

A MANIFESTO FOR HUMAN RIGHTS



AMNESTY INTERNATIONAL
SCOTLAND

AMNESTY IN SCOTLAND

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all. We reach almost every country in the world. Amnesty has had an office in Scotland for over 25 years and works regularly on a variety of human rights issues with the Scottish Government, Parliament and organisations and institutions across Scotland.

Amnesty Scotland wants to ensure the next Scottish Government and Parliament work to protect and advance human rights in Scotland and internationally and has made the following recommendations to parties ahead of the 2021 Scottish parliamentary elections...

HUMAN RIGHTS, EQUALITIES + SOCIAL SECURITY

- ❑ STRENGTHEN EXISTING HUMAN RIGHTS LAW BY ENSHRING UN TREATIES
- ❑ PROTECT + FULFIL THE RIGHT TO ADEQUATE HOUSING
- ❑ EXTEND SCOTTISH GOVT SUPPORT TO REFUGEES + ASYLUM SEEKERS LIVING IN SCOTLAND
- ❑ COMMISSION AN IMMEDIATE HUMAN RIGHTS BASED PUBLIC INQUIRY INTO THE SCOTTISH GOVERNMENT'S HANDLING OF COVID-19
- ❑ STRENGTHEN THE RIGHTS OF ALL WOMEN + GIRLS
- ❑ REFORM THE GENDER RECOGNITION ACT

MAKE RIGHTS REAL FOR EVERYONE IN SCOTLAND

All parliaments have a duty to protect and advance the rights of their citizens, but for people to really claim their rights and seek redress when they are not fulfilled, they must be sufficiently protected by a domestic as well as international legal framework. Action to ensure this is more important than ever as key rights protections are lost through Brexit, and the Westminster government places the Human Rights Act under review. Amnesty has called on all Scottish political parties to ensure Scottish citizens can claim their rights by backing a Bill to be brought forward in the next parliament incorporating into Scots law the economic, social and cultural rights contained in UN treaties; the civil and political rights contained in the Human Rights Act, as well as specific rights for women, people of colour, asylum seekers, disabled people, children, young people, older persons and LGBTI communities.

PROTECT AND FULFIL THE RIGHT TO ADEQUATE HOUSING FOR ALL

The Coronavirus pandemic showed us that through a concerted effort, rough sleeping could almost be ended overnight. As we “build back better” we need to transition people from emergency accommodation into long-term, suitable, settled housing. Progress has been made with the extension of the Unsuitable Accommodation Order and some help for those facing eviction due to rent arrears, but more must be done as more people are pushed into housing crisis due to the downturn in the economy. The next Scottish Government must commit to tackling obstacles to secure long-term housing faced by private renters, including short term lets, unjust rent increases, discrimination and eviction. The right to housing should be recognized within housing strategies as a legal right, subject to effective remedies.

COMMISSION AN IMMEDIATE PUBLIC INQUIRY INTO THE HANDLING OF COVID-19

There are serious questions surrounding the government and public bodies' handling of the Coronavirus pandemic. It is vital that lessons are learned to inform future policy, but also that those in power are held to account for rights breaches. In 2020 the Scottish Government committed to holding a future public inquiry however no time frame has yet been set out. Amnesty Scotland wrote to the First Minister in March 2021 asking for clarity on when an inquiry will commence, and has called on all parties to commit within their manifestos to promptly commission a public inquiry on a statutory basis under the Inquiries Act (2005) which will take an equalities, human rights and intersectional approach.

EXTEND SUPPORT TO REFUGEES AND ASYLUM SEEKERS LIVING IN SCOTLAND

In 2020 we saw the cruelty and inhumanity of the current immigration and asylum system laid bare here in Scotland. Of course, the Westminster Government holds the power to scrap the current approach, and we will continue to pressure them to do just that. However, we are also asking Scottish parties to pledge to do more to guarantee the economic and social rights of asylum seekers living in Scotland by funding accommodation options for those made destitute and ensuring access to legal aid, healthcare and education.

REFORM THE GENDER RECOGNITION ACT

The next Scottish Government must reform the Gender Recognition Act with urgency. The current system violates the human rights of trans peoples' rights to privacy under the Human Rights Act, and further stigmatises trans identities. Amnesty recommends that the self-identification process be open to those aged 16 and above and that legal gender recognition should be accessible to minors, taking into account the child's freely expressed views regarding their own best interests, and in light of their evolving capacities. Amnesty supports the option of parental application for children under the age of 16 but there should be an alternative made available for under 16s who wish to change their legal gender status and do not have parental support.

STRENGTHEN THE RIGHTS OF WOMEN + GIRLS

It is vital that all survivors of domestic abuse should be able to access safety, regardless of immigration status and conditions of status relating to access to public funds. Scottish organisations and service providers who work directly with women under immigration control should receive increased support from the next Scottish Government to continue and expand the vital support they provide. To advance equality for all women, International rights treaties such as the Convention on the Elimination of all forms of Violence Against Women (CEDAW) and the Istanbul Convention should be incorporated into Scots law.

EXTERNAL AFFAIRS, TRADE + BUSINESS

- ❑ CENTRE THE PROTECTION AND SUPPORT OF HUMAN RIGHTS DEFENDERS IN SCOTLAND'S EXTERNAL AFFAIRS WORK**

- ❑ INTRODUCE THOROUGH HUMAN RIGHTS ASSESSMENTS FOR ALL COMPANIES + AGENCIES IN RECEIPT OF PUBLIC MONEY**

A SCOTTISH STRATEGY TO PROTECT HRDs

The unprecedented surge in attacks and repression of HRDs worldwide must be recognised and responded to adequately, and Scotland has a duty to play its part. The next Scottish Government's external affairs work should centre HRDs as agents of change and be underpinned by a standalone strategy to prioritise their protection. The Scottish Government currently funds the Scottish Human Rights Defenders Fellowship delivered by Dundee University and supported by Amnesty Scotland. This is a welcome first step however more can be done, including offering direct support and protection to HRDs in the Scottish Government's chosen partner countries.

BUSINESS + HUMAN RIGHTS DUE DILIGENCE

If the next Scottish Government expects businesses to take human rights issues in their supply chains seriously, it must demonstrate at least the same level of commitment in its own procurement supply chains. Public bodies should exclude companies that have not undertaken appropriate and effective human rights due diligence from all public contracts. Companies that have been found responsible for abuses should be excluded from public contracts for a defined period. The Scottish Government and its enterprise agencies must also undertake and publish human right assessments of businesses before providing support in any form.

JUSTICE

- INCREASE ACCOUNTABILITY OF POLICE SCOTLAND BY REVIEWING THE COLLECTION + PUBLICATION OF DATA
- BAN LIVE FACIAL RECOGNITION TECHNOLOGY FOR GOOD

REVIEW DATA COLLECTION BY POLICE SCOTLAND

Amnesty has long standing concerns about the apparent lack of data Police Scotland collects, analyses and regularly publishes relating to policing activities. For example, in the past Amnesty has been refused information about use of force by officers against civilians. Transparency is vital from police forces world wide to ensure that human rights are upheld and to guard against discriminatory policing. The next Justice secretary must act to commission a thorough review of Police Scotland's data systems so that recommendations can be enacted.

BAN LIVE FACIAL RECOGNITION TECHNOLOGY

The use of live FRT by police violates human rights in a number of different ways. In the context of racially discriminatory policing, the use of FRT could exacerbate human rights violations by police in their targeting of minority communities. Police Scotland had outlined its intention to introduce live FRT in its Policing 2026 strategy however In 2020, confirmed it was scrapping plans to introduce it at this time. Amnesty welcomes the effective moratorium on the use of the technology in Scotland, but believes the only way to ensure full and unequivocal compliance with human rights legislation and international treaties will be to rule out the use of live FRT entirely through legislation.

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