

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

Joe Fitzpatrick MSP
Convener
Equalities Human Rights and Civil Justice
Committee

ehrcj.committee@parliament.scot

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Dear Joe

Council of Europe Commissioner for Human Rights – Report on visit to the UK

I am writing to draw your attention to the report published by the Council of Europe’s Commissioner for Human Rights, Dunja Mijatović, following her visit to the UK in July 2022.

During the course of her visit Ms Mijatović held meetings with Ministers and officials in the Scottish, Welsh and UK governments. The Commissioner also met a range of National Human Rights Institutes, third sector and civil organisations, journalists, human rights defenders, academics, and other representatives of civil society, and children and young people, including the Scottish Human Rights Commission and the Children and Young People’s Commissioner Scotland.

The Minister for Children and Young People, Clare Haughey, and I were delighted to meet online with the Commissioner on 13 July. That conversation enabled us to set out details of Scotland’s record in protecting, respecting and fulfilling human rights. The meeting covered a range of topics, including our proposals for a Scottish Human Rights Bill, our determination to tackle Child Poverty and the implementation in Scotland of a devolved Social Security system founded on dignity, equality and respect. Given the breadth of topics which were of interest to the Commissioner we followed up the meeting by writing to Ms Mijatović with further information about human rights and equality action being taken in Scotland.

The Commissioner’s [report](#) focuses primarily on the overall human rights landscape in the UK, children’s rights, and specific human rights issues relating to Northern Ireland. Her observations include particular concerns in relation to the UK Government’s trajectory on human rights. Indeed she noted the prevailing “anxiety about the direction of human rights protection in the UK that I encountered during my visit”. This anxiety is, in her view, “fed by what appears to be an increasingly antagonistic attitude towards human rights by the UK Government, and especially by recent and proposed changes to laws and policies”.

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St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot


That concern is one which is widely shared, including by the Scottish Government, legal experts and human rights campaigners. Such concerns are epitomised, but certainly not confined to, the proposals of a Bill of Rights Bill which have been put forward by the current UK Secretary of State for Justice. The Bill is widely recognised as posing a significant threat to the internationally-recognised rights and freedoms that are given domestic legal effect in the UK by the Human Rights Act 1998. The Commissioner shares the view of the Scottish Government and other domestic commentators that replacing the Human Rights Act with a Bill of Rights would weaken rather than strengthen human rights in the UK, including by encouraging divergence between the interpretation of human rights by domestic courts and by the European Court of Human Rights.

The Commissioner's report made other specific references to topical policy matters, including to the Gender Recognition Reform (Scotland) Bill. She noted that "lowering barriers to legal gender recognition is key to the full realisation of trans people's rights". She also dedicated a section of the report to children rights and made specific mention of the Scottish Government's commitment to incorporate the United Nations Convention on the Rights of the Child into domestic law. She welcomed both the intent and the effect of the Bill and, while taking account of the UK Supreme Court judgment, explicitly urged Scottish Ministers to continue on the path to incorporation. The report covers a wide range of further important human rights, equality and social justice themes, including child poverty, food insecurity and children in the justice system amongst others. Each section of the report is concluded by a list of recommendations which I have asked my officials to examine in further detail.

I have now written to the Commissioner to acknowledge her report and will work with UK Government counterparts to provide her with further information on ongoing activity, including our response to her recommendations.

I would of course be happy to assist the Committee by providing further evidence in relation to the issues highlighted in the report and subsequent follow up actions.

Kind regards,



CHRISTINA MCKELVIE