Creating a fairer Britain

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The Equality and Human Rights Commission is the National Equality Body (NEB) for Scotland, England and Wales. We work to eliminate discrimination and promote equality across the nine protected grounds set out in the Equality Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

We are an “A Status” National Human Rights Institution (NHRI) and share our mandate to promote and protect human rights in Scotland with the Scottish Human Rights Commission (SHRC).

**EHRC Approach to the 2017 Universal Periodic Review**

Treaty Monitoring is a strategic lever for our human rights influencing work across Government, Parliament and civil society. The EHRC has a programme dedicated to influencing UN recommendations to the UK and devolved governments through the UN Human Rights Council’s Universal Periodic Review, treaty bodies, and other UN human rights mechanisms, and the development of an action plan for advocacy to drive implementation of these recommendations by national actors. The programme implements the Commission’s UPR and Treaty Strategy adopted in 2013. The overall aim of this work is to improve human rights protections in Great Britain through increasing awareness of, and compliance with, international human rights standards.

As a NHRI, our work linked to the Universal Periodic Review (UPR) centres around the following aims:

- Reporting to the Human Rights Council with our own recommendations for improvement and any progress made,
- Supporting and encouraging civil society to participate in the UPR process,
- Supporting the implementation of the UPR recommendations, and
- Monitoring the UK Government and devolved administrations’ compliance with the UPR.

To meet the timetable of the last UPR examination of the UK the Commission submitted its last independent assessment of the UK’s human rights record in September 2016.¹

We also funded the British Institute for Human Rights to input into the UK’s UPR, primarily through:

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• Facilitating events to build the capacity of Civil Society Organisations (CSOs) working across England, Scotland and Wales to engage with the UPR process
• Consulting with CSOs on the key human rights concerns in Great Britain
• Coordinating and drafting an independent CSO Shadow Report with a coalition of CSOs across England, Wales and Scotland.²

The devolved approach
Conscious of the respective remits of the 3 Human Rights Commissions operating across the UK, the Commission developed its UPR response to comment on issues relevant to Great Britain. The SHRC submitted a separate report to the UN, focused solely on issues which are devolved to the Scottish Parliament.³ The EHRCs response commented both on issues which are reserved to Westminster and issues which are devolved to the Scottish Parliament, in liaison with SHRC. The EHRC submission made 30 recommendations to the UK Government and devolved administrations across 12 main themes, including:

• Develop a Human Rights Action Plan as has already been done in Scotland.
• Enhance the status of treaties which the UK has ratified by incorporating them into domestic law.
• Extend monitoring and analysis of spending decisions to include the cumulative impact on individuals with protected characteristics.
• Justify regressive Welfare measures by demonstrating they are temporary, necessary, proportionate, non-discriminatory and do not undercut a core minimum level of human rights protections.
• Improve the adequacy of site provision for Gypsies and Travellers across all local authorities.
• Work together to adopt a GB-wide Gypsy/Roma, Scottish Gypsy / Traveller and Irish Traveller integration strategy focused on access to education, employment, healthcare and housing.
• Make the necessary law, policy and practice changes to be able to ratify the Istanbul Convention and dedicate sufficient resources to central, devolved and local authorities to ensure its effective implementation.
• Monitor the effectiveness of anti-trafficking legislation and amend it to address any weaknesses.

• Strengthen the National Referral Mechanism.
• Use immigration detention as a last resort.
• Take positive steps to close equality gaps in employment.
• Monitor the impact of the National Living Wage on women and young people.
• Produce action plans to improve prisoner safety.
• Cease the detention of vulnerable persons, such as pregnant women.
• Set a statutory time limit of 28 days for immigration detention.
• Provide clear guidance to schools that the disciplinary measure of both permanent and temporary school exclusions must only be used as a ‘last resort’.

Some of these recommendations were specifically aimed at the Scottish Government and all above-mentioned recommendations are relevant to people living in Scotland. Many of these recommendations were taken up by the Human Rights Council and informed the Council’s 227 recommendations.\(^4\) The UK Government accepted 42 per cent of these recommendations. This is well below the global average of 73 per cent and which the NHRI across the UK, including the EHRC, expressed clear concern about in a joint statement.\(^5\)

Over the next four years, the EHRC will work together with CSOs, governments and other NHRI, including the SHRC, as part of our follow-up activities.


Scottish Government’s response to the UPR
While the EHRC do not intend to provide a response to the Scottish Government’s detailed response to the UPR recommendation at this point, the EHRC welcomes the response and the Scottish Government’s continued engagement with the UPR.

The role of the Scottish Parliament
The Committee has specifically requested advice on “what you consider the role of the Parliament should be in the UPR process”. We understand that EHRiC had a specific session with the SHRC on this issue during 2017 and we would therefore recommend that the Committee takes note of the SHRC’s recommendations. SHRC’s submission to the Commission on Parliamentary Reform looks at the role of Parliament and drew special attention to the Belgrade Principles. The EHRC also supports and would highlight the importance of the Belgrade Principles, which provide guidance on how NHRIs and Parliaments should interact and cooperate.

More generally the EHRC would encourage the Committee to integrate the concluding recommendations of the UN’s UPR report into their general considerations of policy as they conduct their work programme. The Commission would also encourage subject specific Committees of the Scottish Parliament to use UPR (and other treaty reports) as the basis for

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7 Scottish Human Rights Commission (2017), *Submission to the Commission on Parliamentary Reform*. Available at: [https://test123582.files.wordpress.com/2017/02/cpr_032_scottishhumanrightscommission1.pdf](https://test123582.files.wordpress.com/2017/02/cpr_032_scottishhumanrightscommission1.pdf) [accessed on 10.01.2018].
their analysis of gaps in protection that need to be addressed in domestic policy and law, and the shadow reports of the statutory Commissions and CSOs to inform their deliberations.

So, for example in respect of the EHRC’s recommendation 18 regarding Gypsy / Travellers (“Improve the adequacy of site provision for Gypsies and Travellers across all local authorities”) we would expect that both EHRiC and the Local Government & Communities Committee would consider these issues.

Committees can then use these recommendations and the evidence that they receive on these issues as a means of tracking progress towards the Scottish Government’s adoption of and compliance with, internationally recognised standards.

In line with Human Rights Council Resolution 35/29, the EHRC would also recommend working together with national and international partners to enable the Scottish Parliament to learn from good practice and to enable and encourage an increased understanding and incorporation of human rights across Parliament from Committees to individual MSPs and their staff.

The current business plan for the Equality and Human Rights Commission includes a commitment to develop a tool for monitoring implementation of UN recommendations. It is hoped that this will be developed in partnership with the other NHRIs, and could be of use across the UK, including for the Scottish Parliament and its Committees.

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