

SHRC

Scottish
Human Rights
Commission

2025



State of the Nation:

Economic, Social and
Cultural Rights in Scotland

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Common abbreviations

CoE

Council of Europe

ECHR

European Convention on Human Rights

ECtHR

European Court of Human Rights

NHRI

National Human Rights Institution

UK

United Kingdom

UN

United Nations

UN CAT

United Nations Convention Against Torture, Inhuman or Degrading Treatment or Punishment

UN CERD

United Nations Convention on the Elimination of All Forms of Racial Discrimination

UN CEDAW

United Nations Convention on the Elimination of All Forms of Discrimination Against Women

UN CRC

United Nations Convention on the Rights of the Child

UN CRPD

United Nations Convention on the Rights of Persons with Disabilities

UN ICCPR

United Nations International Covenant on Civil and Political Rights

UN ICESCR

United Nations International Covenant on Economic, Social and Cultural Rights

Foreword



The State of the Nation is the Scottish Human Rights Commission's annual snapshot of how human rights are being realised across Scotland.



Professor Angela O'Hagan

This year, we are looking at the economic, social and cultural (ESC) rights that underpin the daily lives of people across Scotland. We all have these rights – to fair work conditions, to an adequate standard of living, and to the highest attainable standard of physical and mental health. These rights underpin our access to services, food and leisure. They provide the framework for a safety net that every one of us can depend on.

But, as this report demonstrates, for many people the reality is that these rights are out of reach. At the SHRC, we see the daily challenges people face; to afford food, housing and fuel, or to access essential services.

There is no doubt that people are struggling. In many cases, that struggle turns to anger. In some, it leads to political unrest. In Scotland, and globally, we are seeing those very real frustrations expressed as tensions within and between our communities. When people are not seeing improvements in their living conditions, there are some voices that would suggest human rights themselves, or even the rights of others, are the cause of these challenges.

But human rights in Scotland are all the more important because of these challenges. More than ever, we need to protect and uphold the framework that obliges public authorities – who are duty bearers – to act in a way that protects and upholds the rights of people in Scotland. These rights are non-negotiable; that means they are for everyone, even when times are tough. The surest route to improve people's lives, to reduce frustration and anger and to ensure our communities can be cohesive is to make these rights a reality.

This report is a snapshot in time that describes everyday life through the lens of the human rights legal framework. It spotlights ten areas in Scotland where rights are not being fully realised, including:

- People across Scotland are facing a housing crisis, with many unable to access safe, affordable and adequate housing
- People in Scotland are unable to afford basic daily essentials that keep us safe and warm.
- People in Scotland cannot access or afford healthy food and are hungry or poorly nourished

Economic, social and cultural rights do not stand alone, separate from other legal requirements or ideas of how to live. They interact with one another in our everyday lives. We need affordable food and electricity to realise our right to health, and for disabled people and others to not face the choice of 'eat or heat'. If we are not healthy, we cannot fully enjoy our rights to education, work or cultural activities. These interactions exist for all of us but in different ways. We are very grateful to Shamus, Nada, Derek and Anne: rights holders who so generously shared their stories to illustrate what economic, social and cultural rights look like in their daily lives.

These stories, alongside the SHRC's analysis of the report's ten example aspects of ESC rights, highlight a number of areas where the State – the Scottish Government and public bodies – must do more to remedy past and current failures to realise rights. We want MSPs, MPs, local councillors, and other decision makers to read our State of the Nation report and take action. This means working with and for rights holders to ensure that realising human rights standards are at the core of decisions about legislation, budgeting, policy, service design and practice.

The human rights framework belongs to us all. Some of those rights are protected under UK law by the Human Rights Act 1998, like our freedom of expression and protection from torture. Others, such the economic, social and cultural rights covered by this report, are set out in treaties which have been ratified by the UK. The SHRC urges duty bearers to take this report as a call to action to progress better services and outcomes, using it a framework to meet Scotland's obligations in international law.

This is a collective challenge. As a Commission, the members of the SHRC are united in our role; to speak up and challenge rights denials, and to defend the human rights of the people we serve; and to use our unique platform as Scotland's National Human Rights Institution to call out injustice and to offer advice and support to build on the fragile progress around us.



Professor Angela O'Hagan

Chair of the SHRC

Executive Summary

Background and context

This year, the SHRC's annual State of the Nation report looks at economic, social and cultural rights (ESC rights). This report gives a snapshot of whether these rights are being realised across the country.

We have analysed the recommendations made by the UN Committee on Economic, Social and Cultural Rights (UN ESC Committee) as part of the review of the UK's record under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and have outlined ten areas of concern for ESC rights in Scotland. These recommendations give the Scottish Parliament an authoritative framework to assess progress to respect, protect and fulfil each of the ICESCR obligations.

This report is part of a four-year approach to developing a comprehensive and user-friendly State of the Nation which gives an authoritative insight into the existing situation of human rights in Scotland in any given year. It delivers a core commitment in our current Strategic Plan 2024-2028 to outline the developments in respect of progressing human rights and relevant domestic and international judgments.¹ It is provided as part of our mandate to review law and practice in section 4 of the Scottish Commission for Human Rights Act 2006.

The issues in this report have an impact on devolved policy areas under the Scotland Act 1998 [as amended]. It is ultimately the Scottish Parliament's role to act to uphold standards and where these are undermined to take action for effective mitigation. Devolution is not a justification for inaction in the face of human rights obligations. The rights covered by this report are set out in treaties which have been ratified by the UK and are legally binding. However, people often struggle to access justice when these rights are not realised – not least because they are not justiciable in Scots law.

Approach and purpose of the report

Our State of the Nation report is a snapshot of human rights issues in Scotland. It aims to present some of the most pressing findings from the review by the UN ESC Rights Committee to the Scottish Parliament. The Scottish Parliament has an essential and critical role to examine these issues as examples of real and pressing threats to the human rights of people in Scotland, and to commit to action, both in this parliamentary term and the next. This should be embedded in the work of the parliament, and we make specific recommendations on how to do this.

For each issue, we:

- **Section title:** Name our assessment of the problem, drawing on the evidence we have collected, and broader evidence heard by the UN ESC Rights Committee
- **Concluding Observation:** A simplified summary of the UN ESC Rights Committee's recommendation to address the problem
- **The law:** Set out the ICESCR Article the problem relates to
- **Breaking down the law:** Explain which part of the State's obligations is not being realised; for example, part of the 'adequacy' framework or an example of failure to meet the minimum core obligations
- **The evidence:** Set out why both the UN ESC Rights Committee and the SHRC are concerned about this problem, based on the evidence we have collected and analysed

In this report, the SHRC:

- Makes visible the human rights concerns in people's daily lives so they can be addressed, informed by people's experiences
- Brings together various human-rights related recommendations and measurement frameworks into a single actionable report
- Makes clear our assessment of what action is needed, and by whom, to drive change and ensure that Scotland respects, protects and fulfils human rights
- Illustrates how ESC rights affect every aspect of every person's life. Four people from across Scotland have shared their stories in this report, the stories show how all human rights are indivisible and interdependent. ESC rights touch on every part of our daily lives and often have an impact on one another, in ways that the experiences of Nada, Shamus, Anne and Derek show us.

Key findings

1 The provision of healthcare across Scotland is not always available when and where people need it



Barriers to accessing quality healthcare range from long waiting times, lack of services provided in rural areas, digitalisation excluding people without the access to the physical technology or digital skills to access services, and a shortage of specialist care. While this affects many people, certain communities of identity or geography are feeling the impact more severely.

2 The support for people with learning disabilities and autism to live in their own homes is inadequate



Despite the Scottish Government's own commitments, many people with learning disabilities and autism continue to have no choice but to live in accommodation that is institutional, inappropriate, and not in the area that they would call home.

3 Disability-related social security entitlements do not provide a decent standard of living for disabled people and are at risk of retrogression



Disabled people and their families have higher living costs and are more likely to live in poverty than in households where no-one is disabled. Disabled people frequently have highest costs of living connected to their impairment or needs. However, the level of financial support provided in disability-related entitlements intended to support these costs is often being used to cover basic living costs.

4 A housing crisis is denying people across Scotland access to safe, affordable and appropriate housing



In recent years, concerns about whether Scotland has sufficient housing to ensure that all people have a safe, secure and suitable home have been mounting, with the Scottish Government and some local authorities declaring a housing emergency. The SHRC has expressed deep concern about the quality and acceptability of some Gypsy Travellers' sites and homes, and about the existence across Scotland, but particularly in rural areas of 'rooflessness' – which violates the most essential aspects of the right to housing.

5 Changes to the UK welfare system disadvantage the most marginalised people and families



A range of changes to the design and functioning of the UK's welfare system have been associated with increased financial insecurity for many households across the country over the past fifteen years.

6 High levels of food insecurity and unaffordability mean that people in Scotland are hungry and not fully nourished



People across Scotland are going to bed hungry and poorly nourished because they cannot afford or cannot access the food they need. Despite positive Scottish Government and local level interventions, a worryingly high and consistent number of people rely on food banks and fear running out of food.

7 Caregiving responsibilities for children, disabled people and older people are not fairly distributed or recognised



Scotland relies heavily on the unpaid care that is being provided at all hours of the day and night across our communities. Caregiving, including the role of unpaid carers – disproportionately women – is not sufficiently valued or supported. Recognising the importance of care is fundamental to realising the equality and dignity of everyone: disabled people, women, older people, and people from other marginalised groups more likely to need or provide care.

8 Basic daily essentials that keep us safe and warm are unaffordable



The rising cost of living and slow growth in people income means that household finances are under significant pressure. Although inflation is not as high as we have seen in recent years, people are still struggling and are very worried about the future. This unaffordability requires cross-cutting policy solutions that recognise the consequences for many human rights.

9 People cannot access effective justice or remedies when their ESC rights are not realised



As ESC rights are not specifically protected by Scots Law ('incorporation'), people in Scotland cannot easily claim these rights. Existing non-judicial complaints mechanisms play a role in deciding issues that are protected by ESC rights but do not always have the mandate, skillsets or resources to embed human rights legal analysis into their handling of specific complaints.

10 The budget allocated to food programmes, social security, housing, health, education, employment services and other areas related to ESC rights is inadequate



The review process of the UK by the UN ESC Committee showed the many ways that the public sector in Scotland is struggling to match the resources available to them with the needs of people across the country. Scotland's budget process still lacks a human rights budgeting approach that would give Parliament and others the tools they need to align spending with their legal obligations.

Recommendations

In order to respect, protect and fulfil economic, social and cultural rights in Scotland, human rights duty bearers, especially the Scottish Government, must consider the findings from the 2025 review of the UK by the UN ESC Committee in full.

In particular, we encourage the Members of the Scottish Parliament to use the Concluding Observations across their work in ensuring the realisation of rights in Scotland. These are:

- Concluding Observation 51(a): That there is universal health coverage in practice by increasing resources for the National Health Service, securing sufficient qualified medical staff, ensuring access to adequate medical equipment and infrastructure, reducing waiting times, improving health services in remote and rural areas and removing stigma and informational and technological barriers to access to health for marginalised communities including "Gypsy, Roma and Traveller communities, undocumented migrants and asylum-seekers and to lesbian, gay, bisexual, transgender and intersex persons in relation to gender identity-related healthcare, particularly in Scotland".

- Concluding Observation 47(e): There is the necessary housing and social care support to make sure that the right to housing includes the right to independent living for people with learning disabilities who are currently not able to live in their own homes and communities
- Concluding Observation 41(d): Adult Disability Payment and other forms of social security and financial support to cover the costs of disability meet those specific needs, in line with the human rights model of disability and the UNCRPD
- Concluding Observation 41(a): There are evidence-based “corrective measures” to support the disadvantaged groups who have been disproportionately and negatively affected by the design of elements of the benefit system such as the two-child limit, the benefit cap and the five-week wait
- Concluding Observation 49(a): National and local plans to deliver the commitments on the right to food reflect Scotland’s human rights obligations, including measurable proposals to reduce food insecurity and reliance on food banks
- Concluding Observation 43(c): The social care and childcare systems are delivering the right care at the right time to make sure that both caregivers and care receivers are treated with dignity, equality and their human rights are upheld and that they help facilitate properly valued and a more equal distribution of unpaid care
- Concluding Observation 45(d): All public services do everything they possibly can to make sure that everyone has affordable electricity, gas, water, sanitation, heating and clothing
- Concluding Observation 7(a): Give ICESCR rights full legal effect in Scots Law and make sure that people have access to justice when things go wrong through accessible, affordable, timely, and effective complaints mechanisms
- Concluding Observation 19(c): Public services are allocated budgets that align with Scotland’s human rights obligations and ensure rights holders can access adequate food programmes, social security, housing, health, education, employment services and other areas related to ICESCR rights
- Concluding Observation 47(d): The root causes of homelessness are addressed, and long-term solutions are created and resources to guarantee safe and adequate living conditions for everyone

The Scottish Parliament can and must take steps to embed human rights in its work, especially when considering everyday ESC rights-related issues, which are often not seen as human rights issues. This report makes clear that they are.

We suggest that Parliament – including MSPs, committees and cross-party groups can and must embed human rights into its work by:

- Strengthening human rights obligations in law and access to justice
- Acting urgently to meet the minimum core obligations of ESC rights
- Building human rights into the ways MSPs scrutinise ESC and other issues in committees as a matter of routine practice
- Continuing the Scottish Parliament’s focus on participation as a key part of a human rights based approach
- Strengthening human rights budgeting in the budgeting process
- Amending the Scottish Commission for Human Rights Act (2006) to place a duty on the SHRC to deliver a State of the Nation report to the Scottish Parliament annually. This would enable an annual debate of the Scottish Parliament on the issues raised by the report impacting on human rights enjoyment for all people in Scotland.

Introduction

Our State of the Nation 2025 is published at a potentially watershed moment for human rights. Our economic, social and cultural rights are central to human dignity and should be delivered through Scotland's devolved public services. When these services are under pressure, rights become more distant from people's everyday lives.

The SHRC consistently hears from people whose rights have been denied; whether they cannot afford to heat their homes or buy food for their families, or they're not getting the mental health support they need in prison, or their children have been subjected to restricted practices in school. The scale and variety of the day to day human rights denials affecting people in Scotland is vast.

Yet, at the same time, we hear increasingly loud voices – including political leaders – who are cynical of the value and purpose of human rights, and at worst, actively against them.

This year, the SHRC's State of the Nation report assesses the realisation of economic, social and cultural rights (sometimes shortened to ESC rights). These are the rights that are essential for living a dignified life, free from fear and want. They are protected by a range of international human rights treaties, most significantly by the International Covenant on Economic, Social and Cultural Rights (ICESCR).

ESC rights include:

- Economic rights, such as social security and workers' rights;
- Social rights, such as healthcare, education, housing and food; and
- Cultural rights, such as to take part in cultural life.

When these rights are consistently denied, it is too easy to look for somebody else to blame. When these rights are upheld fully, people's access to health, education, food and work become more secure – and diminish the narratives that frame the rights of others as the reason for poor living standards.

The issues in this report impact on devolved policy areas under the Scotland Act 1998 [as amended]. It is ultimately the Scottish Parliament's role to uphold the standards that are being undermined and to take action for effective mitigation. Devolution is not a justification for inaction in the face of human rights obligations.

In this context, this State of the Nation report has three key objectives:

- Make visible the human rights concerns in people's daily lives that need to be addressed as informed by people's experiences
- Bring together various human-rights related recommendations and measurement frameworks into a single actionable report
- Make clear our assessment as the National Human Rights Institution of what action is needed, and by whom, to drive change and ensure that Scotland respects, protects and fulfils human rights.

Although this report looks specifically at ESC rights, all human rights are indivisible and interdependent. ESC rights can only be fully enjoyed in a world where civil and political rights are also respected, and where the rights and needs of people who are more at risk because they belong to a particular group are protected.

This report is part of a four-year approach to produce a comprehensive and accessible annual State of the Nation report, which gives an insight into the realisation of human rights in Scotland in any given year. This is a core commitment in the SHRC's Strategic Plan 2024-2028.²

This report is published in line with the mandate of the Scottish Human Rights Commission to review law and practice as it relates to human rights in Scotland, under section 4 of the Scottish Commission for Human Rights Act 2006.

How to navigate this report

In the first sections of this report, we explain what role the SHRC plays in the human rights monitoring system and how we support the wider international human rights system to monitor the UK's obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR). We set out what the rights in ICESCR are and some of the common terms used to understand ESC rights such as 'adequacy', minimum core obligations and progressive realisation.

From here, each section is articulated as an issue preventing the full realisation of ESC rights today in Scotland.

For each issue, we:

- **Section title:** Name our assessment of the problem, drawing on the evidence we have collected, and broader evidence heard by the UN ESC Rights Committee
- **Concluding Observation:** A simplified summary of the UN ESC Rights Committee's recommendation to address the problem.
- **The law:** Set out the ICESCR Article that the problem relates to
- **Breaking down the law:** Explain which part of the state's obligations is not being realised; for example, part of the 'adequacy' framework or an example of failure to meet the minimum core obligations
- **The evidence:** Set out why both the UN ESC Rights Committee and the SHRC are concerned about this problem, based on the evidence we have collected and analysed

Interspersed throughout these sections we have included stories from Derek, Nada, Anne and Shamus, which show the reality of ESC rights for people – that these rights interact with and reinforce one another.

We then look at what steps the Scottish Parliament should, in our view, take to embed human rights into its work in order to prevent and respond to these human rights concerns.

Approach and scope

Each section in this report is a ‘snapshot’ of a human rights issue at a moment in time. The issues covered were identified in the last review of the UK by the UN Committee on Economic, Social and Cultural Rights concluded and published in March 2025.

The Committee made over 100 recommendations and observations, most of which apply in Scotland. The State of the Nation focuses in on ten areas of concern that focus on part of a right or issues for a specific group. It primarily examines the period between September 2024 and September 2025, so developments outwith this may not be captured.

Each of the recommendations from the UN ESC Committee provides an opportunity for duty bearers to advance human rights. The Scottish Government has commitment to an action plan which will set out how they plan to take forward the recommendations, but we encourage the Scottish Parliament to use the Concluding Observations to assess progress in meeting the ESC rights of people in Scotland.

Reinforcing the interdependence of different types of rights, this report also looks again at the issues in relation to civil and political rights identified last year in the SHRC Year 1 State of the Nation Report and highlights some key developments.³

The 2026 report will see the SHRC take a focused look at the rights of specific groups, including international treaties to protect women and girls, children and young people, people who are racialised and disabled people.

While we will look in detail at specific group rights next year, it is important to note that equality and non-discrimination are important human rights principles for all rights. Economic, social and cultural rights are universal and are deeply interconnected with the rights of those who belong to particular groups. By looking at some of the areas where there are the most acute risks to ESC rights, this report highlights that many of these effects are felt most often or most strongly by people who are marginalised.

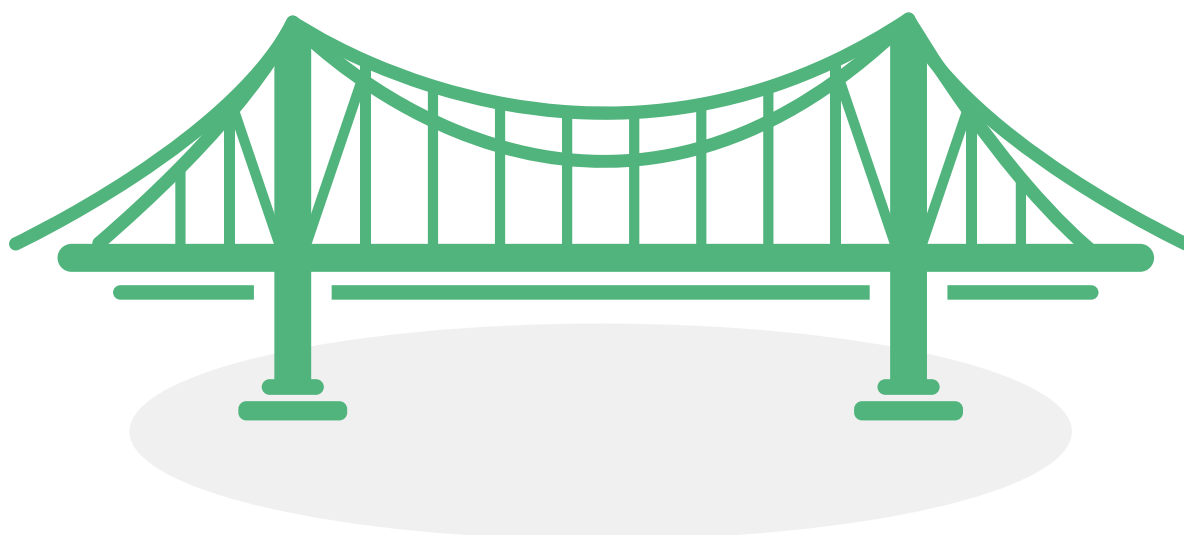
To illustrate how ESC rights affect every aspect of every person’s life, four people from across Scotland have shared their stories with us. Nada, Shamus, Anne and Derek all describe the ways in which ESC rights are not being fully realised in their daily lives. They show us the barriers they experience, whether because of their legal status, inequalities because of their identities, where they live or because they do not have the resources they need. But they also show us the important ways families and communities build different kinds of support and care. Importantly, they demonstrate how framing these everyday challenges in terms of human rights can change the ways that people understand and advocate on these issues.

Read more about how we developed this report and the State of the Nation project in **the Annex** to this report.

The role of the SHRC and human rights monitoring

As Scotland's National Human Rights Institution, the SHRC has an important responsibility to act as a bridge for human rights. We do this in two ways:

- Between the international and the domestic: Sending evidence and knowledge up and out to the international and regional systems that monitor and protect human rights; and bringing international legal obligations and knowledge home to make a practical difference to human rights in Scotland.
- Between the State and Non-State: Using our independence to hold the State, that is the government, parliament, courts and tribunals and other public bodies, accountable for its responsibility to comply with their obligations to respect, protect and fulfil everyone's human rights; and supporting knowledge-building and capacity in civil society to act as human rights defenders.



An important part of the SHRC's mandate is human rights monitoring. Human rights monitoring can:

- Highlight where things are going wrong so that Governments and Parliaments can step in to address or prevent violations of rights
- Hold State bodies such as Governments and Parliaments accountable for their actions or failures to act by applying a consistent framework over time and regularly reminding them of their legal obligations
- Promote transparency, collaboration and the rule of law, including through making independent conclusions and recommendations.

Internationally, economic, social and cultural rights are monitored and reported on by the **UN ESC Committee**.

What are economic, social and cultural rights?

ESC rights touch on every part of our daily lives and often have an impact on one another. For example, we cannot enjoy the highest attainable standard of physical and mental health if we cannot access food, water and shelter. These rights are mostly devolved in Scotland, meaning that the Scottish Parliament has the primary responsibility to respect, protect and fulfil them.

The economic, social and cultural rights protected by ICESCR

The right to work, and to just and favourable conditions of work

The right to join a trade union

The right to social security

The right to an adequate standard of living – including housing, food, water and clothing

The right to the highest attainable standard of physical and mental health

The right to education

The right to participate in cultural life and to enjoy the benefits of scientific progress

The legal status of ESC rights in Scotland

The UK is party to several international agreements that enshrine ESC rights under international law, including the International Covenant on Economic, Social and Cultural Rights, the Council of Europe's European Social Charter and a range of International Labour Organisation Conventions. However, ESC rights are not specifically included in the UK Human Rights Act, which brings some civil and political (as we highlighted in our 2024 State of the Nation Report) and international human rights obligations into domestic law in the UK. This means that where there are violations of ESC rights, people in Scotland do not have a clear route to challenge them. This is also the case for people living across Great Britain and Northern Ireland.

The Scottish Government has published proposals for a new Human Rights Bill for Scotland have considered how ICESCR could be incorporated into Scots Law within the competence of the Scottish Parliament. Incorporation means that rights protected under international law must be embedded in the work of public bodies and if this does not happen, that failure can be upheld in domestic courts and other complaints systems.

Many ESC rights are already incorporated into Scots Law for children following the passing of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. The passage of this Act by the Scottish Parliament was the first time an international human rights treaty had been incorporated into domestic law anywhere in the UK since the passage of the Human Rights Act in 1998.

The role of the UN ESC Committee

The UN Committee on Economic, Social, and Cultural Rights (shortened to CESCR or the UN ESC Committee) monitors how countries comply with ICESCR and work to develop a collective understanding of what these rights look like in practice. The Committee is formed of experts from around the world and examines evidence from civil society, NHRIs such as the Scottish Human Rights Commission, and the Government. They undertake a regular review of the state of ESC rights in all countries who have ratified ICESCR and issue a list of recommendations and findings known as Concluding Observations. Concluding Observations are intended to help Governments meet their legal obligations under ICESCR.

A full list of the 2025 ICESCR Concluding Observations can be accessed at the **UN Digital Library**.⁴

The UN ESC Committee also develops more detailed interpretation of how States' obligations to uphold the rights in ICESCR should be understood in practice. This interpretation is explained most clearly in General Comments, which the UN ESC Committee can make to set out its interpretation of ICESCR for all countries (Article 21). The SHRC adapted this breakdown for the Scottish context in a monitoring framework and approach that we piloted in the Highlands and Islands region in 2024.⁵

Key international law terms in ESC rights

Minimum core obligations: The most basic obligations of each right. Minimum core obligations must be met at all times and in all circumstances, and there is little to no justification for failing to meet them.

Progressive realisation: States must continuously take deliberate, concrete, targeted, and effective steps to ensure the legal and practical enjoyment of ESC rights is improved over time.

Non-retrogression: States must avoid taking deliberate steps that would reduce the existing levels of rights enjoyment. States must act when external factors are deteriorating the level of enjoyment of a right.

Maximisation of available resources: Raising, allocating, and spending resources in an effective and transparent way, which prioritises the most pressing needs and ensures ESC rights can improve over time.

Adequacy (known internationally as the 'normative content'): Each right has specific criteria of 'adequacy', with common features such as the need to ensure services are accessible and affordable for all.

Derek's human rights under ICESCR

**I'm a double graduate with 24 years of work experience.
After my second brain injury, it was devastating.
I couldn't even remember my son's name.**

I thought after recovery I'd walk back into work. But it turns out that employers don't have the resources, the desire or the expertise to employ someone with a brain injury and a visual impairment. I was unemployed for 8 years.

I'm in work now, but I'm not able to fully do the job I was recruited to do because of access barriers. I find myself overcompensating, working longer hours to get the job done, to make up for it.

Disabled people want to work, but we don't have the support. I'd previously worked in employability. I thought we'd got good at supporting disabled people into employment, but I was really surprised. It really varies from region to region.





I got support from Glasgow Disability Alliance. They gave me the screen reader software I needed and the training to use it. I was able to get back and become more productive and more involved in community work with other disabled people in user-led groups.

It feels like a lot of the human rights are being chipped away. We keep working away to make sure disabled people's voices are being heard, but sometimes it can be disheartening, and I feel like I don't have the energy. My confidence came, not as an individual but from being involved in and as an ally to a movement.

The barriers affect so many areas of life. It took me 20 years of fighting my local housing authority to get information in an accessible format, never mind accessible housing. Wee things, you need three remote controls to tune the telly. Or online food shopping. They change their system so it's not accessible and you think – what do I do?

I'm dreading because we're coming into the winter, but I can't use my thermostat because I can't see it, although there must be a way of adapting it to make it accessible to me. I don't know how to get hot water. There must be a way of turning it on. I've raised it regularly with the council, they don't see it as a priority. I'll need to go back to thermal vests and woolly jumpers.

“I’m dreading because we’re coming into the winter, but I can’t use my thermostat because I can’t see it, although there must be a way of adapting it to make it accessible to me.”

1 The provision of healthcare across Scotland is not always available when and where people need it



The Concluding Observation

51(a) The State should make sure that there is universal health coverage in practice by increasing resources for the National Health Service, securing sufficient qualified medical staff, ensuring access to adequate medical equipment and infrastructure, reducing waiting times, improving health services in remote and rural areas and removing stigma and informational and technological barriers to access to health for marginalised communities, including “Gypsy, Roma and Traveller communities, undocumented migrants and asylum-seekers and to lesbian, gay, bisexual, transgender and intersex persons in relation to gender identity-related healthcare, particularly in Scotland”. The UN ESC Rights Committee also makes a number of recommendations around women’s access to reproductive health and rights.

The law

Everyone has the right to the highest attainable standard of physical and mental health (ICESCR Article 12)

Breaking down the law

The adequacy of the right to health means ensuring that all health services, policies, goods, and practices are available, in addition to being accessible, acceptable and of good quality.

The evidence

The SHRC regularly hears of and witnesses barriers that rights holders are encountering to accessible healthcare. Quality healthcare is not consistently available for all communities across Scotland.

During the UK review, the UN ESC Committee was also concerned about evidence it heard describing long waiting times for some services and of other barriers to accessing healthcare for the most disadvantaged groups of people and people living in rural areas. These included digital exclusion, which can occur for many reasons such as because of unaffordability, limited foundational digital skills or lack of connection and is vastly more likely to affect older adults and disabled people.⁶

Other barriers to the accessibility of healthcare include the physical provision of services. The

SHRC's report *ESC Rights in the Highlands and Islands of Scotland (2024)* describes the experiences of rights holders trying to access healthcare. People told us about having to travel great distances to access both basic and more complex health services. Some of the services with local shortages include general practitioners, dentistry, orthodontic services for children, sexual and reproductive health services, mental health services, out-of-hours services, ambulance services, opticians, and drug and alcohol support. The availability of sexual and reproductive and maternity services has been negatively impacted by centralisation, with women in labour having to travel up to four hours to give birth. People told us that they were terrified and moving out of the area to make sure that they and their families were safe.⁷

While we have considerable evidence from our work in Highlands and Islands, we know that access issues are not limited to this part of Scotland. One community group in Galloway sent their own evidence to the UN ESC Committee on issues about accessibility and quality of healthcare in the South of Scotland, citing the SHRC's local monitoring as "reveal[ing] a wider systemic rural and remote Scottish problem". This group identified significant barriers for maternity and cancer services in particular, including a downgrading of maternity services and long travel distances to access essential treatment with limited discretionary travel support. Exploring these trends further, the next phase of the SHRC's own local monitoring project will report from the South of Scotland region in 2026.⁸

Inaccessible and unavailable healthcare is not only affecting rural communities. As part of the UN ESC Committee's review, rights holders told us about the lack of specialist equipment or screening services for disabled people and long waits for specialist services such as Child and Adolescent Mental Health (CAMHS) and gender identity related healthcare.⁹

The data backs up these concerns. For example, less than 70 per cent of patients in Scotland receive treatment within 18 weeks of referral. However, when this is broken down by health board there are significant differences – for example in Orkney it is almost 87 per cent while in NHS Borders it is less than 60 per cent.¹⁰ This shows that rurality is not in and of itself a barrier to people's rights, something we also witnessed across the whole Highlands and Islands region. Instead, issues like the specific geographic make up and scale and population size need to be considered.

Last year, the Scottish Parliament's Health, Social Care and Sport Committee concluded an inquiry into Remote and Rural Healthcare.¹¹ The Committee report highlights the impacts of unavailable healthcare in remote and rural parts of Scotland, and the ways in which issues like the unaffordability of housing or inaccessibility of childcare – also ESC rights – interact with one another.

Many of the 33 recommendations from the Health, Social Care and Sport Committee mirror the UN ESC Committee's Concluding Observations and the SHRC's own calls. We continue to suggest ensuring full compliance with Scotland's international human rights obligations means approaches that are responsive to local needs, informed by impacts assessments and measured through specific targets.¹²

2 The support for people with learning disabilities and autism to live in their own homes is inadequate



Concluding Observation

47(e) The State should ensure that there is the necessary housing and social care support to make sure that the right to housing includes the right to independent living for people with learning disabilities who are currently not able to live in their own homes and communities.

The law

Everyone has the right to an adequate standard of living, including adequate food, clothing and housing (ICESCR Article 11)

Breaking down the law

As part of applying the principle of equality and non-discrimination to the right to housing, law and policy should fully take into account the special housing needs of disadvantaged group so that it is accessible to all.¹³

The evidence

Many disabled people in Scotland are not able to live in their own homes and communities because Scotland has not put in place the necessary community-based support to deliver the right to independent living for everyone. The SHRC's spotlight report "Tick Tock", published in January 2025, focused on the human rights of people living in institutions.¹⁴

Despite the Scottish Government's commitment to "greatly reducing the numbers" of people in this situation between 2018 and 2022 – the latest available data when we wrote "Tick Tock" – there was no significant change in the number of people with a learning disability living in NHS care. In 2018, there were 148 people in a learning disability unit and a further 67 people in forensic learning disability units, and by 2022 there were 132 people in a learning disability unit and 64 in a forensic learning disability unit.¹⁵

Although our project specifically looked at the progress in moving people from institutional living to independent living, in line with human rights standards set out in detail by the UN Convention on the Rights of Persons with Disabilities (CRPD), many of the issues within it relate to housing. For example, the right to independent living requires (among other things) that disabled people have the right to control their own housing by entering rental or ownership agreements. Preparing people for living in their community should include giving them accessible information about housing options, among other essentials.

The Scottish Government has recognised the right to independent living in the community and committed in its 2018 report *Coming Home* to “significantly reduce” the population of people who are institutionalised. *Coming Home* identified systemic barriers to getting people into their communities, including challenges identifying suitable housing options.

However, as the SHRC’s research in “Tick Tock” shows, people continue to live in accommodation that is institutional, inappropriate, and not in the area that they would call home. There is a lack of transparency and monitoring to ensure actions taken in relation to people with learning disabilities and/or who are autistic meet human rights requirements. It would also appear that the allocation and spend of resources has not been informed by a human rights budgeting approach.

In research commissioned to support the Tick Tock report, researchers highlight that the way policy and data to support the *Coming Home* Commitments is organised, talking about ‘placements’ instead of home ownership or tenancies, is not grounded in human rights.¹⁶ This makes it difficult to interpret the evidence and gain a full picture of where learning disabled and autistic adults who are not living in their homes are living and why they are not in their own homes.¹⁷

The UN ESC Committee heard evidence from the SHRC and civil society, including the Health and Social Care Alliance and the Scottish Commission on Learning Disabilities (SCLD) on the impacts of institutionalisation. The UN ESC Committee confirmed that the current situation is not realising disabled people’s rights.

3 Disability-related social security entitlements do not provide a decent standard of living for disabled people and are at risk of retrogression



Concluding Observation

41(d) The State should ensure that Adult Disability Payment and other forms of social security and financial support to cover the costs of disability meet those specific needs, in line with the human rights model of disability and the UNCRPD.

The law

Everyone has the right to social security (ICESCR Article 9)

Breaking down the law

The adequacy of the right to social security includes making sure that payments are adequate in amount and should also be aligned with the general principles of non-discrimination and human dignity.

The evidence

Disabled people and their families have higher living costs and are more likely to live in poverty than in households where no-one is disabled.¹⁸ Between 2021 and 2024, 26 per cent of households with a disabled member lived in poverty after their housing costs were accounted for, compared to 16 per cent for those without a disabled person.

In 2024 we held engagement events to gather the evidence and views of civil society about the status of ESC rights to inform our evidence to the UN ESC Rights Committee. Disabled people and Disabled People's Organisations described to us how the payments from social security that are meant to cover the additional costs of disability for day-to-day living are in fact being used to cover basic household expenses such as food. Disabled people are going without enough income to meet costs, unable to afford fuel including charge for medical equipment and rising debt.¹⁹

Despite these impossible choices, UK politicians have been actively considering further cuts and changes to disability support. Some of the proposed policy choices actively undermine the rights of disabled people. In March 2025, the SHRC expressed deep concern about the impact of the UK Government's projected approach to future of the UK welfare system, especially for disabled people and their families and communities.²⁰ These announcements came just weeks after the UN ICESCR review, where the UN ESC Committee was concerned that the financial costs of disability were not adequately met through disability-related social security entitlements.

The UN Committee on the Rights of Persons with Disabilities has also intervened to remind the UK Government of its obligations to protect, respect and fulfil disabled people's rights to social protection.²¹ In 2024, the UN CRPD Committee had reiterated its concern about the financial stress disabled people were experiencing as a result the UK welfare system, including "disturbingly consistent" accounts of suicides.²²

The UK Government has now passed the Universal Credit Act 2025.²³ This will reduce the amount of money disabled people are entitled to as part of their Universal Credit (UC), if they are not in paid work, for new applications made after April 2026. The UK Government will also eliminate Work Capability Assessments from 2028 and use a single assessment for disability-related social security at UK level.

Disabled people in Scotland who apply for UC from April will receive less income than people who apply before – equivalent to £50 less per week. At a time when disabled people are struggling to make ends meet, this cut is particularly inconsistent with the State's obligations to realise ICESCR rights progressively (Article 2). Deliberately backwards steps – "retrogression" – generally amount to a violation of ESC rights.

The UK Government has proposed creating a higher bar for new claims for payments to cover the extra costs of being disabled, Personal Independent Payments (PiP). While these proposals are not currently going ahead, they have caused a lot of anxiety for disabled people.²⁴ A review chaired by the Minister for Social Security and Disability, Sir Stephen Timms will look at changes to "ensure that the PIP assessment is fair and fit for the future".²⁵ Despite statements that the Timms review is not looking to make savings in the PiP budget,²⁶ the current UK Government has also reiterated the view that there is a need to make reforms and reduce future spending.²⁷

In 2020, the Scottish Government replaced PiP with a new devolved benefit for disabled adults known as the Adult Disability Payment or ADP. ADP is very similar to PiP and the amount of money paid is currently the same. The Scottish Government has said it does not intend to change ADP to reduce spending.²⁸ Even where policy is reserved, the Scottish Government must still take all possible steps to ensure there is no worsening of disability-related poverty.

While the Scottish Government has indicated that it does not intend to change ADP to reduce spending, it has not demonstrated that it has taken a human rights approach to budgeting that both aims to ensure there is no worsening of disability-related poverty; and where there is such poverty, to reduce it. Devolution is no excuse for failing to respect, protect and fulfil human rights.

Nada's human rights under ICESCR

I try to stay positive, even though I carry many struggles inside. People often don't realise, because I keep it hidden.

I came to Scotland 15 years ago, when I was pregnant. We had to flee Iraq because my husband was a doctor, and doctors were being targeted and killed. Members of our family were murdered. We left that same night.

We were asylum seekers and later granted humanitarian protection. We completed all the paperwork for citizenship, but five years have passed, and the Home Office still says they are "looking into it". It feels like endless waiting.

I do not understand what I have done wrong. I volunteer, I attend college, I am a good neighbour. Still, I feel trapped. It is not a small cage, but I am stuck inside it. My mother is elderly and lives in Sweden. She is too unwell to travel here, and I am unable to visit her. After everything we have lived through – the war, the loss, the destruction – we cannot even sit together at a table.





My husband's health has suffered badly under the stress. He cannot work as a doctor here, so he works as an interpreter in a hospital. Some months our income is enough, but other months we struggle, especially as the cost of living, even for food, is so high.

Our housing situation is very difficult. We are overcrowded. My 19 year-old daughter and 13 year-old son share a room. My seven-year-old daughter sleeps with me and my husband. We have been on the housing waiting list for eight years, but there has been no progress.

Every year, at Christmas, my youngest daughter asks for a sleepover with a friend, but we cannot offer that. The children cannot invite friends to our home. My daughters are now at university – I am so proud of them – but it is very hard for them to study in such conditions.

Despite everything, I am proud of myself, my family, and my community. I can now recognise how brave I have been. I have built a community here. Through my volunteering, I try to make others feel welcome and safe, like they are part of a family.

“Our housing situation is very difficult. We are overcrowded. My 19 year-old daughter and 13 year-old son share a room. My seven-year-old daughter sleeps with me and my husband.”

4 A housing crisis is denying people across Scotland access to safe, affordable and appropriate housing



Concluding Observation

47(d) The State should ensure that the root causes of homelessness are addressed, and long-term solutions are created and resources to guarantee safe and adequate living conditions for everyone.

The law

The right to an adequate standard of living includes the right to housing. (ICESCR Article 11)

Breaking down the law

The minimum core obligation of the state is to ensure that no significant number of individuals are deprived of basic shelter and housing.

The evidence

Scotland has a host of homelessness prevention duties and a complex housing framework intended to deliver affordability, quality and security of tenure. Yet currently, housing itself is not a legally enforceable or standalone right in Scots Law. In recent years, concerns about whether Scotland has sufficient housing to ensure that all people have a safe and secure home have been mounting, with the Scottish Government and some local authorities declaring a housing emergency.²⁹

There are many factors undermining the safety and security of homes, some of which are regionally specific. In the Highlands and Islands, the lack of affordable housing for young people contributes to depopulation in some rural areas as a combination of people retiring to the region and purchases of homes as second homes/short-term lets has pushed up the prices of available properties in many areas. The high cost of land and preference for new build social housing where higher rents can be charged at the expense of retrofitting existing stock was reported. Much of the housing stock – both social and privately rented accommodation – is old, poorly insulated, and therefore prone to damp, mould, and expensive heating costs.³⁰

Other barriers to housing rights are culturally specific. In late 2024, the Scottish Housing Regulator determined that the Tarvit Mill Gypsy Traveller site contained “serious failings” by the local authority under the Scottish Social Housing Charter and that the decant site did not meet the

Scottish Government's own Minimum Site Standards.³¹ The SHRC has regularly heard directly from communities about the quality and acceptability of their accommodation and witnessed for ourselves examples of degraded accommodation, including but not limited to mould and dampness, dilapidation and insufficient access to phone and internet connection.

The Housing Act 2025 will introduce some measures to minimise further private rents through a new system of localised rent controls, if the new powers are used. However, these will not reduce the existing levels of private rents which increased by over 60 per cent in all property sizes between 2010 and 2024.³² Average rents for 2 bedroom properties at the Scotland level have reached £893 a month.³³ High property costs and shortages of larger properties suitable for families has real impacts for children's wellbeing and there is a chronic shortage of accessible housing for disabled and older people.

In 2024-25, 34,067 households were assessed as being homeless or threatened with homelessness.³⁴ This was 112 more households than 2023-24 and well above the 27,571 households assessed as homeless in 2020-21, when emergency pandemic housing measures were in place.³⁵ At 30th March 2025, there were 10,180 children in Scotland living in temporary accommodation, with households with children also spending longer in temporary accommodation than households without.³⁶ The statistics also show 16,485 instances where temporary accommodation was not offered, dramatically higher than 7,995 the previous year. People have a legal right to suitable temporary accommodation under the Housing Scotland Act 1987 and Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014.³⁷ Local authorities can charge for temporary accommodation but must take into account what people can afford to pay. Previous research from the Legal Services Agency however suggests that this does not always look at individual circumstances.³⁸

In light of these trends, it is not surprising that the Scottish Government, local authorities and leading housing charities such as Shelter Scotland have declared there to be a 'Housing Crisis'.

The minimum core obligation of the State in relation to housing is the provision of basic shelter and housing. The rise in the proportion of households reporting rough sleeping in the year to 2024-25 – from 3058 people applying for housing support reporting that they had slept rough at least one night in the past 3 months in 2023-24 compared to 3579 people in 2024-25 – therefore represents real and concerning violations of people's rights under ICESCR. The rise in rough sleeping represents only those who then go on to formally raise a homelessness application; this means the statistics may not reflect other 'hidden' forms of unsafety and vulnerability to exploitation where people are not picked up in formal data sources.

During the UK review by the UN ESC Committee, they urged the UK, including Scotland, to focus on the root causes of homelessness. Some of these root causes relate to individual circumstances and the state's wider obligations to provide access to physical and mental healthcare.³⁹ However, as the Committee goes on to note, making Scotland's homelessness prevention duties work deliver in practice requires "ensuring adequate resources for local authorities, prioritizing long-term solutions that enable the exercise of other Covenant rights, guaranteeing safe and adequate living conditions in temporary accommodation, including through a comprehensive regulatory framework, and ending the punitive approach towards rough sleeping."

5 Changes to the UK welfare system disadvantage the most marginalised people and families



Concluding Observation

41(a) The state should ensure that there are evidence-based “corrective measures” to support the disadvantaged groups who have been disproportionately and negatively affected by the design of elements of the benefit system such as the two-child limit, the benefit cap and the five-week wait.

The law

Everyone has the right to social security. (ICESCR Article 9)

Breaking down the law

Like all ICESCR rights, social security should be realised progressively, and States must not deliberately reduce the existing level of the right.

The evidence

A range of changes to the design and functioning of the UK’s welfare system have been associated with increased financial insecurity for many households across the country over the past fifteen years. Lower income households in Scotland receive more of their income from social security payments.⁴⁰ Households in receipt of social security in Scotland, as across the rest of the UK, are more likely to live in poverty.⁴¹

Britain’s equality body, the Equality and Human Rights Commission (EHRC), published analysis in 2018 which looked at the cumulative impact of tax and welfare reforms for different groups.⁴² Although there is not a more recent single assessment in one place, there is a body of evidence that shows that incomes for people who are more marginalised continue to be under pressure. Several civil society organisations have published research on financial pressures in their communities this year, highlighting evidence including:

- 71 per cent of disabled people surveyed by Glasgow Disability Alliance said that the money they could access through social security or work did not meet their needs.⁴³
- 41 per cent of older adults surveyed by Age Scotland said that they “felt financially squeezed”, an increase on the 26 per cent who said the same in 2021.⁴⁴

- Analysis by the Coalition for Racial Equality and Rights (CRER) found that Black and Minority Ethnic (BME) applicants to Social Security Scotland were far below what would be expected despite the data showing that BME households are significantly more likely to live in poverty.⁴⁵
- The Scottish Women's Budget Group's Women's Survey (published in October 2025) found that 66 per cent of respondents reported feeling worse off compared to the previous year. The proportion of women who felt worse off was significantly higher among single parents (82 per cent), minority ethnic women (71 per cent), and disabled women (70 per cent).⁴⁶

The Scottish Government's data on poverty and inequality in Scotland also shows that younger households, LGB+ adults and people from non-white minority ethnic groups are all more likely to be in poverty, but because of the ways in which poverty is measured for the whole household, some of the nuances about inequalities can get lost in the statistics.⁴⁷ This makes it difficult for anybody to be sure whether every individual person has their rights respected, protected and fulfilled equally.

In its 2016 review, the ICESCR Committee highlighted how the changes to tax and welfare do not affect everyone equally. In 2025, the Committee again urged all parts of the UK to “assess the impact of the welfare reforms introduced since 2010 on the most disadvantaged groups and to take corrective measures, including reversing such policies as the two-child limit, the benefit cap and the five-week delay for the first Universal Credit payment.”

The two-child limit restricts the child element of Universal Credit to the first two children in a household, leaving subsequent children with no financial support. In July 2025, the UK Government for the first time published statistics which analyse the characteristics of affected families, confirming the policy has significant disproportionate impacts on women, racialised and disabled households.⁴⁸

The UN Committee on the Rights of the Child has said that the two-child limit undermines children's own rights, such as to social security and an adequate standard of living.⁴⁹ There is also much evidence that the two-child limit disproportionately affects women's poverty and rights.⁵⁰ There are very limited exceptions including an exception for children born as a result of sexual and domestic violence, which has been criticised as inconsistent with women's rights by the UN CEDAW committee and others.⁵¹

The Scottish Government has made a commitment to mitigate the two-child limit from March 2026. This would represent a significant step towards the CESCR's recommendation to take corrective measures to respond to impacts on disadvantaged groups.⁵²

Although the Scottish Government's decision to invest in this mitigation will support the progressive realisation of these rights, the impacts of the other policies highlighted by the Committee – the benefit cap and five-week delay – continue to be associated with financial hardship and poor parental mental health.⁵³ Investment in more data and human rights budgeting approaches are needed to assess where mitigations are possible and will be most impactful.

Anne's human rights under ICESCR

What we've learned about human rights is absolutely fascinating. We were using some of them, but there were other ones we'd never heard of and that actually applied to us.

Like when we saw the one about food: fresh, affordable food. We don't have a supermarket in Castlemilk, so that was our first target. You're going to fight for your rights. We took it to the UN in Geneva.

When I came to Castlemilk in '79, you had every kind of shop: butchers, bakers, the lot. I'd say about eight out of ten people in Castlemilk go on about shopping. We need somewhere that you can get fresh fruit and veg. The nearest supermarkets, you need to get a taxi and that's 12 to 14 pounds. It's adding on to your grocery bill and it's expensive enough.

Mental health issues are really high, especially in these estates, because there's no work, there's nothing. If you want to go anywhere it costs money. By the time they pay their rent, their gas and electricity – which has gone up again – they've got nothing left over.





Castlemilk Health Centre has 11,000 patients, and there's only six doctors practising. You can't get an appointment down there. I've lost about three friends to cancer in the last two years. One of them waited two years to get a scan, by the time she had a scan they said she had three months to live. She only lived for three weeks.

Castlemilk has always been famous for the community spirit. I've got a friend; she runs a wee hub they call it "Souper-heroes". For the last three years, she's been down at the shopping centre handing out bags of vegetables to make soup. It doesn't cost you a penny and you can get soup or a main meal, biscuits. It's mobbed.

But people are doing it themselves, they have to. It takes it out of you sometimes, but as long as you're achieving something, that's the main thing.

“I’ve lost about three friends to cancer in the last two years. One of them waited two years to get a scan, by the time she had a scan they said she had three months to live. She only lived for three weeks.”

6 High levels of food insecurity and unaffordability mean that people in Scotland are hungry and not fully nourished



Concluding Observation

49(a) The State should ensure that national and local plans to deliver the commitments on the right to food reflect Scotland's human rights obligations, including measurable proposals to reduce food insecurity and reliance on food banks.

The law

Everyone has the right to an adequate standard of living, including adequate food, clothing and housing. (ICESCR Article 11)

Breaking down the law

States have a minimum core obligation to take the necessary action to mitigate and alleviate hunger.

The evidence

People across Scotland are going to bed hungry and poorly nourished because they cannot afford or cannot access the food they need. The Scottish Government has made some positive efforts to recognise and respond to the rise in food bank usage through a cash first approach. However, there is still little evidence that these approaches are themselves sufficient to meet the affordability challenge.⁵⁴

According to data from the Trussell Trust, emergency food provision in Scotland has doubled over the last decade. In 2024-25, the Trussell Trust delivered 239,503 emergency food parcels at Scottish food banks, 77,079 of which were parcels for children.⁵⁵ The data over time recorded in the Scottish Health Survey confirms that in 2024 (the most recent statistics available), eight per cent of adults across the country were worried that they would run out of food in the next month, a fall from 14 per cent in 2023.⁵⁶

Food insecurity is closely related to financial poverty; families who receive at least one income-related benefit are much more likely to experience food insecurity (30 per cent compared to 10 per cent).⁵⁷ In addition to individual household circumstances, local issues with the food distribution system can limit food accessibility and increase costs.

For example, in the Castlemilk area of Glasgow, members of the SHRC met with members of the Castlemilk Lived Experience Housing and Human Rights Lived Experience Group in October 2024 where residents have no local access to supermarkets.⁵⁸ Figures shared with us then showed that members of the local food pantry had used the service 3,984 times in six months. Residents have also shared their experiences with the UN CESCR.⁵⁹

Local initiatives that support community food access such as community fridges or more holistic schemes such as the Flexible Food Fund, created by Argyll and Bute Council in partnership with the Community Food Forum, Bute Advice Centre, and Allenergy can play a vital role in reducing stigma and supporting access. The Flexible Food Fund offers financial support and confidential professional help to those in hardship. People in the community described it to us as a dignified way to receive assistance.

While these local authority and community interventions are extremely important and commendable, the Scottish Government cannot rely on local provision to take the financial and logistical burden for rights realisation.

The Scottish Parliament unanimously passed the Good Food Nation Act back in 2022. This Act sets out a vision for “a Good Food Nation, where people from every walk of life take pride and pleasure in, and benefit from, the food they produce, buy, cook, serve, and eat each day.” The Scottish Government and certain local public bodies are required under this legislation to produce Local Plans to realise the vision. A draft National Plan published in June 2025 explicitly refers to ICESCR and the components of the right to food – availability and accessibility, including economic accessibility, but lacks detail on how these will be realised.⁶⁰

In line with the recommendation of the UN ESC Committee for the “adoption of a comprehensive national strategy for the protection and promotion of the right to adequate food, in consultation with relevant stakeholders, to address food insecurity and reduce reliance on food banks, setting clear, time-bound targets and establishing appropriate mechanisms to assess progress”, the SHRC considers that there is scope for the Good Food National Plan to go further. Without action to ensure that everyone has access to affordable and sufficiently nourishing quality food, Scotland will not be able to meet obligations to ensure the highest attainable standard of physical and mental health.

7 Caregiving responsibilities for children, disabled people and older people are not fairly distributed or recognised



Concluding Observation

43(c) The State should ensure that the social care and childcare systems are delivering the right care at the right time to make sure that both caregivers and care receivers are treated with dignity, equality and their human rights are upheld and that they help facilitate properly valued and a more equal distribution of unpaid care.

The law

Families have the right to protection and assistance. (ICESCR Article 10)

Breaking down the law

Non-discrimination and gender equality are immediate and persistent parts of the State's obligations to families.

The evidence

The important roles that families and communities play in caring for one another is not often explicitly considered in policy, economics and even human rights. The State has important obligations to put in place the support that families – in their broadest sense – need to thrive. This might be policy, law, financial or practical support.

All human rights are subject to equality and non-discrimination obligations. Specifically, ICESCR requires States to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights it protects.

One in seven people in Scotland is an unpaid carer.⁶¹ Yet the vital care that they provide to disabled people and older adults is not sufficiently valued or supported. According to Carers' Scotland, 28 per cent of unpaid carers live in poverty and 65 per cent of people receiving carer-related social security entitlements are struggling with essentials like food and heating.⁶² Women provide more unpaid care, provide more intense care and start providing care at an earlier age compared with men.⁶³

Women have also historically been and continue to be responsible for the majority of care for children. This leads to women being less likely to work or more likely to do part-time paid work, reducing their income and leaving them less financially secure and independent. This in turn makes women more vulnerable to gender-based violence.⁶⁴

At the UK's 2025 review, the UN ESC Committee called for the State, including Scotland, to establish a comprehensive, inclusive care and support system that promotes shared caregiving responsibilities for children, disabled people and older people.

Scotland relies heavily on the unpaid caring for others that is happening at all hours of the day and night across our communities. Yet people doing this work tell us that the cost of childcare takes up most of their incomes,⁶⁵ the social security they may be entitled to does not cover the essentials⁶⁶ and their own physical and mental health is suffering.⁶⁷

Building a human rights based approach to inclusive and comprehensive care and support system that recognises the equality and dignity of everyone – disabled people, women, older people, and people from other marginalised groups more likely to need or provide care – means recognising and redistributing care work and making sure caregivers and care receivers can meaningfully participate in the design of policies to make sure that they are “empowering and respect their dignity, rights, agency and well-being.”⁶⁸

8 Basic daily essentials that keep us safe and warm are unaffordable



Concluding Observation

45(d) The State should ensure that all public services do everything they possibly can to make sure that everyone has affordable electricity, gas, water, sanitation, heating and clothing.

The law

Everyone has the right to an adequate standard of living, including adequate food, clothing and housing. (ICESCR Article 11)

Breaking down the law

Adequacy includes the basic essentials like the energy or clean sanitation that keep our homes habitable.

The evidence

Although inflation in the UK has reduced from its peak of 9.6 per cent in October 2022, it remains higher than the relatively consistent rate close to 2.5 per cent recorded between 2012 and 2021.⁶⁹ The costs of daily essentials are still much higher than they were in 2022, for example the average cost of bread has increased by 30 per cent in three years.⁷⁰

This is often referred to as a cost of living crisis. The Council of Europe defines this as “a period in which the cost of essentials rises much faster than average household incomes”.⁷¹ In a 2024 region-wide review of the impact of the cost of living crisis, to which the SHRC contributed,⁷² the Council of Europe Social Rights Committee found widespread difficulties ensuring that social security payments maintain their purchasing power, increasing homelessness and private rents, and challenges in securing sustainable, stable, consistent and safe access to adequate energy and adequate food.

However, we also know that poverty and financial insecurity is not a short term issue in Scotland, but an endemic and enduring crisis. As the Social Rights Committee notes “the cost-of-living crisis continued past the duration of those [support] measures and continued to impact the groups most at risk of poverty.” Failing to step in to prevent and improve people’s worsening living costs is contradictory to the obligation to realise ICESCR rights progressively.

The high cost of living remains a very real concern for people across Scotland. Polling from the Understanding Scotland Economy Tracker carried out in August 2025 found that 53 per cent of Scots have reduced non-essential spending in the past 12 months and that 67 per cent believe the economy is in a worse position than a year ago. This is having negative effects on people's lives, with many people reducing heating or energy use (42 per cent), dipping into savings for higher costs (37 per cent), impacting mental health (30 per cent), losing sleep (26 per cent), or buying less fresh produce (25 per cent).⁷³

Many of the submissions made by Scottish civil society organisations to the UN ESC Committee's review convey the level of hardship many communities have been feeling. For example, the evidence shared by Citizens Advice Scotland, drawing on data from local advice centres, reported that "people are forced to 'self-disconnect' from [energy] supply – this means a cold home, no hot water, no cooked meals, no way to charge a phone, with damaging impacts on people's mental and physical health."⁷⁴

These findings are supported by others, such as the Scottish Fuel Poverty Advisory Panel, which estimates that 34 per cent of households in Scotland are currently living in fuel poverty and that there has been an increase of 38 per cent in Scottish households living in fuel poverty since 2019.⁷⁵ Thirty-one per cent of people in fuel poor households and 32 per cent of people in extreme fuel poor households say that their heating keeps them warm in winter "only sometimes" or "never", compared to 20 per cent of households not deemed fuel poor.⁷⁶

In the SHRC's work monitoring ESC rights in the Highlands and Islands, we observed significant and rural specific variation in issues with affordable and consistent access to fuel, with consequences for the habitability of people's homes, quality of health and financial inequality.⁷⁷

Based on the evidence they had heard, the UN ESC Committee urged the UK and devolved governments to "step up measures" on affordability of electricity, gas, water, sanitation, heating and clothing. Although the cost of living crisis has inarguably made things more difficult, this recommendation builds on similar concerns in 2016.⁷⁸ Based on the evidence in this report and heard throughout the UN ESC Committee review, it is not clear that the Scottish Government has chosen to or been able to improve the situation. The pressure on household resources combined with years of weak wage growth and rising prices are ongoing problem that urgently require cross-cutting policy solutions that recognise the consequences for many human rights.

9 People cannot access effective justice or remedies when their ESC rights are not realised



Concluding Observation

7(a) The State should give ICESCR rights full legal effect in Scots Law and make sure that people have access to justice when things go wrong through accessible, affordable, timely, and effective complaints mechanisms.

The law

States have to take steps to guarantee the rights in ICESCR to everyone, including particularly the adoption of legislative measures. (ICESCR Article 2)

Breaking down the law

This means the Government needs to recognise the rights appropriately in Scots law, policy and practice and ensure remedies when things go wrong.

The evidence

While there is some flexibility in what steps different countries might take to guarantee ESC rights, the ICESCR Committee has been consistent in highlighting that people must be able to seek enforcement of their rights before national courts and tribunals.⁷⁹

In 2025, the UN ESC Committee warned that it was concerned about the lack of domestic legal protection and limited opportunities to enforce ICESCR rights in courts. They urge the UK, including devolved governments, to ensure that the rights in the Covenant are given full legal effect and that victims of violations of those rights have full access to effective judicial and non-judicial remedies.

The SHRC remains deeply disappointed by the failure to deliver the promised Human Rights Bill for Scotland in the current Parliament. Civil society and rights holders have spent years working with the Scottish Government for stronger human rights protections in law.

Because ESC rights are not specifically protected by UK or Scots Law ('incorporation'), and because of a lack of investment in advocacy and advice systems, people in Scotland cannot easily claim these rights. Instead, they have to navigate a complicated web of legislation and complaints mechanisms that cover individual issues like social security, housing or education. Existing non-judicial complaints mechanisms like the Scottish Public Services Ombudsman, the Scottish Housing Regulator or the Care Inspectorate each play a role in deciding issues that are protected by ESC rights but do not always have the mandate, skillsets or resources to embed human rights legal analysis into their handling of specific complaints.

In 2023, a discussion paper published by the SHRC, "Access to Justice for Everyone: How might a new Human Rights legal framework improve access to justice in Scotland today?", highlighted the complexity of the system of ESC rights legal claims:

"There is a significant gap in the existing system, as navigating the complexity of legal avenues is not something for which [legal] advice, legal aid or representation is generally available. Indeed, many of the non-judicial routes to justice are designed to avoid the need for legal advice or representation."⁸⁰

The SHRC's report into Access to Justice for Prisoners through the prison complaint processes presents examples of how barriers accessing justice through non-judicial complaints mechanisms operate in a specific context.⁸¹ Some of the issues that prisoners raise such as healthcare, food and cultural rights access are ESC rights which are affected by the prison regime.

Access to justice is an issue that highlights the interdependence between economic, social and cultural rights and civil and political rights. The Scottish Parliament's Equality, Human Rights and Civil Justice Committee has undertaken an inquiry into civil legal aid in Scotland (see **Progressing our recommendations** from Year 1) which highlights the role of addressing human rights concerns through a preventative approach to ease recourse to the justice system. At the same time, investing in civil legal aid and reforms to enable more public interest litigation and group proceedings would support access to justice for ESC rights like housing, social security et cetera.

We reiterate the need to ensure that there are effective complaints mechanisms, underpinned by access to legal remedies through appropriate judicial systems to ensure enforceability and accountability for ESC rights. As it stands, human rights defenders are left with limited options for redress and face long and difficult routes to challenge injustices at their own expense. The SHRC has witnessed a clear example of this in our work with Gypsy Traveller communities seeking recognition of the impacts of forced assimilation practices.

Shamus's human rights under ICESCR

My experience of human rights as a Nacken, a Scottish Gypsy Traveller, and a victim of the Tinker Experiments, is that the rights that are on paper, I'm not experiencing. So, they don't mean very much to me at all.

I'm not enjoying an adequate standard of living. There's no continuous improvement of conditions, food, clothing, housing. The right to health, the right to marriage, the right to found a family, to participate in cultural life, to freedom of movement, everything. That's gone by the wayside.

In the seventies, when times were a bit more relaxed, we'd go into a gelly (tent) with a lum (chimney) protruding from it. You had a raconteur, and everybody would lie around the fire and listen. I remember crawling into the tent and the guy telling stories and I was just lying there in fits of laughter.

So that was one element of cultural life, which is a right under Article 15 of ICESCR. But we're being denied those rights, and the local authority plans to impose Liaison Officers on our sites, against the wishes of the residents, further inhibiting these rights.





You know, I'm sitting here on a Tinker Experiment site. We were forcibly assimilated.

We've got an apology now, but there's been no attention to the personal injuries suffered by the victims over decades.

It's like being in a cultural void between settled society and Gypsy Traveller society. So, we were rejected by both. You know, in no man's land and nobody wanted to talk to you because of the stigma of being in the experiment; segregated and separated out from society in rudimentary living conditions.

Human rights just have not been respected. Having trained in human rights, I was then seeing it: there's a violation, there's a violation, this is an infringement. That's when it really hits home. Sometimes, I feel like I'm being punished for speaking up as a human rights defender.

I mean, I'm living in a caravan with four broken windows, a broken skylight, it's been vandalised, no running water, no electricity, no wastewater, full of mould and damp. I've been paying council tax for that. I get the darkest, most menial work in the community that nobody else wants, despite the fact that I've got postgraduate qualifications.

There was a paper from Boyle and Hughes that identified a seismic gap in Scotland when it came to protection mechanisms for the enjoyment of economic, social and cultural rights.⁸² And that's what I'm seeing – they're either inadequate or non-existent.

66 But we're being denied those rights, and the local authority plans to impose Liaison Officers on our sites, against the wishes of the residents, further inhibiting these rights. 99

10 The budget allocated to food programmes, social security, housing, health, education, employment services and other areas related to ESC rights is inadequate



Concluding Observation

19(c) The State should ensure that public services are allocated budgets that align with Scotland's human rights obligations and ensure rights holders can access adequate food programmes, social security, housing, health, education, employment services and other areas related to ICESCR rights.

The law

States must take steps to realise ICESCR rights to the maximum of available resources. (ICESCR Article 2)

Breaking down the law

Maximisation of available resources does not only mean spending up to the total budget, it means looking at what is needed to protect each right and thinking about how to raise that resource.

The evidence

Realising human rights, including the commitment to progressive realisation, will require the State to spend money. The review of the UK by the UN ESC Committee showed the many ways that the public sector in Scotland is struggling to match the resources available with the needs of people across the country.

Rising inflation, growing living costs, and persistent inequalities have all increased the pressure to do more with less. The Accounts Commission has reported that between 2022-23 and 2023-24 there was a 3.3 per cent reduction in real terms to local authority revenue funding and income in 2023-24 compared to 2022-23.⁸³ Local authorities are essential in delivering the public sector services that fulfil our rights in Scotland, whether directly like schools and sanitation or by contributing to wider infrastructure like transport services and third sector funding.

Human rights budgeting is one of the most important levers that MSPs have to make a difference to human rights. Over many years, the SHRC has developed a significant body of work on human rights budgeting.⁸⁴ Putting people first in the processes of raising, allocating and reviewing public spending is essential to deliver human rights standards and principles. This means not only assessing how much money is spent, but also how decisions are made: whether they respond to minimum core obligations, whether the impacts on marginalised groups are considered, and whether parliament and civil society can properly scrutinise allocations.

This includes requiring government to publish consistent and accessible information across budget cycles, subjecting allocations to rights-based scrutiny in committees, and demanding clarity on the impacts of decisions on minimum core obligations and equality.

All the challenges that are outlined throughout this report are the result of public budgets, whether set a year ago or decades ago. As people's incomes have come under more pressure in recent years (see **8. Basic daily essentials that keep us safe and warm are unaffordable**) the demand for public services at local and national level increases. Scotland's national audit body, Audit Scotland, has made it clear that the sustainability of public finances is of real and pressing concern.⁸⁵

In December 2024, we warned of areas where decisions in the Draft Budget 2025-2026 could have negative implications for human rights standards, including:

- Social Security: Inflation erodes the impact of social security payments, leaving women, racialised minorities, and disabled people at greater risk.
- Housing: Real-term cuts undermine efforts to address homelessness and affordability.
- Education: Stagnant funding widens the attainment gap for rural and disabled students.

The Scottish Government's approach to public sector reform identifies a need to ensure the sustainability of public services in response to future demographic, climate and funding challenges.⁸⁶ At the same time, it notes challenges with confusion, declining public satisfaction, a feeling that basic provision is stretched, and unhelpful duplication in the system. The stories shared by Derek, Nada, Anne and Shamus all show the impacts for people when the State – at every level – fails to fulfil ESC rights.

Using the UN ESC Committee's recommendations and findings

The Concluding Observations of March 2025 issued by the UN ESC Committee provides essential guidance to understand what steps are needed to ensure compliance with the Convention. The Scottish Parliament has a vital role in driving progress towards full respect, protection and fulfilment of all human rights. We strongly encourage all parliamentarians, in the remaining months of the current parliament and the next, to use the Concluding Observations in full to guide their work on ESC rights issues.

We have already written to the Equality, Human Rights and Civil Justice Committee to make them aware of the outcomes of the ICESCR review, and to encourage them to play an active role on scrutinising the Scottish Government's next steps.⁸⁷ We welcome their attention to the review and its outcomes last spring.⁸⁸ However all parts of the Parliament, beyond the subject matter lead-committee, has a role to play in applying the rights framework.

The Scottish Government has also committed to producing its action plan by the end of 2025.⁸⁹ The Scottish Government's action plan will set out how they plan to take forward the recommendations, and we encourage the Scottish Parliament to use the Concluding Observations to assess progress.

In terms of the issues raised in the report, this would mean a focus on ensuring that:

- There is universal health coverage in practice by increasing resources for the National Health Service, securing sufficient qualified medical staff, ensuring access to adequate medical equipment and infrastructure, reducing waiting times, improving health services in remote and rural areas and removing stigma and informational and technological barriers to access to health for marginalised communities, including "Gypsy, Roma and Traveller communities, undocumented migrants and asylum-seekers and to lesbian, gay, bisexual, transgender and intersex persons in relation to gender identity-related healthcare, particularly in Scotland". (E/C.12/GBR/CO/7/51(a))
- There is the necessary housing and social care support to make sure that the right to housing includes the right to independent living for people with learning disabilities who are currently not able to live in their own homes and communities (E/C.12/GBR/CO/7/47(e))
- The Adult Disability Payment and other forms of social security and financial support to cover the costs of disability meet those specific needs, in line with the human rights model of disability and the UNCRPD (E/C.12/GBR/CO/7/41(d))
- The root causes of homelessness are addressed, and long-term solutions are created and resources to guarantee safe and adequate living conditions for everyone (E/C.12/GBR/CO/7/47(d))

- There are evidence-based “corrective measures” to support the disadvantaged groups who have been disproportionately and negatively affected by the design of elements of the benefit system such as the two-child limit, the benefit cap and the five-week wait (E/C.12/GBR/CO/7/41(a))
- National and local plans to deliver the commitments on the right to food reflect Scotland’s human rights obligations, including measurable proposals to reduce food insecurity and reliance on food banks (E/C.12/GBR/CO/7/49(a))
- The social care and childcare systems are delivering the right care at the right time to make sure that both caregivers and care receivers are treated with dignity, equality and their human rights are upheld and that they help facilitate properly valued and a more equal distribution of unpaid care (E/C.12/GBR/CO/7/43(c))
- All public services do everything they possibly can to make sure that everyone has affordable electricity, gas, water, sanitation, heating and clothing (E/C.12/GBR/CO/7/45(d))
- Give ICESCR rights full legal effect in Scots Law and make sure that people have access to justice when things go wrong through accessible, affordable, timely, and effective complaints mechanisms (E/C.12/GBR/CO/7(a))
- Public services are allocated budgets that align with Scotland’s human rights obligations and ensure rights holders can access adequate food programmes, social security, housing, health, education, employment services and other areas related to ICESCR rights (E/C.12/GBR/CO/7/19(c))

For more information about how we selected these Concluding Observations for inclusion in the report, see **How we selected the issues in this report**.

Recommendations: How the Scottish Parliament can respect, protect and fulfil our ESC rights

The issues in this report all impact exclusively or mainly on devolved policy areas under the Scotland Act 1998. This means that it is ultimately the Scottish Parliament’s responsibility to act to uphold the rights affected, including acting to mitigate the impacts of reserved policy. Devolution does not change the nature of our human rights.

Parliament can hold the Scottish Government and other duty bearers accountable for its action plan, and as a Scottish Parliament Supported Body and Scotland’s National Human Rights Institution, the SHRC will continue to hold duty bearers accountable, to provide advice and analysis, and to empower rights holders.

The SHRC encourages Members of the Scottish Parliament to use this report and the Concluding Observations to address the threats to ESC rights identified throughout. Beyond individual Concluding Observations, and as we describe in our local monitoring work, the SHRC considers that that MSPs should:

1. Strengthen human rights obligations in law and access to justice routes

Fully respecting, protecting and fulfilling ESC rights depends on a strong, accessible and effective domestic legal framework. Although the Scottish Government has not brought forward its promised Human Rights Bill in the current session, the Scottish Parliament can continue to consider ways to best embed human rights articles from ICESCR directly into all relevant legislation through its general scrutiny processes. This will of course include its scrutiny of an incorporation bill in due course. Complaint mechanisms must also be improved to ensure they are accessible, affordable, timely, and effective. The SHRC has already provided substantial guidance through its 2023 spotlight report “Access to Justice for Everyone: How might a new Human Rights legal framework improve access to justice in Scotland today?”⁹⁰

2. Urgently act to ensure the minimum core obligations of ESC rights

Many of the issues in this report show that some of the most basic obligations related to ESC rights are not being met. There is a need for urgent action to address these issues, such as eradicating rooflessness, ensuring universal access to sexual and reproductive healthcare and alleviating hunger. The SHRC has previously produced guidance on minimum core obligations.⁹¹

3. Build human rights into the ways MSPs scrutinise ESC and other issues in committees as a matter of routine practice

All the issues in this report are examples where human rights duty bearers need to improve the accessibility, availability, acceptability, and quality of services. While our human rights monitoring can highlight these failings, the Scottish Parliament regularly scrutinises legislation, regulation and practices of the Scottish Government and other public bodies. A human rights based approach to scrutiny and accountability can help ensure services meet human rights obligations.

The SHRC is committed to working closely with Parliamentarians to support human rights protection, while respecting the independence of our mandate, in line with the 2018 recommendations of the then-Equality and Human Rights Committee in their 'Getting Rights Right' inquiry.⁹²

Guidance on mainstreaming human rights into the day-to-day work of parliament has been developed based on the experiences of parliaments around the world, for example, the Office of the High Commission and Inter-Parliamentary Union's “Parliaments and Human Rights: A self-assessment toolkit”⁹³ and the “Belgrade Principles on the Relationship between National Human Rights Institutions and Parliaments”.⁹⁴ These tools can provide useful pathways, but it is also vital that 'mainstreaming' is not seen as an additional task, rather than a way of working that integrates human rights from the outset.

4. Continue the Scottish Parliament's focus on participation as a key part of a human rights based approach

The Scottish Parliament has a foundational commitment to openness and participation in its work.⁹⁵ This parliament's steps to improve and modernise participatory processes has included work by the Citizen Participation and Public Petitions Committee on meaningful engagement, including deliberative democracy.⁹⁶

A human rights based approach (HRBA) focused on transparency, collaboration, and people-centred services is essential. Policies must consider real-life experiences, not just data.

5. Strengthen human rights budgeting in the budgeting process

Budgets are a reflection of government priorities and directly impact individuals' ability to access their rights. By evaluating how public funds are allocated and spent, we can assess the extent to which the Scottish Government is meeting its obligations to respect, protect, and fulfil human rights. While many measures align with human rights obligations, true compliance requires robust implementation, continuous monitoring, and adaptation to evolving needs.

6. Commit to using the SHRC's State of the Nation as an opportunity to hold the Scottish Government to account every year through an annual debate

Last year, the SHRC wrote to all MSPs, the Presiding Officer and the Equality and Human Rights Committee to recommend that parliamentary time be allocated to ensure due scrutiny of our State of the Nation findings annually to mark Human Rights Day on 10th December. Practice in other NHRIs around the world indicates that this could enhance the accountability of government, expand public and political awareness of human rights obligations and embed consideration of human rights across the work of parliament.

The SHRC welcomes the practice of Scottish Parliament holding a Human Rights Day debate. Building this practice into the parliament's standing orders could be an important opportunity to strengthen accountability for progress. In addition, the Scottish Commission for Human Rights Act 2006 could usefully be amended to place a duty on the SHRC to provide this annual State of the Nation report to the Scottish Parliament, which would then require the allocation of parliamentary time for scrutiny of its findings.

Currently, the SCHR Act places a duty on the SHRC to provide an Annual Report to parliament of its own activities and performance only, which secures time for scrutiny by our lead committee, the Equalities, Human Rights and Civil Justice Committee. The SHRC would welcome a specific additional duty to provide this State of the Nation report, building on the initiative we have taken through our Strategic Plan 2024-28 to develop the model in pursuit of our general duty to promote human rights.

Progress since Year 1

Progressing our recommendations

In State of the Nation 2024, the SHRC noted that two actions could make a big difference to help people uphold their civil and political rights:

- Prioritising legal aid reform and the legal aid budget,
- Updating the powers of the Commission to step in and help to clarify the law on issues of wider societal benefit.

The Scottish Parliament's Equality, Human Rights and Civil Justice Committee reported on its inquiry into civil legal aid provision in Scotland in September 2025.⁹⁷ The report confirms that the challenges to legal aid sustainability in Scotland are multifaceted and reform is overdue. The Committee's assessment is that "It is highly unsatisfactory that legislation has not been introduced this session to reform the civil legal assistance system."⁹⁸ Specific short-term action is urged on legal aid deserts, increasing practitioner fees, reduce administrative burdens and bureaucracy and broadening eligibility for civil legal assistance by increasing Advice and Assistance thresholds to match Civil Legal Assistance thresholds.

The Scottish Government published a discussion paper on civil legal aid reform in February 2025.⁹⁹ It proposes immediate reforms to simplify legal aid and to research and develop longer term reforms to fees and system changes. The Scottish Government also announced in March 2025 that it would ensure immediate access to non-means tested legal aid for families involved in Fatal Accident Inquiries.¹⁰⁰

Despite the welcome direction of travel, these recent announcements do not go far enough to resolve the challenges people are facing in accessing legal advice and support.

The SHRC welcomed the Report of the SPCB Supported Bodies Landscape Review Committee, and the clear statement that there is a case for reviewing the powers and remit of the Scottish Human Rights Commission. This reflects the 2021 recommendations of the accreditation body for independent National Human Rights Institutions (GANHRI SCA). The Landscape Review Committee report also recognised that current bodies are not resourced, or able, to address many people's issues effectively through their current mandates. Action on these recommendations will be an important step to ensuring the SHRC is equipped to clarify the law and uphold rights in Scotland.

In the context of ongoing delays to the Human Rights Bill, which is subject to the intentions of the next Scottish Government from May 2026, we would strongly recommend that MSPs give consideration of secondary legislation and further non-legislative options such as a review of resourcing, to ensure that the gaps in accountability and protection for rights holders in Scotland can be addressed in a timely way.

Substantive civil and political rights concerns

Although we did not make specific recommendation for each of the substantive rights we examined, we have found some examples of progress since September 2024 against some of the issues we identified in the State of the Nation 2024:

Human rights engaged	What we said	What has happened since
The Right to Life	There are significant issues with the fatal accident inquiry (FAI) system and no national oversight mechanism to collate and monitor FAI recommendations.	<p>In January 2025, the Scottish Government announced an independent review to consider the FAI system. The Chair of the Inquiry, Sheriff Principal Ian Abercrombie KC, was appointed in May 2025, along with an advisory group. A call for evidence was opened in August 2025.</p> <p>The Scottish Government also announced that an independent National Oversight Mechanism in relation to deaths in custody will be established to ensure accountability in relation to the implementation of FAI recommendations.¹⁰¹</p>
The Right to Liberty and Security	We highlighted inadequate mental health care, particularly for vulnerable populations.	The Scottish Government has delivered on longstanding recommendations to provide high secure Forensic Mental Health service for women, drawing on human rights guidance and international best practice.
Freedom of Expression	We cited growing concern across Scotland, the UK and Europe about the impacts of Strategic Lawsuits Against Public Participation (SLAPPs).	The Scottish Government held a consultation on potential law reforms to respond to potential SLAPPs in Spring 2025. ¹⁰²
The Rights of Ethnic, Religious or Linguistic minorities to exist and enjoy their own culture	We reported that historical injustices perpetrated against Gypsy Traveller Communities, such as forced assimilation, continue to impact the community, with survivors seeking public acknowledgment and apology.	The Scottish Government issued a formal apology to Scottish Gypsy Travellers in June 2025 for the 'Tinker Experiment' and its legacy impacts.

Despite these examples of progress, some of which have been the result of years of work by human rights defenders across Scotland and the SHRC, the vast majority of issues raised in the 2024 remain of deep concern and we continue to urge Parliament to refer to the 2024 State of the Nation report on civil and political rights issues.

In other areas, civil and political rights have come under new or worsening threats, for example:

- The Scottish Government is proposing changes to incorporation of children's rights through changes in the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) Bill 2025 which we think will make it harder to access justice under the UNCRC Incorporation Act 2024¹⁰³
- Some arrests at peaceful demonstrations have suggested a disproportionate interference with freedom of expression¹⁰⁴
- Police Scotland has launched an 'exploratory conversation' on the potential use of live facial recognition (LFR) despite concerns over privacy and potential biases against minority groups.

The SHRC welcomes the commitment to a ICESCR action plan but also reiterates that threats to civil and political rights, already protected by domestic law, must be identified and resolved.

Specially protected groups and the State of the Nation

This is the second State of the Nation report from the SHRC as part of a four-year project. In year 3, our report will focus on the rights of specific groups.

Our human rights monitoring between September 2024 and September 2025 has informed this year's State of the Nation as part of a commitment to the principles of equality and non-discrimination. During this time, the SHRC has:

Highlighted the ways that a lack of state support for disabled people's human rights undermines people's equal participation in society and human dignity.

This included publishing new evidence on the right to independent living (Tick Tock); giving evidence to the Health and Sport Committee on Assisted Dying proposals where we highlighted the need for important safeguards to protect the rights of disabled people should the Bill continue;¹⁰⁵ and writing to the Scottish Government to warn of that media reporting suggested to us potential inhuman and degrading treatment (Article 3 ECHR) happening in mental health in-patient units.¹⁰⁶

As part of the SHRC's UK Independent Mechanism for UN CRPD Monitoring mandate, we wrote to the Minister for Social Security and Disability to highlight inaction on recommendations from the CRPD committee and concern about the impacts of changes health and disability social security system and employment support for disabled people's rights.¹⁰⁷

Begun to deliver our new mandate on children's rights under the UNCRC Scotland Act 2024.

We have recruited a new Legal Officer and launched internal work to advance our new legal powers; cooperated with the Children and Young People's Commissioner, Equality and Human Rights Commission and the Promise to express our disappointment to progress a statutory framework on the use of restraint and seclusion in education settings¹⁰⁸ and submitted evidence to the Scottish Parliament Education Committee raising concerns about children and young people's access to justice under the UNCRC Scotland Act 2024.¹⁰⁹

Brought a human rights analysis to conversations about gender-based violence to advance women's rights

The SHRC has published a position statement on women's rights¹¹⁰ and a statement on the rights of women and transgender people following the Supreme Court judgment in *For Women Scotland vs The Scottish Ministers*, emphasising the need to strike a careful balance between the needs of different groups to protect everybody's rights;¹¹¹ welcomed the evaluation of women's rights under the Istanbul Convention published in June 2025 and written to the Minister to request a meeting to discuss implementation of findings to protect people from violence against women and domestic abuse;¹¹² submitted evidence to the Justice Committee on legislation to protect people – predominantly women – who sell sex¹¹³ and victims of domestic abuse¹¹⁴ to highlight the need to look at how practice is working to eliminate gender-based violence.

Used our platform to support the rights of racialised communities in Scotland

The SHRC has completed our research for our spotlight project on Cultural Recognition of Scotland's Gypsy Travellers ahead of publication in 2025-26; written to the Cabinet Secretary to request information about £2 million worth of funding cuts to pilot free bus travel for asylum seekers living in Scotland and emphasised that good quality, affordable public transport is key to realising ESC rights including work, education, healthcare, and leisure¹¹⁵; published a public statement to remind State bodies of the need to condemn racist language and behaviour at protests targeting migrants in temporary accommodation¹¹⁶; and spoken to human rights defenders in the anti-racism sector about the outcomes of the 2024 review of the UK under the CERD.

Over the coming year, we will begin our preparations for reporting to the UN CEDAW Committee as part of the next UK review and we are also in the process of delivering a project to promote the recommendations we have received in recent years from the UN CERD Committee and the UN CRPD Committee.

You can read about our planned approach to next year's full report in **Annex A** of this report.

About the SHRC

The Scottish Human Rights Commission (the SHRC) is Scotland's independent human rights 'watchdog', tasked with monitoring and promoting human rights.

We ensure accountability when human rights are not upheld, and advocate for the rights of all people in Scotland. Created by the Scottish Commission for Human Rights Act 2006, the Commission promotes human rights and encourages best practices. Internationally accredited with "A-status" as a National Human Rights Institution (NHRI), we provide evidence to the United Nations and the Council of Europe on Scotland's human rights record.

As an A-status accredited NHRI, we also comply with a set of internationally agreed standards endorsed by the UN General Assembly: The Principles Relating to the Status of National Institutions (The Paris Principles), ensuring our pluralism, independence and effectiveness. Our independence from government ensures impartiality, and we are accountable to the people of Scotland via the Scottish Parliament.

A strong NHRI is a key indicator of a strong human rights culture. UN Committees, including the UN Human Rights Committee, have recommended that the State take action to ensure that the SHRC has sufficient technical, human and financial resources to deliver our mandate. Our funding levels and the breadth of our mandate were both marked as areas for future consideration during our previous accreditation in 2021. The next accreditation process will take place in 2026. We receive our annual core funding through the Scottish Parliamentary Corporate Body (SPCB).

The Commission ensures efficient and effective use of public funds and works with an independently chaired Audit and Risk Committee, which meets quarterly.

The Commission is formed by up to four members and a Chair, all appointed by the Scottish Parliament (the Chair being a Crown appointment). As a group, these members form the Commission and meet up to nine times a year.

Chair: Professor Angela O'Hagan

Members: Rosemary Agnew, Shelley Gray, Dr Claire Methven O'Brien and Aaliya Seyal

Declaration of interest: This report includes a reference to the Legal Services Agency (LSA) Report on Temporary Accommodation Charges. For transparency, it should be noted that our Commission Member Aaliya Seyal is the Chief Executive Officer of LSA.

Annex A: Methodology

About human rights monitoring

Monitoring is the continuous and systematic collection and analysis of information to assess the realisation of human rights in Scotland. It involves tracking legal, policy, and practice developments, as well as gathering evidence from rights holders and communities on the lived experience of their rights. SHRC uses monitoring to identify emerging or systemic issues and to support timely, evidence-based recommendations to public authorities and parliament.

Monitoring activities include analysis of official data, policy documents, community engagements, and site visits.

Reporting is the process of synthesising and publicly communicating findings from SHRC's monitoring and research work. Reports translate evidence into accessible analysis and actionable recommendations aimed at strengthening accountability and informing decision-makers. Reporting takes multiple forms, including thematic reports, submissions to treaty bodies, parallel or shadow reports, briefing papers, and the annual State of the Nation reports.

How we selected the issues in this report

Following the review by the ICESCR Committee and the publication of the UN ESC Committee Concluding Observations in March 2025, we assessed all 71 paragraphs of the Concluding Observations against a range of internal and external priorities. This considered:

- Jurisdiction: Whether the primary responsibility for delivering the UN ESC Committee's recommendation was reserved or devolved or a mixture of the two.
- Explicit reference: Whether Scotland was expressly mentioned by the UN ESC Committee in the text of its Concluding Observation.
- SHRC reporting alignment: Whether the SHRC had made a similar or related recommendation in our Parallel report to the UN ESC Committee.
- SHRC strategic alignment: Whether the recommendation related to an area identified in the SHRC's fifth strategic plan: tackling poverty, access to justice or the rights of specially protected groups
- Previous repetition: Whether the recommendation has been made before in a previous review by the UN ESC Committee
- Rights holder evidence: Whether the SHRC has found evidence of concern in our spotlight projects, which examine specific barriers to the enjoyment of rights
- Rights holder evidence: Whether rights holders in the Highlands and Islands had shared evidence with us of the issue as part of our local monitoring
- Minimum core obligations: Whether the issue related to a minimum core obligation of the State
- Retrogression: Whether we had evidence from any source of a risk of retrogression
- SNAP 2 link: Whether there is currently an action in SNAP 2 on the issue.

In June 2025, we identified the Concluding Observations which met the highest number of these considerations and selected nine issues for inclusion in the State of the Nation report, aligned as closely as possible to at least one element of the SHRC's adequacy framework. Adequacy, known internationally as the 'normative content', refers to the standards that guide duty bearers in ensuring human rights are realised in a way that is fully adequate. Each right has specific criteria of 'adequacy', with common features such as the need to ensure services are accessible and affordable for all.

Concluding Observations are not binding in the way that court judgments are but are authoritative because they are rooted in powers given to the UN treaty bodies as part of the legal agreement in a given treaty. They benchmark compliance and direct future actions to advance human rights in the country under review.

Research and analytical approach

The evidence used in this report is primarily evidence desk-based research and secondary analysis of existing commission research and analysis, including spotlight project reports, treaty body reports and human rights policy advice (consisting of consultation response, responses to calls for views and correspondence).

Evidence sources include:

- Official Statistics, as designated by the Office for Statistics Regulation (OSR)
- Primary legal sources from domestic and international bodies, including court judgments and treaty body reports including Concluding Observations and General Comments/Recommendations
- Secondary legal sources and soft law materials produced by UN and Council of Europe organs and bodies
- Official records such as Scottish Parliament Official Reports and Scottish Parliamentary Committee Reports
- Publications by the Scottish Government and other public bodies
- Research reports prepared by the Scottish Parliament Information Centre (SPICe), and the House of Commons and House of Lords Research Libraries
- Evidence received directly from rights holders through SHRC engagement events, correspondence and a limited number of case-study interview commissioned for this report
- Evidence produced by civil society organisations where we are describing an organisational position or using their evidence for data triangulation

We have relied on the SHRC's Framework Assessment, developed for local monitoring to combine specific ESC rights indicators and findings from the UK review by the UN ESC Committee (2025). The Framework Assessment draws from international obligations and includes the following:

1. Core Obligations: Each core obligation related to the nine rights under examination.
2. Progressive realisation:
 - Obligation to take targeted and concrete steps
 - Obligation to move as effectively and expeditiously
 - Evidence of improvement/effectiveness of the measures.
3. Non-Retrogression
 - Evidence of deterioration of a right
 - If deterioration is present, obligation to mitigate impacts
 - Obligation to not implement measures that reduces the protection or enjoyment of a right
 - If retrogressive measures have been implemented, there is an obligation to ensure it was done after careful consideration, proportionally, participatory, prioritising those most marginalised (among other measures)
4. Adequacy: The normative content of each right as developed by international standards, predominantly General Comments of the ICESCR Committee.

All case studies were developed through qualitative interviews with people who are involved in organisations we spoke to as part of our human rights monitoring work over the last year. One on one conversations took place with a member of the SHRC staff team. Final written versions were shaped and edited collaboratively between SHRC staff and story-owners, with story-owners having the final say on how their stories were presented and what information was included. This work was done in line with the SHRC's Participation Strategy and payment for participation approach.¹¹⁷

Limitations

Monitoring is constrained by persistent gaps in official data and by policy frameworks that do not always align with human rights standards. For example, statistics that categorise disabled people as "placements" rather than residents undermine analysis of the right to adequate housing. There are also challenges in tracing public money from allocation to outcome, with insufficient transparency in budget documentation making it difficult to follow the money.

To mitigate these gaps SHRC has triangulated multiple sources and weighted rights holder accounts alongside desk research. Nonetheless, data limitations remain a barrier to assessing the full extent of rights realisation and to holding duty bearers to account.

Building the State of the Nation Report

In the first report, we outlined that we planned to take certain steps to develop a comprehensive approach to State of the Nation by year 4 of this project. These included:

- Publishing our second report, focusing on the state of economic, social and cultural rights in Scotland 2025.
- Including in the second report our learning from year 1 and research for our Parallel Report to the UN ESC Committee
- Building on our monitoring approach at local level
- Developing an approach to the use of indicators

Since then, we have:

- Published our Tick Tock report, which applied internationally accepted human rights indicators to the situation of disabled people living in institutional settings
- Created an internal framework to assess ICESCR Concluding Observations against our wider evidence base and domestic human rights policy frameworks such as SNAP 2 to identify linkages. We now plan to build this out to include the other UN treaties
- Published a Participation Strategy
- Commenced the next phase of the local monitoring work focussing on the South of Scotland

Ahead of next year's report on the rights of specially protected groups we will:

- Engage with people to find out what they need from a report that balances a large number of human rights issues so that our approach is representative of a broad range of concerns while still maximising effectiveness
- Develop and revise our internal use of terminology when we refer to specially protected groups of people
- Continue to explore how tools such as human rights indicators and human rights trackers can take into account different levels of enjoyment of certain rights
- Develop our internal staff competence on anti-racism, gender-competence and intersectional equalities analysis
- Through our reporting to human rights bodies such as CEDAW, continue to build our evidence base on the full breadth of rights protected by these treaties

Annex B: ESC Rights in the Courts

In Scotland, a legal claim based on economic, social and cultural rights cannot be raised directly in court, as these rights are not incorporated into Scots Law. Given this, the grievances that may amount to breaches of economic, social and cultural rights are usually brought to court on another legal basis, like housing or social security legislation. This makes it extremely difficult to accurately assess how many people's rights are being undermined or identify the cases that raise this kind of human rights issue. It also means that the courts do not use the language of rights in these cases or develop rights jurisprudence.

The SHRC continues to consider how it could enhance public awareness of human rights issues in Scottish Courts as part of our four-year approach to the State of the Nation. It has developed a plan to record domestic judgments that reference human rights.

To date, the SHRC has focused on human rights decisions at the highest court that can consider human rights issues in Scotland: The European Court of Human Rights (ECtHR). The ECtHR does not adjudicate on economic, social and cultural rights, but the implementation of its judgment is crucial to achieve overall human rights compliance.

The ECtHR's statistics from 2024 show that over the calendar year the ECtHR heard three cases to which the United Kingdom was a party.¹¹⁸ One of these cases resulted in a finding of a violation of the right of freedom of expression, protected by Article 10 of the ECHR. The Court found no violation in one of the three cases, and the last of the three was either struck out or resolved by friendly settlement.

If the ECtHR finds a violation in any given case, it transfers the judgment to the Committee of Ministers of the Council of Europe ('Committee of Ministers'). The Committee of Ministers, with the assistance of the Department for the Execution of Judgments of the European Court of Human Rights, are then responsible for overseeing the execution of the judgment.

Rule 9 of the Committee of Ministers supervision of the execution of judgments and of the terms of friendly settlements rules provide that the Committee of Ministers can consider communications from NGOs and NHRIs when executing judgments under Article 46, paragraph 2, of the Convention. As such, the SHRC monitors judgments involving the UK under review for this purpose.

As of January 2025, three groups of judgments concerning the UK remain under review, and two of these raise issues for which the Scottish Government is responsible.¹¹⁹ All three were discussed in our 2024 State of the Nation report and no new cases have been added to the list for oversight of their execution.

The first group of judgments, the McKerr and McCaughey groups, do not raise issues within the Scottish Government's responsibility, as they concern the UK's failure to provide for effective investigations of suspicious deaths during the conflict in Northern Ireland.

The V.C.L and A.N v United Kingdom group concern the State's failure to protect victims of human trafficking from prosecution. The case primarily raises issues of immigration law, which is reserved. The ongoing training in relation to the Modern Slavery Act 2015 and its implementation and police guidance in Scotland remains important and is the responsibility of Scottish public authorities. The issues raised by the judgment that are subject to ongoing supervision concern only England and Wales.

The third group of cases, namely *Gaughran v United Kingdom*, concerned disproportionate and unjustified interferences with the applicants' right to respect for their private lives due to the indefinite retention of their personal data (DNA profile, fingerprints and photograph) after being accused of or convicted of minor offences, which amounted to a violation of Article 8. Currently, the Committee of Ministers are satisfied with the Code of Practice established by the Scottish Biometrics Commissioner, but they invited the authorities to provide examples of how those safeguards work in practice and strongly encouraged the authorities to accelerate the announced review of the legislation on retention periods for biometric data and photographs.

The Committee of Ministers has agreed to cease oversight of the Big Brother Watch group in December 2024, having satisfied itself that that UK had given effect to the general measures required in the judgment.¹²⁰

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