibility in line with international standards	Note	Support
229	Tunisia	Raise the minimum age of criminal responsibility, ensuring the full application of child justice standards, and preventing the application of isolation measures to minors	Note	Support
233	Belgium	Raise the minimum age of criminal responsibility	Note	Support
235	Costa Rica	Take concrete measures to address the over-representation of minors of African-descent and other racial minorities in the juvenile criminal justice system and adopt legislation to ensure that those under 18 are not incarcerated with adults	Support	Support
236	Czechia	Raise the minimum age of criminal responsibility in	Note	Support

		accordance with acceptable international standards		
240	Sweden	Raise the minimum age of criminal responsibility in accordance with international standards	Note	Support
242	Moldova	Raise the age of criminal responsibility to 14 years, in compliance with international standards	Note	Support
243	Slovenia	Consider raising the age of criminal responsibility to at least 14 across the UK	Note	Support
244	Zambia	Raise the age of criminal responsibility to at least 14	Note	Support
245	Chile	Consider raising the age of criminal responsibility to 14 years	Note	Support
246	Spain	Raise the age of criminal responsibility, which stands at ten at the moment	Note	Support

### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 10(Y)(ii) – Youth Justice
- 10(Y)(iii) – Minimum Age of Criminal Responsibility

### Recent Progress and Next Steps

#### Youth Justice

We continue to support the delivery of a multi-agency, whole system approach to preventing offending by children and young people. This includes local delivery of early intervention approaches, initiatives to keep children out of the criminal justice system as far as possible, diversion from prosecution, support for high risk children and supporting successful transitions. For those who do end up in the criminal justice system timely and targeted support is provided by partners.

In December 2022 we introduced the Children (Care and Justice) (Scotland) Bill<sup>206</sup>. The Bill completed Stage 1 in June 2023 and is currently subject to detailed committee scrutiny at Stage 2. The Bill includes measures to improve children's experiences of Scotland care and justice system.

If passed by the Scottish Parliament it will deliver improvements to children, young people and communities and will see an end to the detention of children up to age 18 in Young Offenders Institutions. Secure accommodation will instead be used where detention in a locked facility is required.

<sup>206</sup> [Children \(Care and Justice\) \(Scotland\) Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](#)

We continue to promote the implementation of standards for those working with children in conflict with the law, as published in June 2021. This includes situations in which children require to be placed separately from others for safety reasons. Doing so is a last resort and should only be done for the shortest possible period of time.

Work being done with local authorities and partners will further enhance understanding of the support available locally, including community alternatives and best practice across Scotland.

### **Minimum Age of Criminal Responsibility**

The Age of Criminal Responsibility (Scotland) Act 2019<sup>207</sup> increased the age of criminal responsibility in Scotland from 8 years to 12 years (the highest age in any of the UK's three legal jurisdictions).

The Act was fully commenced in December 2021 and the Scottish Ministers are required to review the operation of the Act with a view to considering whether further change to the age of criminal responsibility may be appropriate. The review must be carried out within 3 years of commencement.

The review process is now in its second year and the Age of Criminal Responsibility Advisory Group is making progress in gathering data relating to the use of police powers and the number of incidents of harmful behaviour by under 12s. The Advisory group has met twice since October 2022 and has work streams for the review on data and research, victim support, community confidence, and operational implications. The Advisory Group will provide the Scottish Ministers with recommendations in relation to the age of criminal responsibility by December 2024.

The Scottish Ministers, in turn, have a duty to report to the Scottish Parliament on the findings of the review within 12 months of the end of the review period (i.e. by December 2025).

The Promise<sup>208</sup> requires Scotland to aim for the age of criminal responsibility to be brought in line with the most progressive global Governments, alongside efforts to prevent criminalisation of all children by 2030.

### **Relevant National Outcomes**

- We grow up loved, safe and respected so that we realise our full potential.
- We live in communities that are inclusive, empowered, resilient and safe.
- We respect, protect and fulfil human rights and live free from discrimination.

### **Relevant Sustainable Development Goals**

- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

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<sup>207</sup> [Age of Criminal Responsibility \(Scotland\) Act 2019 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2019/11/section-1)

<sup>208</sup> [The Promise](#)

## D) Ethnic Minority Community Experiences of the Criminal Justice System

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
93	Ecuador	Take necessary measures to proscribe detention based on appearance or membership to national and ethnic groups	Support	Support
78	Eswatini	Strengthen laws that combat racial profiling and stigmatization of people of African and Asian descent	Partially Support	Support
96	Sri Lanka	Address concerns of racial profiling	Support	Support
92	Iran	Put an end to disproportionate use of force against members of minority groups that are increasingly reported to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Partially Support	Note

### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 10(I) – Human Rights Training of Police Officials
- 13(C) – Stop and Search

### Recent Progress and Next Steps

In relation to recommendations 78, 92, 93, and 96, all constables who join Police Scotland declare as part of their Oath of Office that they will “uphold fundamental human rights and accord equal respect to all people”.

HM Inspectorate of Constabulary in Scotland carries out regular inspections of police custody arrangements in Scotland in recent years to assess the care and welfare of detainees. Independent Custody Visitors monitor the welfare of people detained in police custody facilities (“PIRC”) independently investigates incidents involving the police including allegations of police misconduct.

In relation to recommendation 92 - the Scottish Government is unaware of specific reports of this nature being made to the UNCAT in relation to Scotland.

The Scottish Prison Service (SPS) seeks to provide a caring and compassionate service for all those in its care. The Prisons and Young Offenders Institution (Scotland) Rules 2011<sup>[1]</sup> describe at Rule 91 when force can be used against a

<sup>[1]</sup> [The Prisons and Young Offenders Institutions \(Scotland\) Rules 2011 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

prisoner. Specifically, force may be used only where necessary taking account of all the circumstances of the situation, and any force used must be proportionate to the risk posed by the prisoner and no more than necessary in the circumstances.

Comprehensive control and restraint training is an essential part of the SPS Officer Foundation Programme. All operational staff must be deemed 'competent' in this area and are required to complete an annual refresher course, where they must demonstrate their competence to utilise approved control and restraint techniques. Understanding of Rule 91 and the circumstances in which force can be applied is a core competency assessed during this training.

All allegations of inappropriate use of force within our prisons are investigated by SPS. Where appropriate, complaints are referred to Police Scotland. Processes are in place for the timely reporting of use of force via SPS reporting procedures. Heads of Operations in local establishments review each Use of Force form as part of the assurance process that force has been used in line with Rule 91.

If there is a situation where an individual has exhausted the internal complaints procedure (complaints can be made confidentially through the internal process) and they are not satisfied with the response, they can refer their complaint to the Scottish Public Services Ombudsman (SPSO). Copies of the SPSO complaint form can be obtained from all residential areas.

Independent Prison Monitors (IPMs) are volunteers who are attached to a specific prison, and are representative of the communities that prisoners come from. Prisoners can contact them confidentially, and IPMs have the right to investigate any complaint raised by a prisoner. IPMs will also encourage prisoners to make use of the formal SPS Prisoners Complaints process or (where relevant) the NHS Complaints. IPMs may assist prisoners to prepare a SPS Prisoner Complaint in a support/advocacy role.

### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We respect, protect and fulfil human rights and live free from discrimination.

### **Relevant Sustainable Development Goals**

- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## 11. Population, Migration and Asylum

### A) Protecting the Rights of Migrants and Refugees

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
2	Venezuela	Ensure the right of migrants and ethnic groups to health and an adequate standard of living. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Bring the 2016 Immigration Act into line with UN standards	Partially Support	Support
226	Portugal	Establish a reasonable statutory time limit to the detention of asylum-seekers, which should be used as a measure of last resort and that it makes express provision for family reunification for any unaccompanied asylum-seeking children	Note	Support
274	Pakistan	Strengthen and safeguard the economic and social rights of migrants	Partially Support	Support
278	Uganda	Uphold and strengthen the legal protection of the rights of asylum seekers and all migrant workers in accordance with international law, including the 1951 Convention relating to the Status of Refugees	Partially Support	Support
279	USA	Take steps to ensure migrant workers are not left vulnerable to abuse and exploitation from employers and the UK visa system	Support	Support
280	Uruguay	Pursue the review of immigration legislation to include provisions facilitating family reunification for unaccompanied refugee children, with the best interests of the child as a primary consideration	Partially Support	Support

281	Argentina	Amend the immigration regulations to expressly provide for the family reunification of all unaccompanied asylum-seeking boys and girls	Partially Support	Support
282	China	Put an end to the violation of rights of migrants and refugees	Note	Support
284	Iraq	Expand the opportunities for migrants and asylum seekers to obtain adequate legal advice before deciding on their applications	Support	Support
285	Indonesia	Take all necessary measures to end abuse and exploitation in immigration by integrating human rights standards in line with the United Kingdom's obligations under international law	Note	Support
286	Germany	Introduce a general statutory time limit on detention pending deportation	Note	Support
288	Russia	Ensure the same standards of reception to all migrants as well as ensure them adequate access to health-care and legal services	Support	Support
289	Iraq	Improve humanitarian conditions in places of detention for asylum seekers in line with international human rights standards	Partially Support	Support
291	Sweden	Ensure that the implementation of the Nationality and Borders Act is in line with international refugee and human rights conventions and that it does not undermine the protection of refugee and asylum rights	Note	Support
293	Egypt	Amend asylum laws to explicitly provide for family reunification	Note	Support
294	Uruguay	Take adequate measures to ensure that the detention of asylum seekers is used only as a measure of last resort and establish a maximum legal period for the detention of immigrants	Note	Support



295	Türkiye	Uphold its obligations under 1951 Convention on the Status of Refugees and not to engage in any practice that has the effect of undermining the right to asylum in the UK	Support	Support
296	Tunisia	Respect the principle of non-refoulement and prohibit collective expulsions	Support	Support
297	Palestine	Ensure that all refugees were not discriminated against on the grounds of their mode of arrival in the country	Note	Support
298	Somalia	Establish international refugee protection asylum seeker system, which is in conformity with the international standard and conventions	Note	Support
299	Philippines	Ensure that the Nationality and Borders Act is fully in line with the 1951 Refugee Convention	Note	Support
301	Mexico	End the detention of asylum-seekers and ensure that no refugee is discriminated against on the basis of the manner in which they arrive in the country	Note	Support

### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 11(B) – Support for Displaced Populations, including Ukrainians
- 11(C) – Seasonal Horticultural Workers
- 11(D) – EU, EEA and Swiss Citizens' Rights
- 11(E) – New Scots Refugee Integration Strategy
- 11(F) – Ending Destitution Together Strategy
- 11(G) – Asylum
- 11(H) – Devolution of New Powers on Migration

### Recent Progress and Next Steps

Immigration and nationality is a reserved matter, the Immigration Act 2016<sup>209</sup> applies across the UK, including Scotland. The Nationality and Borders Act 2022<sup>210</sup> applies across the UK, including Scotland. The Scottish Parliament withheld consent on elements of the then-Bill which related to devolved matters and Scottish Government Ministers have raised significant concerns and objections to the Act.

<sup>209</sup> [Immigration Act 2016 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>210</sup> [Nationality and Borders Act 2022 \(legislation.gov.uk\)](https://legislation.gov.uk)

## Population Strategy

The Scottish Government has continued their work since the formation of the Population Taskforce and the publication of 'A Scotland for the Future: Opportunities and Challenges of Scotland's Changing Population'<sup>211</sup> in 2021.

The Scottish Government published research into Attitudes to Family Formation<sup>212</sup> in late-2022 and further research will inform policy development. We have also commissioned the Scottish Government's independent Expert Advisory Group on Migration and Population<sup>213</sup> to published a report exploring Asylum Seekers' Right-To-Work by the end of 2023, to support the future development of a pilot proposal on this subject.

Further information is available at:

[Population Taskforce - gov.scot \(www.gov.scot\)](https://www.gov.scot)

[Our Vision For A Future Scotland - A Scotland for the future: opportunities and challenges of Scotland's changing population - gov.scot \(www.gov.scot\)](https://www.gov.scot)

[Attitudes to family formation in Scotland - gov.scot \(www.gov.scot\)](https://www.gov.scot)

[Migration and Population Expert Advisory Group - gov.scot \(www.gov.scot\)](https://www.gov.scot)

## Support for Displaced Populations, including Ukrainians

The conflict in Ukraine has led millions of people to seek refuge in neighbouring countries, and we have taken action to play our full part in welcoming those seeking sanctuary from war. As of 11 July 2023, a total of 38,776 visas have been issued naming a Scottish sponsor<sup>214</sup>. Although there was a pause on new visa applications for displaced Ukrainians to come to Scotland from 13 July 2022, the pause did not affect anyone who had already made an application or had their visa granted.

Scottish Government support for the Ukraine Advice Scotland service, delivered by JustRight Scotland<sup>215</sup>, provides free, confidential legal advice and information to Ukrainians and their families on legal routes for seeking safety in Scotland. We remain committed to continue funding to help the Scottish Refugee Council to help those arriving in Scotland from Ukraine.

Support delivered via Talent Beyond Boundaries<sup>216</sup> assists people displaced in migrant camps to come to the UK through skilled migration routes to settle in Scotland. Talent Beyond Boundaries will support approximately 50 displaced individuals to make their home in Scotland. This UK pilot increases the availability of safe and legal routes to the UK for people in need of protection and affords refugees the dignity of being able to work to support their families and contribute to their new communities.

Further information is available at:

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<sup>211</sup> [A Scotland for the future: opportunities and challenges of Scotland's changing population - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>212</sup> [Attitudes to family formation in Scotland - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>213</sup> [Migration and Population Expert Advisory Group - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>214</sup> [Ukraine Sponsorship Scheme: Visa data by country, upper and lower tier local authority - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

<sup>215</sup> [Ukraine Advice Scotland - JustRight Scotland](https://www.justrightscotland.org.uk)

<sup>216</sup> [Talent Beyond Boundaries](https://www.talentbeyondboundaries.org.uk)

[Ukraine Sponsorship Scheme: Visa data by country, upper and lower tier local authority - GOV.UK \(www.gov.uk\)](#)  
[Ukraine Advice Scotland - JustRight Scotland](#)

## **Seasonal Horticultural Workers**

On 11 April 2023, independent research, commissioned by the Scottish Government 'Seasonal Migrant Workers in Scottish Agriculture'<sup>217</sup> was published. It provides an update on two previous research projects: the 2018 'Farm Workers in Scottish Agriculture' report and the 2021 'Assessment of the risks of human trafficking for forced labour on the UK Seasonal Workers Pilot', which highlighted vulnerabilities of seasonal migrant workers.

This research aimed to explore the number and demographic qualities of agricultural seasonal migrant workers in Scotland, secondly to understand the experiences of employers and seasonal migrant workers and thirdly, to provide information on the long-term prospects and viability of this sector.

Key recommendations for the UK Government were to:

- closely involve Scottish agricultural representatives in shaping future policy and schemes;
- ensure measures are evidence and experience-based, consider whether any scheme should include minimum English language requirements;
- give sufficient notice of changes to visa schemes;
- gain key data year on year directly from farms on numbers of seasonal migrant workers;
- consider how the 'tolerable standard' regulations should be applied to temporary accommodation and who should be best place to conduct inspections; and
- promote and clarify support available to agricultural seasonal migrant workers is the responsibility of any organisation interacting with these workers.

We remain committed to supporting the Worker Support Centre<sup>218</sup> with funding of more than £123,000. Launched in 2022, the service has provided guidance, information, and vital assistance to migrant seasonal agricultural and horticultural workers in Scotland, irrespective of nationality.

We recognise the valuable contribution provided by migrant workers to Scotland's soft fruit, ornamental horticulture and seasonal vegetable sectors, the challenges they face and the importance of their contribution to Scotland's economy. They often face a wide range of complex issues, and it is essential that they have access to support from the Worker Support Centre to navigate these.

Further information is available at:  
[Worker Support Centre Scotland |](#)

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<sup>217</sup> [Seasonal Migrant Workers in Scottish Agriculture - gov.scot](#)

<sup>218</sup> [Worker Support Centre Scotland |](#)

## **EU, EEA and Swiss Citizens' Rights**

We continue to support EU citizens through our Stay in Scotland campaign<sup>219</sup>. Since 2019, we have provided more than £2 million to community organisations to help EU citizens to apply to the EU Settlement Scheme (EUSS) and this funding will continue until at least March 2024.

This support includes an immigration caseworker at COSLA to assist vulnerable EU citizens to make late EUSS applications. We continue to fund Citizens' Rights Project<sup>220</sup> to provide advice and support to EU citizens across Scotland. We now also fund Settled to provide higher level immigration advice.

We have a constructive relationship with the Independent Monitoring Authority<sup>221</sup>. Officials have worked closely with the IMA to ensure that the rights of EU citizens in Scotland continue to be protected.

We continue to work with our Stay in Scotland campaign partners<sup>222</sup>, and wider third sector, to support EU citizens in Scotland. We also work with colleagues across the public and private sectors to continue to raise awareness of, and find solutions to, issues for EU citizens in Scotland.

The Scottish Government is committed to working constructively with the Independent Monitoring Authority to ensure that the rights of EU citizens in Scotland are protected.

The Home Office publish quarterly statistics on the EU Settlement Scheme - [EU Settlement Scheme statistics - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/eu-settlement-scheme-statistics)

## **New Scots Refugee Integration Strategy**

The Scottish Government remains committed to supporting refugees, asylum seekers and Scotland's communities through our pioneering and collaborative New Scots refugee integration strategy approach<sup>223</sup>, in partnership with the Convention of Scottish Local Authorities and Scottish Refugee Council.

In October 2022, the New Scots partnership, led by Scottish Government, has secured additional funding from the EU's Asylum, Migration and Integration Fund to extend the New Scots Refugee Integration Delivery Project to December 2023. Funding for the project over three years has totalled £6.6 million, with £6 million from the Asylum, Migration and Integration Fund and the remainder provided as match funding by the Scottish Government to support refugee integration in line with New Scots.

The project has supported:

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<sup>219</sup> [Stay in Scotland - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>220</sup> [Home - Citizens' Rights Project \(citizensrightsproject.org\)](https://citizensrightsproject.org)

<sup>221</sup> [Independent Monitoring Authority for the Citizens' Rights Agreements \(ima-citizensrights.org.uk\)](https://ima-citizensrights.org.uk)

<sup>222</sup> [Supporting EU citizens to Stay in Scotland - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>223</sup> [New Scots: refugee integration strategy 2018 to 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

- the award of funding to over 50 projects across Scotland to spread good practice and support innovation in refugee integration from September 2021 – November 2022;
- provision of over £500,000 in targeted funding for two of the highest priority areas (English for Speakers of Other Languages (ESOL) and Employability) from May – November 2023;
- investment in research and evaluation to inform the development of the next New Scots Refugee Integration Strategy, ensuring this is firmly rooted in evidence; and
- funding of wide-scale public engagement across Scotland for the refreshed New Scots Refugee Integration Strategy (to begin later in 2023).

Working in partnership, the Scottish Government, COSLA and the Scottish Refugee Council will refresh the New Scots refugee integration strategy<sup>224</sup>, to build on the progress and experience of a decade of work under the New Scots approach. This will include wide ranging engagement so that the strategy continues to be informed by refugees, people seeking asylum and those with expertise supporting them.

Over the course of 2023, the Scottish Government, COSLA, Scottish Refugee Council and the University of Glasgow have been working on the New Scots refugee integration delivery project, supporting projects delivering on ESOL and employability and further research and evaluation work.

### **Ending Destitution Together Strategy**

The Scottish Government and the Convention of Scottish Local Authorities continue to work together to deliver the Ending Destitution Together strategy<sup>225</sup>, which aims to improve support for people who have No Recourse to Public Funds (NRPF) and who are at risk of destitution.

Key actions in the strategy include the Scottish Crisis Fund project, delivered by the British Red Cross, which is providing crisis cash grants to people facing destitution, who are experiencing barriers to accessing support and is inclusive of people with NRPF. The project does not provide a long-term income source, but is intended to provide immediate crisis support where people are experiencing or at risk of destitution. The Scottish Government has committed to continue support of the project by providing funding up to £715,000 in 2023-24.

The Scottish Government continues to support the Scottish Refugee Council<sup>226</sup>, in partnership with Fair Way Scotland, to deliver a diagnostic legal advice and advocacy support service for people subject to NRPF by providing over £330,000 in 2023-24. The project will also provide information to help us understand the circumstances of people that require legal support and the extent and nature of NRPF destitution in Scotland.

COSLA and Just Right Scotland launched the revised Migrants' Rights and Entitlement Guidance on 4 October 2023. This was updated following the UK's exit

<sup>224</sup> [New Scots: refugee integration strategy 2018 to 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-to-2022/pages/10-introduction.aspx)

<sup>225</sup> [Ending destitution together: strategy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/ending-destitution-together-strategy/pages/10-introduction.aspx)

<sup>226</sup> [Home - Scottish Refugee Council](https://www.scottishrefugeecouncil.org/)

from the EU, the Nationality and Borders Act and other changes that have occurred across the legislative landscape. The guidance seeks to strengthen understanding of the complex legal frameworks that share people's eligibility for support and assist local authorities in reaching decisions on support for people who have NRPF.

COSLA and Just Right Scotland launched the revised Migrants' Rights and Entitlement Guidance<sup>227</sup> on 4 October. This was updated following the UK's exit from the EU, the Nationality and Borders Act and other changes that have occurred across the legislative landscape. The guidance seeks to strengthen understanding of the complex legal frameworks that share people's eligibility for support.

## **Asylum**

Asylum and immigration are matters reserved to the UK Government, including the operation of the asylum system and provision of accommodation and financial support for people seeking asylum if they would otherwise be destitute.

The Scottish Government was opposed to the Illegal Migration Bill, as it passed through the UK Parliament, and raised significant concerns with the UK Government about the impact that the legislation would have on people in need of protection and our communities. Westminster's Joint Committee on Human Rights concluded, during their scrutiny of the Bill, that it "is, in effect, a near-ban on asylum and humanitarian protection Extinguishing, the right of asylum for refugees arriving in the UK breaches the object and purpose of the [UN Convention on Refugees] with which we are bound, in good faith, to comply." The Scottish Parliament debated the Bill on 28 April when a motion opposing the Bill was agreed. The Bill was granted royal assent and became an Act on 20 July 2023<sup>228</sup>.

The Scottish Government continues to support the widening of asylum dispersal in principle but believes participation by local authorities should be voluntary. Scottish local authorities outside Glasgow are now participating in asylum dispersal, and work is ongoing to support continued development of dispersal. The Scottish Government believes that people seeking asylum should be accommodated within communities with access to the essential services, legal advice, and advocacy they need. Use of contingency hotels and other temporary accommodation or large-scale alternative accommodation sites are not appropriate for people seeking asylum and are not comparable to their use for other groups because of fundamental differences in the autonomy, rights and support options available for people seeking asylum. The Scottish Government continues to make the case for an asylum system that is effective and supports our commitment to integration from day one of arrival.

## **Devolution of New Powers on Migration**

Immigration and nationality is a reserved matter, the Immigration Act 2016<sup>229</sup> applies across the UK, including Scotland. The Scottish Parliament withheld consent on elements of the then-Bill which related to devolved matters and Scottish Government Ministers have raised significant concerns and objections to the Act.

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<sup>227</sup> [Migrants Rights and Entitlements Guidance \(migrationscotland.org.uk/migrants-rights-and-entitlements\)](https://migrationscotland.org.uk/migrants-rights-and-entitlements)

<sup>228</sup> [Illegal Migration Act 2023 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>229</sup> [Immigration Act 2016 \(legislation.gov.uk\)](https://legislation.gov.uk)



The Illegal Migration Bill was introduced in the House of Commons on 7 March 2023. The bill received royal assent on 20 July becoming the Illegal Migration Act.

The Scottish Government remains opposed to the Illegal Migration Act which will push already vulnerable people deeper into exploitation and destitution. The UK Government should repeal the Act immediately. The Scottish Parliament has overwhelmingly rejected the proposed legislation – both in April and in a recent debate on 27 June.

The Scottish Government has clearly outlined our position on the devolution of new powers on migration. Clearly changes are required to the immigration system in order to address the acute labour market shortages being faced across multiple sectors of our economy and public services. The UK Government's 'points-based system' is too heavily focused on high earners leaving almost no route for some of Scotland's most important roles, and the UK's immigration fees are some of the most expensive in the world. Scottish Ministers have called, several times, for these to be reduced, as they create an insurmountable barrier for both workers and employers.

Migration is not the sole solution to this wide-spread problem. The Scottish Government is working productively with business and taking action in those areas within our responsibilities including promoting fair working practices and provision of upskilling and retraining opportunities aimed at hardest hit sectors.

See also:

[Interministerial Group for Safety, Security and Migration Communiqué: 11 July 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/interministerial-group-for-safety-security-and-migration-communicue-11-july-2023)

### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We are creative and our vibrant and diverse cultures are expressed and enjoyed widely.
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We are well educated, skilled and able to contribute to society.
- We have thriving and innovative businesses, with quality jobs and fair work for everyone.
- We are healthy and active.
- We respect, protect and fulfil human rights and live free from discrimination.
- We are open, connected and make a positive contribution internationally.
- We tackle poverty by sharing opportunities, wealth and power more equally.

### **Relevant Sustainable Development Goals**

- 1 - End poverty in all its forms everywhere.
- 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- 3 - Ensure healthy lives and promote well-being for all at all ages.
- 4 - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

- 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- 10 - Reduce inequality within and among countries.
- 11 - Make cities and human settlements inclusive, safe, resilient and sustainable.
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.



## B) UK-Rwanda Migration and Economic Development Partnership

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
300	New Zealand	Ensure that its treatment of asylum seekers is consistent with its humanitarian responsibilities and commitments under international human rights law and international refugee law, in particular the 1951 Convention Relating to the Status of Refugees, and with specific reference to the UK's offshore processing arrangement with Rwanda	Support	Support
273	Netherlands	Revoke parts of the Migration and Economic Development Partnership (MEDP) which do not comply with the 1951 Refugee Convention, in particular the principle of non-refoulement	Note	Support
277	Switzerland	Take all necessary measures to ensure that the Migration and Economic Development Partnership with Rwanda is in line with the UK's obligations under international law	Support	Support
290	Iran	Halt its plans to transfer asylum-seekers to other territories	Note	Support
292	Egypt	Stop plans to transfer asylum seekers to other countries in violation of international law	Note	Support
302	Luxembourg	Refrain from sending asylum seekers to Rwanda and denounce the Asylum Partnership Agreement, which is in violation of international law and risks causing irreparable harm to those seeking international protection	Note	Support

## Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

- 11(G) – Asylum

### Recent Progress and Next Steps

Immigration and asylum are reserved to the UK Government Home Office. Restrictions applied through reserved immigration legislation and rules (e.g. No Recourse to Public Funds) apply across the UK, including Scotland.

The Scottish Government remains opposed to the UK Government's "asylum partnership arrangement" with Rwanda<sup>230</sup>. The proposals are not consistent with the UK's international responsibility to recognise and support refugees. On 15 November 2023 the UK Supreme Court ruled that the proposed scheme was unlawful.<sup>231</sup> In response the UK Government signed a new treaty with Rwanda<sup>232</sup> (replacing its previous Memorandum of Understanding). It then introduced legislation<sup>233</sup> at Westminster declaring Rwanda to be a "safe country" and overriding the Court's finding that Rwanda cannot, on an objective examination of the evidence, be considered to be safe. The Safety of Rwanda (Asylum and Immigration) Bill also disapplies key protections contained in the Human Rights Act 1998 and envisages a situation in which UK ministers may decide not to comply with interim measures<sup>234</sup> indicated by the European Court of Human Rights. The Bill is currently under consideration in the UK Parliament and has encountered strong opposition.

The Scottish Government is clear that claims for asylum must be given careful, compassionate and legally competent consideration by the Home Office, in accordance with the UK's international obligations. Individuals whose claims are successful must then be supported to rebuild their lives as refugees in the UK. The UK Government must be transparent about the full costs of this arrangement, and how this can be more financially efficient than improving the UK asylum system and supporting people appropriately here.

### Relevant National Outcomes

- We live in communities that are inclusive, empowered, resilient and safe.
- We respect, protect and fulfil human rights and live free from discrimination.
- We are open, connected and make a positive contribution internationally.

### Relevant Sustainable Development Goals

- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

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<sup>230</sup> [Memorandum of understanding between the UK and Rwanda - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/108442/mou-uk-rwanda-2018.pdf)

<sup>231</sup> [R \(on the application of AAA and others\) \(Respondents/Cross Appellants\) v Secretary of State for the Home Department \(Appellant/Cross Respondent\) - The Supreme Court](https://www.supremecourt.uk/cases/docs/202300013.pdf)

<sup>232</sup> [Rwanda Treaty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118442/rwanda-treaty-2023.pdf)

<sup>233</sup> [Safety of Rwanda \(Asylum and Immigration\) Bill - Parliamentary Bills - UK Parliament](https://www.parliament.uk/bills/2023/safety-of-rwanda-asylum-and-immigration-bill)

<sup>234</sup> [FS Interim measures ENG \(coe.int\)](https://www.coe.int/en/web/comodocs/interim-measures-eng)

## 12. Human Trafficking and Exploitation

### A) Human Trafficking and Exploitation

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
39	Finland	Dedicate sufficient resources to central, devolved and local authorities to ensure effective implementation of the Istanbul Convention	Support	Support
122	Jordan	Facilitate regular availability of information to potential victims of human trafficking about their rights, ensure access to legal aid for victims, ensure timely access to psychological assistance, and take further steps to improve the identification process for victims of human trafficking	Support	Support <sup>235</sup>
123	Lichtenstein	Enhance its efforts to investigate claims of human trafficking and to improve the training of law enforcement officers, prison personnel and other first responders	Partially Support	Support <sup>236</sup>
124	Malaysia	Intensify efforts to combat human trafficking and all forms of slavery	Support	Support
125	Morocco	Pursue the efforts to investigate claims on human trafficking and improve the training of law enforcement officers, prison personnel and other first responders, as recommended by the Committee against Torture	Partially Support	Support (see footnote to 123)
126	Nigeria	Scale up efforts in combating human trafficking and the protection of the	Support	Support

<sup>235</sup> In relation to recommendation 122 – victims are identified within the UK-wide National Referral Mechanism.

<sup>236</sup> In relation to recommendations 123 and 125 – the training of law enforcement officers is a matter for the relevant public authorities.

		rights the victims of trafficking		
127	Norway	Strengthen the efforts to identify victims of human trafficking and forced labour, increase their access to legal and psychological assistance, and ensure prosecution of human traffickers	Partially Support	Support <sup>237</sup>
128	Qatar	Continue efforts aimed at combatting human trafficking and take necessary measures to sustain the protection and assistance for the victims	Support	Support
129	Romania	Take further steps to improve the identification of victims in trafficking and provide them with the necessary assistance in their recovery	Support	Support
130	Saudi Arabia	Strengthen efforts to combat human trafficking, especially women and girls	Support	Support
133	China	Effectively combat human trafficking and sexual exploitation	Support	Support
134	Croatia	Ensure that the victims of trafficking are provided with timely information regarding their rights and assistance possibilities	Support	Support
131	Thailand	Ensure that its anti-trafficking legislation is in line with its obligations under international law, in particular, the protocol to prevent, suppress, and punish trafficking in persons, which would further improve ethical recruitment and enhance identification of victims and prosecution	Support	Support (see footnote to 127)
132	Venezuela	Put an end to the trafficking in persons, women and girls	Support	Support

<sup>237</sup> In relation to recommendations 127 and 131 – prosecutorial decisions are a matter for the Crown Office and Procurator Fiscal Service which is independent of the Scottish Government.

		exacerbated in the country, and provide comprehensive assistance to victims		
135	North Korea	Commit to establishing a comprehensive national framework to prevent trafficking of women and girls for sexual or labour exploitation and criminal activity	Partially Support	Support

### Relevant section(s) of the October 2022 UPR Position Statement

- 12(A) – Tackling Human Trafficking
- 12(B) – Impacts of the COVID-19 Pandemic
- 12(C) - Implementing V.C.L & A.N v the United Kingdom
- 12(D) – Child Victims of Trafficking
- 12(E) – Child Exploitation
- 12(F) – Online Safety

### Recent Progress and Next Steps

The Scottish Government launched a new statutory service called Guardianship Scotland on 1 April 2023.

We expect Guardianship Scotland to support all unaccompanied asylum seeking and trafficked children across Scotland. As part of the new statutory service there is now a duty on local authorities to refer eligible young people to Guardianship Scotland as soon as reasonably practicable.

Following an open and fair procurement process, Scottish Government awarded the contract to run the new service to a consortium between Aberlour and the Scottish Refugee Council.

Both organisations have been delivering guardianship support to separated children in Scotland since 2010 on a non-statutory basis. This contract will run for an initial 3 years and receive funding of just under £1 million annually.

The Scottish Government has conducted a statutory review of its 2017 Trafficking and Exploitation Strategy<sup>238</sup> and published the review findings<sup>239</sup> in September 2023. The review includes a commitment to develop a refreshed strategy in collaboration with partners, including those with lived experience of trafficking and exploitation.

The Scottish Government continues to fund support to victims under Sections 9 & 10 of the Human Trafficking and Exploitation (Scotland) Act 2015<sup>240</sup> (“2015 Act”) which requires Scottish Ministers to secure support and assistance for adult victims of

<sup>238</sup> [Human trafficking and exploitation strategy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/human-trafficking-and-exploitation-strategy-2017/pages/1-introduction.aspx)

<sup>239</sup> [Trafficking and exploitation strategy: review - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/trafficking-and-exploitation-strategy-review-2023/pages/1-introduction.aspx)

<sup>240</sup> [Human Trafficking and Exploitation \(Scotland\) Act 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2015/22/section/9)

human trafficking where there are reasonable grounds (as determined through the National Referral Mechanism to believe an adult is a victim of human trafficking and/or slavery, servitude and forced or compulsory labour.

This support is discharged through grant funding arrangements with the Trafficking Awareness Raising Alliance and Migrant Help, who will share over £7.45 million from the Victim Centred Approach Fund between 1 April 2022 and 31 March 2025.

This support will be impacted by the UK Illegal Migration Act which removes some duties and powers on Scottish Ministers to provide funding.

### **Tackling Human Trafficking**

The Scottish Government intends to publish the fifth annual report detailing progress in implementing the Trafficking and Exploitation Strategy in the second half of 2023.

We also intend to publish our first Slavery and Human Trafficking Statement in 2023 which outlines the Government's attempts to tackle slavery and exploitation within its own processes, systems and supply chains.

Section 38 of the 2015 Act places a duty on specified Scottish public authorities to provide information to Police Scotland about people who are, or appear to be, victims of human trafficking or of slavery, servitude and forced or compulsory labour – this is termed the Duty to Notify.

The original policy intent underpinning section 38 of the Act was to allow for the collation and processing of wider information about trafficking activity in Scotland not currently collected through the NRM or the criminal justice system. It was envisioned that this would provide a more accurate picture of the scale and extent of trafficking in Scotland, and enable more effective targeting of enforcement activity and provision of support services.

Current work involves working with the Home Office to identify how referrals would be made – via the NRM or a bespoke system - and continuing discussions with public body stakeholders on the implementation and impact of the proposed duty.

### **Child Exploitation**

Child Criminal Exploitation is abuse. The updated National Guidance for Child Protection<sup>241</sup> in Scotland is clear that Child Criminal Exploitation is a cause of significant harm and that a child protection response is required. The National Guidance provides practitioners with information on Child Criminal Exploitation, and the child protection processes that should be followed when there is reason to believe that a child has been, or is at risk of being criminally exploited.

The Child Sexual Abuse and Exploitation Hub on the Scottish Government's Parent Club website<sup>242</sup> provides information on child sexual abuse and child sexual

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<sup>241</sup> [National guidance for child protection in Scotland 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-guidance-for-child-protection-in-scotland-2021/pages/1-1-introduction.aspx)

<sup>242</sup> [Child sexual abuse and exploitation | Parent Club](https://parentclub.scot.nhs.uk/child-sexual-abuse-and-exploitation/)

exploitation for parents and carers, including spotting the signs of abuse, talking to children about sexual abuse and sexual exploitation, reporting concerns and how to access help and support.

The Scottish Government is working with partners to understand the nature, scale and extent of Child Criminal Exploitation, and to take action to ensure that children who are at risk of, or are victims of criminal exploitation, are identified and supported. The Children and Young People's Centre for Justice published a scoping review of Child Criminal Exploitation in May 2023<sup>243</sup>. This research was part-funded by the Scottish Government and will inform the next stages of our work on this challenging issue.

In July 2023, Scottish Government published Practitioner Guidance on Criminal Exploitation<sup>244</sup> on behalf of the Scottish Serious Organised Crime Taskforce. The guidance aims to support a shared understanding of criminal exploitation of children (up to 18) and adults, and to help professionals identify those at risk from criminal exploitation. The Guidance also applies to criminal exploitation which is not linked to serious organised crime.

### **Online Safety**

Protecting children online is a key priority for the Scottish Government. This includes both child sexual abuse and sexual exploitation, and our approach to tackling these harms in Scotland reflects the interlinked nature of these issues.

We published the National Guidance for child protection in Scotland in September 2021.<sup>245</sup> This provides updated information on child sexual abuse and child sexual exploitation to support local areas in Scotland in developing effective, evidence-based responses. It also provides detailed advice for all practitioners who support victims of exploitation. In August 2023, we published the updated 2021 National Guidance for Child Protection in Scotland<sup>246</sup> This includes significant legislative, policy and practice changes since publication in 2021, and incorporates learning from this period of National Guidance implementation.

We continue to work with our partners through the Police Scotland Multi-Agency Preventing Online Child Sexual Abuse and Exploitation Group to inform our approach to enforcement to keep children safe online.

The Online Safety Hub on the Scottish Government's Parent Club website<sup>247</sup> provides advice for parents and carers on how to support children who have had a negative experience online, including signposting to websites offering support as well as advice on how to report inappropriate content online.

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<sup>243</sup> [CYCJ Publishes Scoping Review of Child Criminal Exploitation - Children and Young People's Centre for Justice](#)

<sup>244</sup> [Criminal exploitation: practitioner guidance - gov.scot \(www.gov.scot\)](#)

<sup>245</sup> [National Guidance for Child Protection in Scotland 2021 - updated 2023 - gov.scot \(www.gov.scot\)](#)

<sup>246</sup> [National Guidance for Child Protection in Scotland 2021 - updated 2023 - gov.scot \(www.gov.scot\)](#)

<sup>247</sup> [Online Safety | Parent Club](#)

We ran a national public awareness campaign in February and March 2022, and again in 2023, to support parents and carers to help keep their children safer online. This linked to the Scottish Government's Parent Club website and newly created Online Safety and Child Sexual Abuse and Exploitation Hubs.

Evaluation of the campaign showed that it had a positive effect. A survey conducted on the campaign showed that it had a strong impact upon behaviour, with nine in ten recognisers of the campaign reporting taking action as a result of it, far exceeding the target set and the highest rate of any Parent Club campaign.

The UK Government's Online Safety Bill seeks to establish a new regulatory regime aimed at ensuring that platforms in scope have systems and processes in place to deal with illegal and harmful content and their associated risk, particularly to children and young people. It will empower Ofcom to better regulate internet services and search engines, and to make the internet a safer place for users.

While internet safety is a reserved matter, we continue to engage with the UK Government and Ofcom to press for stronger protections to help keep children in Scotland safe online.

#### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We have thriving and innovative businesses, with quality jobs and fair work for everyone.
- We respect, protect and fulfil human rights and live free from discrimination.
- We are open, connected and make a positive contribution internationally.
- We grow up loved, safe and respected so that we realise our full potential.

#### **Relevant Sustainable Development Goals**

- 8 - Promote inclusive and sustainable economic growth, employment and decent work for all
- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.



## 13. Freedom of Expression and Assembly

### A) Right to Protest

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
118	Canada	Maintain its robust tradition of citizens' right to peacefully protest as new legislation on public order is introduced	Support	Support
119	Greece	Take further action to ensure a safe environment for civil society, including the removal of potentially restrictive legislation to the rights of association and peaceful assembly	Partially Support	Support

#### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

N/A

#### Recent Progress and Next Steps

The Scottish Government is committed to giving full effect to the rights of freedom of association and freedom of assembly set out in the European Convention on Human Rights ("ECHR"). Legislation passed by the Scottish Parliament is not law if it is incompatible with the Convention rights defined in the Human Rights Act 1998.

The Public Order Bill was introduced to the UK Parliament on 11 May 2022 and makes provision for new offences relating to public order, including provisions about stop and search powers; creating new offences in relation to protests; and introducing Serious Disruption Prevention Orders. The Bill received Royal Assent on 2 May 2023.

The provisions relating to policing of protests within the Public Order Act 2023<sup>248</sup> build on the public order provisions that were introduced as part of the Police, Crime, Sentencing and Courts Act 2022, and came into effect for England and Wales on 28 June 2022.

As Justice is devolved to Scotland, most of the provisions contained in these Acts – including new offences relating to protests - apply to England and Wales only and do not apply in Scotland. The Scottish Government declined an offer from UK Ministers to extend the new powers to Scotland.

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<sup>248</sup> [Public Order Act 2023 \(legislation.gov.uk\)](https://legislation.gov.uk)

The provisions seek to ensure that the British Transport Police (“BTP”) in Scotland are able to exercise a number of the existing powers in the 1986 Public Order Act<sup>249</sup> to manage public assemblies and processions. As the BTP only operates in a railway context in Scotland, this would only apply to railway facilities, including the Glasgow subway.

These powers are currently already available to Police Scotland and the powers themselves are not being strengthened or amended in any other way. The purpose of this amendment is to address an anomaly whereby territorial police forces, including Police Scotland, can use these existing powers on the railway, but BTP, who are responsible for policing the railway, are not currently able to do so.

Scotland has a proud tradition of activism and of peaceful protest. The right to public assembly is an important human right that the Scottish Government is committed to uphold. The Scottish Government has no current plans to amend the legislation relating to the policing of protests in Scotland. Police Scotland has powers available under the Public Order Act 1986 to deal with any disorder arising at protests and to ensure that public safety and order is maintained. The Scottish Government fully support Police Scotland to apply these powers as needed and to work with local authorities and local communities in a constructive and collective way.

#### **Relevant National Outcomes**

- We live in communities that are inclusive, empowered, resilient and safe.
- We respect, protect and fulfil human rights and live free from discrimination.

#### **Relevant Sustainable Development Goals**

- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

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<sup>249</sup> [Public Order Act 1986 \(legislation.gov.uk\)](https://legislation.gov.uk)

## B) Media Freedom

### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
117	Bulgaria	Continue efforts within the Media Freedom Coalition to defend media freedom at home and abroad, and improve the safety of journalists and media workers who report across the world	Support	Support
120	Greece	Take concrete steps to improve the safety of journalists, investigate incidents of attacks on journalists, and implement the UN Plan of Action on the Safety of Journalists and the Issue of Impunity	Partially Support	Support

### Relevant section(s) of the October 2022 UPR Position Statement

- 14(E) – Freedom of the Press

### Recent Progress and Next Steps

The Scottish Government is committed to a free and independent press and recognises the vital role of the press and local news publications in holding public institutions to account. We therefore support implementation of the UN Action Plan for the Safety of Journalists,<sup>250</sup> together with the UK's own national action plan.<sup>251</sup>

The Scottish Government is also committed to ensuring the sustainability of the public interest journalism sector. We responded to recommendations from the Public Interest Journalism Working Group in June 2022 and are supportive of the work of a steering group, set up as a result of those recommendations and independent of Government, towards supporting the sector and establishing a Public Interest Journalism Institute with a remit to include: research; grant-making; training, advice and support, diversity and media literacy.

We remain committed to ensuring that the practices which led to the Leveson Inquiry do not happen again, and we believe that all individuals should have the ability to seek redress when they feel they have been the victim of press malpractice.

The Scottish Government believes that the regulation of the press should be independent from Government, and wants independent self-regulation of the press to be maintained. The Royal Charter on Independent Self-Regulation of the Press was agreed by the Scottish and UK Governments in 2013. As regulation of the press is

<sup>250</sup> [UN Plan of Action on the Safety of Journalists and the Issue of Impunity | UNESCO](#)

<sup>251</sup> [National Action Plan for the Safety of Journalists - GOV.UK \(www.gov.uk\)](#)

devolved, section 40 of the Crime and Courts Act 2013, which incentivises members of the press to sign up to a State-approved regulator, does not apply under Scots law. The Scottish Government has no plans to introduce statutory measures to incentivise participation in the regulatory system as we believe it poses a potential threat to freedom of the press.

The right to freedom of expression is legally protected in the UK by the Human Rights Act 1998, and safeguards also exist under the Scotland Act 1998. It is unlawful for public authorities to act in ways that are incompatible with that right.

### **Relevant National Outcomes**

- We respect, protect and fulfil human rights and live free from discrimination.
- We are open, connected and make a positive contribution internationally.

### **Relevant Sustainable Development Goals**

- 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## 14. Women, Peace and Security

### A) Women, Peace and Security

#### Recommendation(s) and Responses

Ref	Country	Recommendation	UK Response	SG Position
196	Armenia	Continue its efforts on the international level for the promotion and effective implementation of the UN Security Council Resolution 1325 on Women, Peace and Security	Support	Support

#### Relevant section(s) of the Scottish Government's October 2022 UPR Position Statement

N/A

#### Recent Progress and Next Steps

The *Women in Conflict Fellowship*<sup>252</sup> has been provided by the Scottish Government since 2016 and provides expert training in mediation, conflict resolution, reconciliation and constitution building for women from conflict-affected regions. The fellowship is funded by the Scottish Government and offered by a Scottish-based organisation which equips these women, who work in (or adjacent to) the field of peacebuilding, with skills in gender-sensitive conflict resolution and peacebuilding mechanisms and creates a safe-space to share knowledge and network with one-another.

In the Financial Year 22/23, there were three Fellowship Programmes, hosting a total of 40 Fellows. Since 2016 there have been 20 Fellowship Programmes, in turn creating a global network of women peacebuilders from 34 countries: Afghanistan; Algeria; Bangladesh; Cameroon; Colombia; Fiji; India; Iraq; Jordan; Kashmir; India; Kenya; Kurdistan; Iraq; Lebanon; Libya; the Maldives; Morocco; Myanmar; Nepal; Nigeria; Palestine; Pakistan; South Sudan; Sri Lanka; Sudan; Syria; Tunisia; Turkey; Uganda; Ukraine; Western Sahara; Yemen; and Zimbabwe.

In the 2023/2024 financial year, Beyond Borders<sup>253</sup> will run three residential Fellowship Programmes in Edinburgh and the Scottish Borders. As in previous years the first will focus on the arts as a tool for peacebuilding and build upon the programme with the same focus held in August 2019 and 2022.

The other programmes will build upon the 'traditional' focus and will also include a greater emphasis on the climate change-gender-conflict nexus that has been built into Fellowship Programmes since Financial Year 21/22. Each Fellowship Programme will also include a balance of supplementary virtual sessions that will

<sup>252</sup> [Support for women tackling conflict - gov.scot \(www.gov.scot\)](https://www.gov.scot/support-for-women-tackling-conflict)

<sup>253</sup> [Beyond Borders Scotland - The Platform for International Dialogue and Cultural Exchange](#)

take place before and after each residential programme. These virtual sessions will aim to engage the wider Women in Conflict network

These three Programmes all share the core focus of UNSC Resolution 1325 in promoting and furthering progress on the pillars of participation; prevention; protection; and relief and recovery, including in relation to this resolution and the links to the arts and the climate-conflict-gender nexus.

**Relevant National Outcomes**

- We are open, connected and make a positive contribution internationally.

**Relevant Sustainable Development Goals**

- 5 - Achieve gender equality and empower all women and girls.
  - 10 - Reduce inequality within and among countries.
  - 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.
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The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83521-870-9 (web only)

Published by The Scottish Government, January 2024

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1376234 (01/24)

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