

Human rights and equalities

– a summary framework

Upholding human rights standards is fundamental to the successful reception and integration of people seeking international protection.

International Law

The UK is a signatory to [the 1951 UN Convention Relating to the Status of Refugees](#). This treaty is a cornerstone of international human rights law and provides a legal definition of the term ‘refugee’. It enshrines the right of any person fleeing persecution not to be returned to a country where they are likely to face further persecution.¹

The UK is also a signatory to other international human rights treaties including:

- [The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#)
- [The UN Convention on the Elimination of all Forms of Discrimination Against Women](#)
- [The UN Convention on the Rights of the Child.](#)

These Conventions safeguard the rights of everyone living in the UK, regardless of their immigration status.

European Union Law

Member States of the European Union (including the UK) have agreed common standards for receiving, and processing asylum claims from people seeking protection.² These include the right to:

- Receive information in one’s own language
- An interpreter when required
- Basic living standards.

There is no guarantee this framework will still apply once the UK leaves the European Union.

The Human Rights Act

The Human Rights Act came into force in Scotland in 1999 and means that public bodies must have regard to people’s human rights in all the decisions they take. The human rights protected by the Human Rights Act come from the European Convention on Human Rights and include the right to:

- Freedom from inhuman or degrading treatment³
- A family life⁴
- Privacy⁵
- Freedom of religion.⁶

1. This is commonly referred to as the right to non-refoulement.
 2. The Procedures and Reception Conditions EU Directive – often known as the “Reception Directive”.
 3. Article 3
 4. Articles 8 and 12
 5. Article 8
 6. Articles 9 and 14

Equalities

Under the UK Equality Act 2010 and the Public Sector Equality Duty in Scotland, public sector employees and those working on behalf of the public sector, are required to promote equality (including race equality) in accessing their services.⁷ Since April 2018, an additional Fairer Scotland duty requires public bodies to consider how they can reduce inequality caused by socio-economic disadvantage when making strategic decisions. These provisions apply equally to everyone living in Scotland.

Children's rights

Public bodies have a duty to actively promote the rights enshrined in the UN Convention on the Rights of the Child for asylum seeking children as for any other child living in the UK.

The provisions of the Scottish Government Getting it Right for Every Child (GIRFEC) framework with its focus on improving outcomes for vulnerable children, apply equally to children seeking asylum.⁸

Language support rights

Interpretation and translation services should be uniformly available to enable access to rights and services. Interpretation must be of sufficient and reliable quality. Public Authorities must provide interpreting services to meet their Public Sector Equality Duty under the Equality Act 2010.

7. www.equalityhumanrights.com/en/commission-scotland/public-sector-equality-duty-scotland

8. Factsheet Six provides further details on health and social care entitlements.