

Human Rights Consortium Scotland

Briefing
UPR Session on United Kingdom
24th May 2012

Introduction

The Human Rights Consortium Scotland (HRCS) is pleased to provide the following information and suggest specific questions for the UK delegation. The HRCS was set up in January 2010 and is a network of 50 civil society organisations working to increase awareness of human rights and to build capacity on delivering human rights principles and standards. We would draw your attention to the submission we made on 21st November 2011 'Universal Periodic Review of UK: A civil society perspective from Scotland on human rights promotion, delivery and compliance'.

The HRCS seeks an informed human rights culture in Scotland. Too often people understand human rights in Egypt and Syria but are unaware of how human rights law can positively impact on their daily lives. The HRCS is concerned that human rights are still regarded by the general public as belonging to a just a few in Scotland.

Questions for the UK

The HRCS is focusing on process issues and suggest you ask the UK delegation:

1. What leadership has the Scottish Government taken to ensure the Human Rights Act 1998 reaches its full potential?
2. What steps has the Scottish Government taken to ensure that public bodies promote human rights as well as do the minimum necessary to comply with the legislation?
3. How has the Scottish Government promoted human rights to the general public (and addressed misunderstandings)?
4. How has the Scottish Government ensured human rights promotion and compliance within those bodies which it funds e.g using the powers of the regulator, Audit Scotland, in respect of the 32 local authorities, 14 geographical health boards and 8 'Special Health Boards'? We know this is possible as one of the Special Boards, the State Hospital Board Carstairs, has implemented a human rights action plan.
5. Will the Scottish Government issue guidance on the status of UN Treaties in Scotland, given the Scotland Act 1998?
6. What specific steps have already been taken to give effect to the UPR recommendation from Egypt on socio economic duties? Also, to give effect to the UN's 'Business and Human Rights' Agenda in respect of companies that employ people to work in Scotland?

Problems

In May 2012, a Glasgow University Human Rights Network published a report which concluded: *"The Scottish Parliament should establish a separate Human Rights Committee because the current committee system has failed to adequately consider*

*human rights issues.*¹ The researchers found that whilst there is some consideration of human rights at Holyrood, consideration is “haphazard at best”. The committee with the official mandate for human rights, the Justice Committee, exhibits “a reductive and sceptical pattern of attitude towards human rights. It rarely makes reference to the regional and global human rights regimes of which the UK is a member, and when it does it appears to see human rights merely as a constraint on the administration of criminal justice.”²

This research report was prompted by the HRCS’s call for the establishment of a Human Rights Committee at the Scottish Parliament in May 2011. No political party with elected MSPs (Members of the Scottish Parliament) supported our call. Were such a Committee to exist, its focus on human rights may encourage more informed views e.g. about reforming the law on the physical punishment of children in Scotland.

The HRCS is concerned about a number of service cuts and policy changes that negatively impact on the lives of the most vulnerable. For example the UK Government claims that the current welfare reform will ‘protect the most vulnerable in our society’³ but our member The Glasgow Disability Alliance has detailed information of the negative impact of the ‘reforms’. You have received submissions on the problems from a range of groups eg the Scottish Campaign for a Fair Society.

Paris Principles and NHRIs

The HRCS understands its duties given the Paris Principles. We do and will continue to work in partnership with the Scottish Government and we were pleased that the Human Rights Policy Manager at the Scottish Government spoke at our last meeting.

The HRCS was pleased that the SHRC was set up in 2008 and looks forward to the publication of its ‘Action Plan on Human Rights’ in 2013⁴.

The EHRC is charged with equality as well as human rights duties and we encourage it to ensure that human rights initiatives that apply to England should be equally extended to Scotland e.g adaptation of its existing teaching resource on human rights to fit with the Scottish curriculum.

Conclusion

We welcome the UPR process as:

- An important opportunity to shine a torch on Scotland’s promotion of and compliance with, international, ratified human rights Treaties.
- We have high hopes that your deliberations will make a difference to how laws are made and their implementation evaluated; how services are delivered in Scotland, how decisions are made on funding and priorities and

¹ Glasgow University Press Release 9th May 2012

² Scottish Parliament Committees’ Perspective on Human Rights A Glasgow Human Rights Network report for the Cross-Party Group on Human Rights

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⁴ The HRCS originally understood the SHRC Action Plan would be published in 2012 but now understands publication is due in 2013. At the session with UN Committee members on 2nd April, the date of 2012 was included in this Statement.

reinforce the duty that our 10,000 public authorities should take progressive steps to realise human rights.

- We look to the UN to make recommendations that help our work and the daily lives of the people we work with.
- We believe specific recommendations from the UN about how human rights can be mainstreamed in our everyday lives would be most beneficial. For example if we cannot get human rights to inform State work on care of the elderly then human rights will not influence State decisions e.g about gypsy traveller sites.

Note

The (HRCS) was set up in January 2010 and is a network of 50 civil society organisations working to increase awareness of human rights and to build capacity on delivering human rights principles and standards so that people's daily lives are improved. Members cover issues such as poverty, discrimination, combating violence and members work with specific groups of people such as children, women and national minorities.

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