

ESC Rights in the Highlands and Islands

Spotlight Project: Briefing Paper

October 2023



What?

As Scotland's National Human Rights Institution, the Commission is mandated by the Scottish Commission for Human Rights Act 2006 to monitor human rights in Scotland. The Commission will focus its resources in 2023/24 to report on people's lived experience of economic, social and cultural rights in the Highlands and Islands.

Why?

In March 2023, the Commission delivered a report to the United Nations in Geneva on how economic, social and cultural rights are being experienced in Scotland. Our evidence gathering and engagement to inform this highlighted the following issues as examples of particular human rights concern in rural areas of Scotland:

- Lack of affordable and quality housing
- Limited access to sufficient and nutritious food
- Inaccessible health care services
- Fuel poverty
- Access to technology or poor internet connectivity
- Poverty related attainment gap in education
- Transport connectivity to essential public services and supplies

At its April 2023 meeting, the Commission took the decision to take a deeper look at these potential human rights denials to understand more about how economic, social and cultural rights are being experienced in the Highlands and Islands. It is progressing this work under section 3(c) of the Scottish Commission for Human Rights Act 2006.

How?

The Commission will pilot a model which enables it to bear witness to the human rights issues that are particularly affecting people in rural Scotland. To inform this, the Commission will be visiting communities, meeting with civil society organisations, MSPs, local authorities, local media outlets and individual human rights defenders.

The project will involve five stages:

1. Desk based research and literature review of existing published evidence.

2. Community visits to speak directly to people and learn about their experiences using structured feedback mechanisms.
3. Accessing information on trends of complaints made to MSPs and the Scottish Public Services Ombudsman.
4. Analysing all the information under human rights obligations and issuing a final report with recommendations to the relevant authorities.
5. Sharing the findings with MSPs across the Highlands and Islands region, and with other MSPs to promote the impact of a human rights based approach to constituency casework.

When?

The project will be delivered in Q3 and Q4 of 2023/24. As part of the first phase of the project, the Commission will be visiting the following places in the dates indicated below:

- Lerwick, Shetland, on 23 – 24 October 2023
- Kirkwall, Orkney, on 26 – 27 October 2023
- Thurso, Caithness, Sutherland and Ross, on 30 October 2023
- Wick, Caithness, Sutherland and Ross, on 31 October 2023
- Dingwall, Caithness, Sutherland and Ross, on 1 November 2023
- Inverness, Inverness & Nairn, on 2 November 2023
- Elgin, Moray, on 2 November 2023
- Stornoway, Na h-Eileanan an Iar, on 6 November 2023
- Tarbert, Na h-Eileanan an Iar, on 7 November 2023
- Ullapool, Caithness, Sutherland and Ross, on 8 November 2023
- Portree, Skye, Lochaber and Badenoch, on 9 November 2023
- Dunoon, Argyll & Bute, on 13 -14 November 2023

In January 2023, the Commission will then triangulate the evidence identified through the desk based research and semi structured interviews with available evidence from SPSO and MSP casework, established via a written questionnaire which will be issued to MSP offices.

In Spring 2024, the Commission will launch its findings in the Highlands and Islands community, and present a report to Parliament with, if appropriate, issue a series of recommendations utilising the power conferred under section 4(1)(b) in the Scottish Commission for Human Rights Act 2006.

What next?

Beyond the delivery of this core project and its outputs, the Commission will also consider the learning around:

- Piloting a model approach to monitoring the enjoyment of human rights by the people of Scotland which could be scaled up to provide national coverage and inform the production of an Annual State of the Nation report on all human rights in Scotland. This is a requirement of the international standards for National Human Rights Institutions as set by the United Nations (the Paris Principles), and which currently, the Commission does not fulfil in Scotland.
- Focused evidence on the experiences of the people of Scotland in respect of economic, social and cultural rights to feed in to the Parliamentary scrutiny process of the Scottish Government's proposed Human Rights Bill to incorporate those rights into Scots Law.
- Piloting a model of engagement with the offices of MSPs to inform a human rights based approach to providing a constituency casework service, and to collate a thematic overview of the human rights concerns being addressed by MSPs as evidence of human rights denials, which to date has not been pursued.

For more information about this project, please contact
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