

Rt Hon John Swinney MSP
First Minister
Scottish Government,
St Andrews House
Regent Road
Edinburgh
EH1 3DG
Via email only: firstminister@gov.scot

27 November 2024

Dear First Minister,

Report: Economic, Social and Cultural Rights in Highlands and Islands

Further to our recent meeting and correspondence, on behalf of the Scottish Human Rights Commission (SHRC), I am pleased to write to you with a copy of the SHRC's report on the current status of economic, social, and cultural rights in the Highlands and Islands. The Monitoring report has been issued under section 4(1)(b) of the Scottish Commission for Human Rights Act 2006 and has been delivered in line with our 2024-28 Strategic Plan.

Based on the evidence received and analysed by the SHRC following a programme of community visits, interviews with local adult service users, and reviewing available evidence, our monitoring work suggests that there are significant challenges in the current enjoyment of economic, social, and cultural rights for people in the Highlands and Islands.

Some of the most critical issues we identified are the apparent failure in some communities to meet the basic international obligations related to the right to food, the right to housing, the right to health, and the right to cultural life.

Another area of concern is the apparent regression or deterioration of rights across the Highlands and Islands, as reported by rightsholders, often exacerbated by decisions on budget reductions or indeed the complete elimination of previously existing services, without sufficient mitigating measures.

Across all rights examined, there is not a single human right that meets all the conditions of adequacy under international law. In general terms, this means that services across the Highlands and Islands are not fully accessible, affordable, available, acceptable, or of sufficient quality (among other conditions) as required by the International Covenant on Economic Social and Cultural Rights (ICESCR).

Based on the evidence received, and the international human rights obligations applicable to Scotland via ICESCR, the SHRC makes eight general recommendations to assist in the progressive realisation of these rights for all across the region:

1. Take action to strengthen human rights in law and improve access to justice.
2. Immediate action to meet the most basic human rights obligations in relation to food, housing, health, and culture.
3. Improve the accessibility, availability, acceptability, and quality of services through improved planning which is rooted in the ICESCR obligations
4. Listen to communities and adopt a Human Rights-Based Approach.
5. Ensure flexible and localised policies.
6. Assess policy impact on Highlands and Islands, from a human rights perspective.
7. Create specific targets to progressively realise human rights.
8. Adopt a human rights budgeting approach.

For the first time, to assist duty bearers in planning and assessing progress, we have produced a simple monitoring framework, which captures each ESC rights and provides indicators to assess progress. We hope that this will be of interest to your Government colleagues as well as local duty bearers. We think it is a useful tool to support effective decision making, human rights assessments, and can be applied to effectively mainstreaming human rights requirements in resource allocation.

Overall, we expect that this monitoring review and framework will be seriously considered by your Government, local authorities, NHS Boards, and any other duty-bearers. We would welcome discussion with you and your Cabinet Ministers, and we offer any technical support and advice to support a human rights based approach to policy and service delivery.

The Commission will be reflecting our findings to the United Nations Committee on Economic, Social and Cultural Rights to inform its assessment of the United

Kingdom's compliance in February 2025, and we will be visiting communities and local duty bearers before end of March 2025 to share our findings and the ESC rights monitoring framework.

The SHRC is committed to undertaking this monitoring work in three more regions of Scotland over the remainder of our 2024-28 Strategic Plan period in order that we may have a baseline of ESC rights enjoyment across Scotland over the next four years. As this report is the first in a series of this approach to ESC rights monitoring around Scotland we hope our findings now contribute to the improvement of economic, social, and cultural rights in the Highlands and Islands, and ultimately across the country, ensuring that no one in Scotland is left behind.

A copy of this letter and the report is being issued to the Cabinet Secretary for Social Justice and the Minister for Equalities, and I look forward to discussing this with you at our next scheduled meeting.

Yours sincerely,



Professor Angela O'Hagan
Chair

c.c. Cabinet Secretary for Social Justice

c.c. Minister for Equalities

Encl: Economic, Social and Cultural Rights in the Highlands and Islands Report (SHRC, 2024)