

Statement of the Lived Experience Leadership Group to the Independent Human Rights Act Review

About the Group

We are a group of individuals with direct experience of poverty who are experts in economic, social and cultural rights. We came together under Scotland's National Action Plan for Human Rights and now support, and are supported by, the Scottish Human Rights Commission. We have been working together as a group since 2015. We advocate for governments and public authorities to take a human rights based approach to law, policy and practice, with a particular focus on economic, social and cultural rights. These include rights to health, housing, food, social security and an adequate standard of living.

You can find out more about our work and our Terms of Reference on the following webpage:

[Lived Experience \(scottishhumanrights.com\)](https://www.scottishhumanrights.com)

Our Key Messages to the Independent Human Rights Act Review

We welcome the opportunity to restate the importance of a strong Human Rights Act for protecting the rights of everyone in Scotland; the best way to achieve this would be to keep the Act in its current form and then to build in protections for economic, social and cultural rights as well.

The COVID-19 pandemic has sadly shown that too many individuals and families still struggle to access and enjoy even basic rights to food, incomes and a social safety net. Our evidence to the Scottish Parliament's Equalities and Human Rights Committee at the start of the pandemic illustrates some of the barriers we faced as a group of people

in poverty.ⁱ We note the work of the First Minister's Advisory Group on Human Rights Leadership and the National Task Force on improving protections for economic, social and cultural rights in Scots law and urge the UK Government to take similar steps. This would be a better and more effective use of its energies and resources, rather than constant reviews of fundamental, constitutional legislation.

We have been disappointed to see that the Review has a technical, legal focus which effectively shuts out the participation and inclusion of many people who are directly affected by human rights issues. People should not need a specialist legal qualification to be able to participate in a Review which profoundly affects our relationship to our governments. We note that the International Covenant on Civil and Political Rights explicitly articulates that individuals have the right to take part in the conduct of public affairs,ⁱⁱ and especially those which so profoundly seek to shift the balance of power even further away from us, as rights holders. Furthermore, a core principle of a human rights based approach is that of participation. We therefore recommend to the Review that the next stage of its work should be to consider how people across the UK can participate meaningfully in discussions about improving and strengthening rights protections, thinking especially about people with protected characteristics and intersecting identities. These people, after all, have much to contribute to our understanding of how to be a rights-respecting nation.

We note that those cases which succeed in being litigated under the Human Rights Act 1998 are a very small proportion of the actual need, given that the barriers to bringing and successfully litigating a case for people in poverty are enormous. Each case which has an impact on improving the situation of people in need is an important step in the journey towards being a country which respects rights and the rule of law.

For more information, please contact the group c/o Chloë Trew, Participation Officer, Scottish Human Rights Commission chloe.trew@scottishhumanrights.com or Emma Hutton, Head of Communications and Engagement, Scottish Human Rights Commission, emma.hutton@scottishhumanrights.com

ⁱ Adequate Standard of Living Reference Group (our previous name), 2020, Submission to the Scottish Parliament Equalities and Human Rights Committee on its Inquiry into COVID – 19 [The impact of the COVID-19 pandemic on equalities and human rights - Scottish Parliament - Citizen Space](#)

ⁱⁱ Article 25, International Covenant on Civil and Political Rights.