

## **Executive Summary: Parallel Report of the Scottish Human Rights Commission to Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues in relation to its seventh periodic report to the Committee on Economic Social and Cultural Rights**

January 2025

## **Key Findings**

The Parallel Report has been drafted by the Scottish Human Rights Commission (the Commission) to assist the United Nations Committee on Economic, Social and Cultural Rights (CESCR) as it prepares to review the situation for economic, social and cultural rights in the United Kingdom.

We have found:

- Relationships between people and organisations who work to advance human rights in Scotland ('human rights defenders') and the Scottish Government has deteriorated significantly following failure to realise ambitious commitments, including a Human Rights Bill which intended to incorporate ICESCR into Scots Law.
- People told us that the different approaches and priorities of the Scottish Government are sometimes at odds with one other or at least can seem to be, which means that some issues or people can fall through cracks.
- The Cost of Living Crisis has had and continues to have negative impacts for human rights in Scotland
- Decisions about how services are organised and how money is allocated in Scotland are not sufficiently aligned to human rights obligations, nor are decisions framed in a human rights based approach.

## **Background and context**

The CESCR is responsible for monitoring how countries respect, protect and fulfil the rights protected by the International Covenant on Economic, Social and Cultural Rights (ICESCR), an international human rights treaty. The UK has, by joining this treaty, made a legally binding agreement to protect the rights of everyone to the rights in the treaty, including the highest standard of health, to education and to an adequate standard of living.

The Commission has prepared this report to look at the situation specifically in Scotland. This focus on Scotland reflects our mandate as the National Human Rights Institution for Scotland. The Commission has also published a [Strategic Plan 2024-2028](#) which commits us to looking at tackling poverty through a human rights focus. Our evidence base has also included the findings of [our spotlight monitoring work on ESC rights across the Highlands and Islands](#) region of Scotland, published on 27th November 2024.

Our submission to the UN Committee looks at each economic, social and cultural rights protected by ICESCR in order, taking into account the information requested

by the CESCR in advance (called the List of Issues Pending Review) and the information that the UK Government has sent on behalf of the state. In 2023, the Commission also sent initial evidence to the Committee to help it prepare for the review, which has been referenced in this report.

As is common practice and something the CESCR finds useful, the Commission includes suggested recommendations for the CESCR to consider, which are intended to help focus attention on how to progress the specific rights in Scotland.

## **Methodology**

The evidence in the report has been gathered as part of the Commission's work to monitor human rights in Scotland. Because the report must be short, we agreed to focus on:

- Describing and analysing developments between January 2023 and December 2024.
- Critically analysing the information provided in the state response to the list of issues.
- Demonstrating the human impacts of rights denials in Scotland, especially for further marginalised groups and communities.

The evidence for this report included:

- Looking at the findings from the Commission's evidence, data and analysis collected through research and monitoring activities, for example, our report on Economic, Social and Cultural Rights in the Highlands and Islands.
- New analysis of official data which is publicly available. This includes official statistics, parliamentary business, and Scottish Government publications.
- Supporting research from credible non-official sources including NGOs and academic research.

We also hosted two meetings, one for civil society, human rights defenders and anybody who was interested in finding out more about ICESCR, and one for accountability bodies such as regulators who have specific responsibilities in Scotland.

All the findings from these meetings are written up as annexes to the main report.

## **Findings**

The Commission has found several cross cutting themes affecting people in Scotland's economic, social and cultural human rights.

Firstly, the Cost of Living Crisis has negatively affected all of the rights in ICESCR. The effects of higher prices for essential items has particularly negative effects for people in marginalised groups and communities. The examples we heard from people and which we describe in the report include personal debt, food quality, fuel poverty and poor housing which causes health issues.

It is harder to for many people to access support, and both the state and voluntary organisations are doing more to support people, often with less money to spend on developing and delivering such services. When people do not have the support they need this not only effects the rights in ICESCR - health, education, social security, work, housing etc - but has consequences for other human rights such as independent living, personal safety and even the right to life.

People think that there is not enough joined up thinking, so the consequences of decisions for certain groups of people are not always picked up and considered. We heard examples about travel, funding or housing, where as a result of a person losing one type of support, as a direct consequence, they then couldn't access other support.

All of these issues are connected, and causing a ripple effect. Many people told us that they felt anxious or pessimistic about the future.

The sense of frustration or disappointment for many people has been made worse by the failure of the Scottish Government to deliver on key promises it has made, such as the Human Rights Bill, the National Care Service, bans on LGBT+ Conversion Practices and ending the practice of charging people for social care.

The Commission has made a number of recommendations aligned to each article in ICESCR to help the CESC focus on how changes can be made in Scotland. Devolution is complicated, but many of the articles in ICESCR are within the powers of the Scottish Parliament and Scottish Government.

These recommendations are:

The CESC's Concluding Observations should draw attention to the failure to progress the commitment to a stronger human rights framework in Scotland through incorporation and make recommendations to prioritise incorporation and justiciability of ESC rights, strengthen the mandate and resource of the Commission, and improve the monitoring framework across Scotland.

The CESCER should recommend that human rights budgeting processes should be implemented in Scotland, including alignment with human rights legal standards, oversight, public participation and transparency, and be part of the processes and policies of revenue raising as well as resource allocation.

The CESCER should highlight the need for stronger human rights protections in domestic law to ensure access to justice for people from further marginalised communities and recommend measures to strengthen equality and human rights mainstreaming across the devolved public sector, including the devolved aspects of the Public Sector Equality Duty.

The Scottish Government's aim to support access to quality work and conditions of work is not translating into outcomes for some groups who are further from the labour market. CESCER should recommend a more joined up approach to work-related human rights, with appropriate levels of funding and targeting of marginalised groups.

The Committee should recommend that social security levels are reviewed for their adequacy in all parts other UK and that applications and payments are accessible to all people, regardless of communication needs or digital barriers.

The Commission encourages the Committee to examine the extent to which state provided care is resourced in Scotland and identify the potential for retrogression for service users. The state should also ensure family caregivers' access to mental health and respite support where needed.

CESCER should critically assess the extent to which the Scottish Government's approach to reducing poverty and destitution is reaching people at additional risk because of their identities or circumstances and recommend both governments use every lever they have to reduce poverty in Scotland.

The Commission is deeply concerned that the rising rates of homelessness and shortages of affordable housing demonstrate not only failure to progress the realisation of rights but may amount to retrogression in Scotland. The Committee should inquire as to the extent of the Scottish Government's efforts to avoid and mitigate the risk to rights, including the maximisation of resources to ensure the right to shelter is effectively protected in all parts of Scotland, urban, suburban and rural.

CESCER should recommend steps to improve the accessibility of healthcare in all parts of Scotland, ensuring that accessible, quality healthcare is available, including for marginalised communities. In addition, steps to improve the state of mental health should be prioritised, including state responses that recognise the

impact of poverty and exclusion on the quality of mental health and as barriers to accessing appropriate mental health support.

CESCR should examine the alignment between Scottish Government ambitions to ensure improvements in education outcomes for children from disadvantaged or marginalised backgrounds and the resourcing of targeted forms of support.

CESCR should consider inequalities in access to culture and support for cultural output as described by the Commission in 2023 and recommend action to improve access to cultural activities and sporting activities for marginalised groups.

CESCR should encourage the state party to ensure that information from all parts of the UK is available to international and domestic scrutiny bodies.

CESCR should consider the Commission's findings and highlight that policies should be adaptable to the specific needs of remote and rural areas. Programmes should be tailored to address local challenges. Human rights considerations must be embedded in all policy assessments, with parliamentary scrutiny to ensure laws and policies take into account the needs of the Highlands and Islands.

CESCR should emphasize that a domestic legal framework that enforces ESC rights is necessary to ensure accountability and justice. The Scottish Government should incorporate ICESCR to the fullest extent possible and ensure that court and non court complaint mechanisms for ESC rights are accessible, affordable, timely, and effective, including the provision of quality, affordable legal advice.

## **What happens next?**

The CESCR takes all the evidence it receives from the NHRIs, the Government and civil society organisations and uses it to ask the UK Government questions at a meeting of the Committee at the UN in Geneva. This is called the Interactive Dialogue, and is a question and answer sessions between civil servants and the Committee members.

The CESCR then makes its own findings and recommendations for improvement after meeting with the UK Government in Geneva in February 2025. These are collectively known as 'Concluding Observations'.

When we have the Concluding Observations, the Commission will work with the Scottish Parliament, the Scottish Government, civil society and duty bearers to explore how they can be implemented.

We will also be returning the Highlands and Islands in February and March 2025 to share our findings and enable local communities to use the Spotlight report to defend

their rights. We will also be offering to meet with duty-bearers, to provide support and capacity-building on how to take a human rights-based approach.

The Commission will also be expanding the monitoring model to other areas of Scotland over the next three years, as part of our 2024-28 Strategic Plan, starting with the South of Scotland in 2025.

### **Find out more**

To learn more about this work, read the full report on our website at [www.scottishhumanrights.com](http://www.scottishhumanrights.com)