

Economic and social rights: welfare reform, fair conditions of work, housing and health inequalities



Why recommendations on Scotland?

The Scotland Act 1998 provided for the establishment of the Scottish Parliament and the Scottish Government. The Act sets out that all policy areas not explicitly reserved to the UK Parliament are devolved to the Scottish Parliament. The Scottish Parliament has full legislative powers over devolved matters. This means that issues such as justice, health and social care, education and training, as well as many aspects of transport and environment, are within the powers of the Scottish Parliament and responsibilities of the Scottish Government.

Observing and implementing international human rights obligations relating to devolved matters is the responsibility of both the Scottish Parliament and Scottish Government Ministers.

While the UK is the State Party to the United Nations (UN), UN bodies have increasingly recognised the value of specific concluding observations and recommendations for the Scottish Government. This has been recognised as a way to ensure that law, policy and practice in Scotland is fully compliant with all international human rights law and policy.

Issues

The impact of austerity measures in the UK in the form of cuts and changes to eligibility criteria for social security payments has disproportionately and negatively impacted vulnerable groups, including disabled people, children, lone parents, women and young people under 25 (recommendation 110.101 and 110.102)

Inequalities persist in the extent to which people can enjoy equal access to work and fair conditions of work. Whilst Scottish employment figures have improved overall, the latest statistics indicate a decrease in the first quarter of 2016. Unfair conditions of work such as zero hour contracts and low pay persist. Ethnic minorities, Gypsies and Travellers, migrant workers, refugees and disabled continue to face particular difficulties in accessing quality employment. The UK's "national living wage" structure only applies for those over 25 and falls short of a "real" living wage necessary for the realisation of an adequate standard of living (recommendation 110.101 and 110.102).

Lack of access to appropriate housing particularly impacts migrants, young people under 25, disabled people and people leaving institutions. The Scottish Government's commitment to

build 50,000 affordable houses over the next five years falls short of the 60,000 recommended by housing organisations (recommendation 110.103).

Regulation and monitoring of the Scottish social housing stock has been strengthened. However, further tenant participation and scrutiny is required to secure improvements to housing conditions and to ensure accountability for the realisation of the right to adequate housing.

Health inequalities in Scotland persist, resulting in a 23 year gap in healthy life expectancy between the richest and poorest areas. Ethnic minority individuals, Gypsies and Travellers, Roma people and disabled people continue to experience poorer health and greater difficulties in accessing services - a gap between policy and implementation at local level remains (recommendation 110.103).

Mental health treatment and service provision continues to fail to meet the standards required under the right to health. For example, people experience protracted times for accessing treatment and a lack of activities and rehabilitation in Intensive Psychiatric Care Units. The higher prevalence of mental health issues for women, young people and those living in deprived areas, along with the much higher suicide rate in those areas, is of particular concern. The majority of Health Boards in Scotland have failed to meet a 2014 target of ensuring access to psychological therapies within 18 weeks.

In 2016 further social security, taxation and borrowing powers were devolved to the Scottish Parliament. Decisions around housing, health, social security and some taxation are matters for the Scottish Parliament and Government.

Recommendations



The Scottish Government adopts a rights based approach to policy-making and spending decisions that affect vulnerable groups, including cumulative and participatory budget and impact assessments.



The Scottish Government monitors the impact of the National Minimum Wage on young people and promotes a real living wage.



The Scottish Government and Parliament use all available resources with a view to progressively achieving the full realisation of economic and social rights and reducing poverty.



The Scottish Government takes a rights based approach to the development of their ten year mental health strategy, reviews current mental health legislation to comply with the UN Convention on the Rights of Persons with Disabilities (UNCPRD) and undertakes a root and branch review of the support offered to people with mental health issues.



The Scottish Government and Parliament use their powers to mitigate against the negative impact of austerity.



The Scottish Parliament uses a human rights based approach in their exercise of new powers devolved in relation to social security, taxation and borrowing.



Questions for the Government

Has the Scottish Government undertaken any steps to systematically implement a rights based approach to policy-making and spending decisions?

What action is the Scottish Government taking to assess the impact the National Minimum Wage on young people and promote a real living wage?

Are the Scottish Government and Parliament using their powers to mitigate the negative impact of austerity in the provision of public services, particularly for the most vulnerable in Scotland?

What action is the Scottish Government taking to ensure a rights based approach to the development of their ten year mental health strategy?

What is the Scottish Government and Parliament doing to ensure a human rights based approach in the exercise of the new powers devolved to Scotland (social security, taxation and borrowing)?

The Scottish Human Rights Commission is the National Human Rights Institution for Scotland, accredited with A status by the Global Alliance of NHRIs. SHRC is one of the three NHRIs in the UK. SHRC is a member of the UK's National Preventive Mechanism (OPCAT) and the Independent Monitoring Mechanism for the Convention on the Rights of Persons with Disabilities in Scotland.

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