

SHRC

Scottish
Human Rights
Commission



Poverty and human rights in Scotland

How can human rights be used to alleviate poverty?

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Poverty is a human rights issue

Poverty in Scotland has long been a focus of political attention, yet it remains persistent. Rising costs of living mean we are seeing the effects of poverty on people's lives ever more starkly. Many people in Scotland struggle to find quality employment where they live, or find there is insufficient support to overcome barriers to accessing work or education. Across the country people cannot afford housing, or access essential services like healthcare and social security, and many households and individuals are going without adequate food or essentials.

We know poverty can also have negative impacts on other aspects of people's lives. Women and girls who live in poverty are more likely to face gender-based violence, and to find it harder to access support and advice.¹ People who live in poverty are more likely to be sent to prison. And if you live in poverty, it is often harder to access justice when your rights are violated.

Poverty is not experienced equitably. Groups such as disabled people, people from Black and ethnic minority backgrounds, and single parent households can face additional barriers which affect their experience of poverty.

These issues go to the core of everyday life. Each of them represents a failure to realise human rights. Human rights failures are both a cause and a consequence of poverty. The Scottish Human Rights Commission is clear that poverty is a human rights issue.



Scotland needs a renewed approach to addressing poverty

The State – the Scottish Government and Scottish public bodies – has obligations under international law to uphold human rights. We have clear evidence that they are not currently meeting their obligations to protect the economic, social and cultural rights (sometimes known as ‘ESC rights’) that map directly onto people’s experience of poverty. To change this, the State must meaningfully address the structural barriers and social conditions in which poverty is rooted.

Over the past ten years, the Scottish Government has made the reduction of child poverty a priority. It has implemented legally binding child poverty reduction targets and significant changes to social security in Scotland. These are positive changes, which recognise that clear accountability and resource allocation are fundamental to effective poverty reduction. However, the data is clear that these efforts have not been enough. Poverty rates in Scotland, including for children, have not significantly decreased.

Scotland needs a refreshed approach, using human rights as a foundation. Child poverty does not exist in isolation. Poverty is also about more than a lack of income or resources.

Law reform and a refreshed approach to poverty alleviation must address the causes, drivers and consequences of poverty, and must outline clear steps to realise rights for everyone in Scotland.

A rights-based approach is the key to understanding and addressing poverty

Human rights can be an effective tool to achieve this. Human rights law, including binding international treaties, set out clear requirements and minimum standards around the underlying causes of poverty. The wider human rights framework, including guidance and policy instruments, provides tools to support public bodies to make decisions, allocate resources and implement policies efficiently and effectively for the people of Scotland. Some of these, including tools developed by the SHRC, are set out in this paper alongside the UN Guiding Principles on Extreme Poverty and Human Rights, which could inform a strategic approach in Scotland.

In 2026, the Scottish Government is pursuing a programme of public service reform. There are difficult decisions ahead. These decisions must focus on the purpose of reforms. Creating more effective and efficient public services is crucial, but it is not in itself the goal. The goal must be to make changes so that the State is there when people need it, services help improve people's lives, and State action meaningfully reduces poverty. Human rights provide a framework to guide these difficult decisions.

Law reform is also an opportunity for change. The Scottish Government has made a long-standing pledge to legislate to incorporate ESC rights into Scots law. This is an opportunity to create a framework which embeds human rights in public service decision-making and resource allocation. This can help ensure more people in Scotland can better access their rights – key determinants of poverty in Scotland. The Bill will not in itself resolve Scotland's deep-rooted relationship with poverty. However, it does have the potential to influence an approach to decision making and accountability, and to strengthen protection for those groups particularly impacted by or vulnerable to poverty.

Recommendations

To ensure a rights-based approach to reducing poverty in Scotland, the Scottish Government should:



1. Make alleviation of poverty a critical outcome for public service reform in Scotland.



2. Expand and refresh its focus on poverty, building and improving on its commitments in the Child Poverty Strategy. This means:
 - a. Taking urgent steps to prioritise the realisation of Minimum Core Obligations under ICESCR, as set out in this paper.

- b. Setting out clear, actions and measurable targets, supported by adequate funding, which are informed by the UN Guiding Principles on Extreme Poverty and Human Rights, to address the causes and consequences of poverty across Scotland. These principles require comprehensive and measurable action, which includes policy coherence with human rights principles; a focus on those groups who are most disadvantaged; and for services to be provided in a way which is accessible, available, adaptable, affordable and of good quality.
- c. Recognising the impacts that living in poverty can have on civil and political rights and for specially protected groups, and set out clear and timed steps to address these impacts.
- d. Requiring duty bearers to use a human rights-based approach to budget allocation.



3. Ensure that its proposals to incorporate ESC rights into Scots law through a Human Rights Bill provide a clear framework to alleviate poverty. This can be achieved through, for example, realistic requirements on duty bearers to make decisions in a way which realises people's ESC rights, to monitor and report on progress, and routes for them to be held to account where these requirements are not met.

The data: poverty in Scotland today

As of March 2026,² close to a million people in Scotland, or around 17% of the population, were living in relative poverty after basic housing costs were paid. Over 21% of children are in relative poverty.³ One in ten people in Scotland live in persistent poverty.

The **SHRC's State of the Nation Report in 2025** highlights ten areas where Scotland is falling short of its human rights obligations, as set out by the Concluding Observations of the UN Committee on Economic, Social, and Cultural Rights (the ICESCR Committee). Our evidence shows:

- People cannot always access healthcare when and where they need it
- People with learning disabilities and autism are not being adequately supported to live in their own homes
- Disabled people who are entitled to social security do not have a decent standard of living and for many people it is getting worse
- People across Scotland cannot afford safe, adequate housing
- The most vulnerable people and families are bearing the brunt of the UK social security system
- People in Scotland are hungry or not fully nourished
- Unpaid carers are not valued or supported, and more of this work falls on women
- People cannot afford the basic daily essentials that keep them safe and warm
- People cannot access effective justice or remedies when their ESC rights are not realised
- The funding allocated to food programmes, social security, housing, health, education, employment services, and other areas related to ESC rights is inadequate.

How human rights obligations relate to poverty



Economic, social and cultural (ESC) rights

The Universal Declaration of Human Rights⁴ (UDHR) sets the foundation for human rights law and the fundamental rights and freedoms that we all have. The UDHR is clear that Governments need to provide the conditions necessary to realise those rights.⁵

Many of those specific social conditions are set out in binding international instruments such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR). While ICESCR does not specifically define poverty, it sets out obligations in relation to those aspects of people's lives which make up the lived experience of poverty.

ESC rights are essential for living a dignified life, free from fear and want. These include economic rights such as social security and workers' rights; social rights including healthcare, education, housing, food; and cultural rights like the right to participate in cultural life and benefit from scientific progress.

ICESCR states that:

66 freedom from want can only be achieved if conditions are created whereby everyone may enjoy [their] economic, social and cultural rights. 99

For example, simply providing schools is not enough to fully realise the right to education. Children also need safe and accessible transport to get there, and need nutritious food and clean water to sustain them while learning.

The UN Committee on Economic, Social, and Cultural Rights (the ICESCR Committee) has described poverty as –

66 a human condition characterised by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights. 99

In short, poverty is the lack of basic capabilities to live in dignity.

This framework helps us look beyond limited, income-based definitions of poverty. It highlights the structural and social conditions that contribute to people's lives, and puts binding obligations on the State to address these.



Civil and political rights

The root causes of poverty map clearly onto ESC rights protected under ICESCR. However, poverty can also limit or obstruct people's access to other rights, such as those protected under the International Covenant for Civil and Political Rights (ICCPR). Many of these are protected in domestic law by the Human Rights Act 1998. Human rights particularly impacted include⁶:

- Right to life and physical integrity: people who live in poverty die younger. Women and girls living in poverty are more likely to experience gender-based violence.
- Rights to liberty and security: people living in poverty are disproportionately represented in the criminal justice system and face barriers in leaving the system.
- Rights to access to justice and effective remedies: people living in poverty face additional barriers in accessing justice when things go wrong. This includes complaint mechanisms which are inadequately independent, accessible, and effective. Many people cannot afford lawyers or access legal aid.
- Right to privacy and to protection for home and family: children from families living in poverty are at greater risk of being removed from their families.⁷



Children's rights

Children's rights are protected under Scots law. The UNCRC (Incorporation) (Scotland) Act 2024 (The UNCRC Act) makes the rights of children part of the domestic law of Scotland and therefore directly enforceable in the Scottish courts. The UNCRC contains rights such as social security, an adequate standard of living and a variety of supports for parents and carers in need of assistance to help raise their children.

- It is unlawful for public authorities to act incompatibly with the UNCRC in exercising relevant functions. This is often known as the 'compatibility duty'. This means that in Scotland, in some circumstances failing to address the needs of children living in poverty may result in a breach of the law. This means that rights holders can take public authorities to court for failing to consider properly the rights of children.
- This legal requirement has meant that since the UNCRC Act came into force in 2024, Scottish duty bearers have been working to embed children's rights into the way that they work. This provides a useful blueprint for embedding the requirements of other human rights treaties into anti-poverty efforts.



Specially protected groups

The risk of poverty is not the same for everyone in Scotland. Scottish Government data shows that people from minority ethnic groups, households with a disabled member, and single parents – most of whom are women – are more likely to live in poverty.

The human rights framework specifically recognises that these groups face additional risk factors. For example:

- The Convention on the Elimination of Discrimination Against Women (CEDAW) sets out requirements to provide women with fair access to employment and social security.
- The UN Convention on the Rights of Persons with Disabilities (UNCPRD) guarantees the right to an adequate standard of living, placing obligations on the State to make sure that work is accessible to everyone and that social security and care is available for those who need it.
- The Convention on the Elimination of Racial Discrimination (CERD) requires states to guarantee equality, without distinction based on race, colour, or national or ethnic origin, in the enjoyment of rights including the right to work, training and education, housing and health. The CERD Committee recognises that poverty and racial discrimination are interconnected, and has treated persistent disparities in the enjoyment of these rights as indicators of racial discrimination.

While these treaties are not yet incorporated into Scots or UK law, the Government must take these treaties into account in its anti-poverty strategy. They should consider how discrimination, caring responsibilities, and accessibility increase the risk of and exacerbate the impact of poverty. People from these groups should be meaningfully involved in developing strategy, law and policy. Legislative proposals to bring these treaties into Scots law through a Human Rights Bill provide a further opportunity to do this, by reflecting how rights must be realised in a way that considers the specific needs of groups.

Economic, social and cultural rights as a framework for duty bearer decision making

The ICESCR Committee acknowledges that there are no simple solutions to alleviating poverty. But it explains that the human rights framework assists, rather than complicates, anti-poverty strategies. Human rights are not an extra. Applying the framework of human rights effectively does not mean creating additional duties or obligations. A human rights-based approach means embedding non-discrimination, equality, participation and accountability in efforts to relieve poverty. Human rights can help decision makers to address the causes, as well as the symptoms and impacts, of poverty equitably and sustainably.

People affected by poverty should be actively involved in the development of anti-poverty solutions for them to be effective. We know that when that happens, the strategies are more likely to be effective. The UN Committee emphasises anti-poverty policies are more likely to be effective, sustainable, inclusive, equitable, and meaningful to those living in poverty, if they are based upon the international human rights framework.

ESC rights also place specific obligations on the State. These can provide a clear decision-making pathway for public service resource allocation and the monitoring of improvements over time. These obligations are known as:

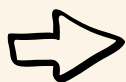
- Minimum core obligations
- Progressive realisation
- Maximum available resources
- Non-retrogression
- Conditions of adequacy



Minimum Core Obligations (MCOs) are the basic ‘floor’ which countries must not fall below. They are fundamental and non-negotiable obligations related to ESC rights that a country must meet at all times, regardless of its resources or circumstances. MCOs represent the minimum essential requirements for survival and dignity. Examples include the obligation to provide shelter for homeless people or basic food for those in need. There is little to no justification in international law for failing to meet Minimum Core Obligations.

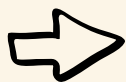


Progressive realisation means that the State must take proactive, continuous steps to improve how people experience their ESC rights in practice. This includes obligations to take swift and effective action to ensure rights are being realised, and to improve services over time.



Maximum available resources means that duty bearers must:

- Mobilise resources effectively, such as raising funds through taxation or other means to fulfil ESC rights.
- Allocate resources in a way that prioritises disadvantaged groups and ensures cost-effective service delivery, maximising the impact of available resources.
- Ensure resources are not wasted and that expenditures provide value for money, advancing the realisation of rights as much as possible.



Non-retrogression means that the State should not take actions which make things worse for people in relation to their ESC rights. Retrogressive measures might include budget cuts to programmes supporting rights, withdrawal of funding for essential services, or policies that diminish the protection of certain rights. These measures are only allowed under international law in narrow circumstances. If they do take retrogressive steps, duty bearers must demonstrate that the decision was the result of the most careful consideration of all alternatives. They must consult those affected, explore alternatives to ensure the right is still realised, and prioritise the most vulnerable groups.



Conditions of adequacy: For ESC rights to be fully realised, services, goods, practices, and policies must meet certain standards. These standards guide duty bearers in ensuring human rights are realised in a way that is fully adequate and provide a framework for assessing compliance with human rights norms.

Each right has specific criteria of adequacy, with common features such as the need to ensure services are accessible and affordable for all.

International human rights law requires public bodies to comply with these obligations. Too often, this is not happening in practice. Proposed law reforms provide an opportunity to put in place clear duties to for public authorities in Scotland to demonstrate compliance with these elements in their local decision making. These duties must be clear and straightforward. Overly complex or poorly understood legal requirements must not stand in the way of improving people's lives.

Other tools for using human rights to alleviate poverty in Scotland

Every day, decision makers choose how to use the nation's resources to address its priorities. Duty bearers can use a number of tools to build human rights into this decision-making and alleviate poverty.

Guiding Principles on Extreme Poverty and Human Rights

The UN has developed **Guiding Principles on Extreme Poverty and Human Rights**, a detailed guide which outlines the connections between poverty and specific human rights, and the steps States must take to tackle poverty. These provide an important guide to the steps required at the national level.



States should adopt a comprehensive national strategy to reduce poverty and social exclusion

This should be based on human rights and actively involve people living in poverty in its design and implementation. It should include clear benchmarks over time and establish remedies and grievance mechanisms if it is not complied with.



States should ensure that public policies accord due priority to persons living in [extreme] poverty

This requires a focus on the most disadvantaged groups across all policies. It includes ensuring that measures imposed in times of crisis, including cuts to public expenditure, do not deny or infringe on the human rights of those groups and that social protection systems are sustainably financed.



States should ensure that facilities, goods, and services required for the enjoyment of human rights are accessible, available, adaptable, affordable and of good quality.

Ensuring these five criteria includes a focus on protecting individuals from abuses committed by private service providers, ensuring adequate and non-discriminatory access to services such as healthcare and education across the country, and monitoring the quality of public and private services providers.



States should ensure policy coherence

This requires States to assess whether all measures are compatible with their human rights obligations before they are adopted.

The Scottish Government can use these principles to track the progress of their policy efforts against human rights requirements.

Human rights budgeting

In addition, duty bearers in Scotland could be required to demonstrate a human rights-based approach to resource allocation via the proposed Human Rights Bill. This is known as human rights budgeting (HRB).

It means taking a human rights-based approach to budgeting means distributing resources in a way that puts people first.

It involves thinking through how people's rights are impacted by the way that money is raised, allocated, and spent. Specifically, budget decisions should reflect human rights standards and the process of formulating, approving, executing, and auditing the budget should reflect human rights principles.

The SHRC has published a series of **briefing papers** explaining the “what, why and how” of using human rights to create and scrutinise Scotland's national budget. The SHRC is also developing a toolkit on human rights budgeting with a specific focus on supporting transparent, evidence-based decision-making in relation to poverty, inequality, and early intervention and prevention priorities.

What next for human rights and poverty

Human rights failures are both a cause and a consequence of poverty. Until the State takes effective steps to reduce poverty, people in Scotland will not be able to fully enjoy their human rights. The way to take these effective steps is by engaging fully with the human rights requirements and principles that underlie poverty alleviation, and addressing the structural and social conditions which act as barriers to full enjoyment of rights for all.

The Scottish Government has made commitments to bring human rights into Scots law, to alleviate child poverty, and on public service reform. What is needed now is a clear anti-poverty approach recognising that these commitments can and must pull together to address poverty in Scotland.

Taking a human rights-based approach, the State could create a public sector which takes decisions efficiently and effectively to support those who most need it; a legal framework which holds public bodies to account for making decisions and allocating resources in a rights-based way; and a coherent national approach across other government policies and strategies which clearly addresses the root causes of both child and adult poverty.

Scotland has the guiding principles from the UN. It has the legal frameworks and the tools to support good decision making. Now the Scottish Government needs to commit to putting it into action.

Endnotes

- 1 Why is Violence Against Women and Girls a problem? – Equally Safe 2023 – preventing and eradicating violence against women and girls: strategy – gov.scot
- 2 Latest poverty statistics published – gov.scot
- 3 Relative poverty in Scotland is defined as households earning less than 60% of the UK median household income (adjusted for household size).
- 4 By the United Nations in 1948
- 5 Article 28 of the Universal Declaration of Human Rights enshrines that “everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.”
- 6 Guiding Principles on Extreme Poverty and Human Rights, OHCHR
- 7 These statistics represent data collected by the UN and are not based on Scotland-specific data.



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