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Human Rights
Commission



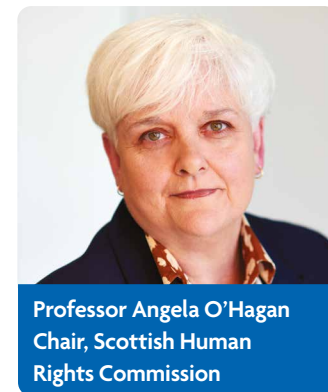
Economic, Social and Cultural Rights in the South of Scotland

October 2026

SUMMARY REPORT

Foreword

Economic, social and cultural rights are about our everyday lives; our access to housing, food, transport, education, and income. This is the second report from our local monitoring of economic, social and cultural rights (ESC rights) in Scotland, with a focus on the wide area of the South of Scotland. Our first, on **rights in the Highlands and Islands**, prompted debate in the Scottish Parliament and action from the Scottish Government. I sincerely hope that this evidence from Scotland's National Human Rights Institution provokes a similar response.



This report provides a snapshot of life across the South of Scotland. It highlights the gaps between the rights to which we are all entitled and the lived reality of people's lives, as the individual testimonies show. Many of these gaps will be familiar to people in other parts of the country, which means these issues are systemic and widespread, as well as specific to rights holders in the South of Scotland. The absence of locally available healthcare and the distances that people have to travel for specialist care are acute and specific to the South of Scotland. But they are also endemic across Scotland, as our findings from Highlands and Islands suggest. Community-led services are a great strength of communities across Scotland, including in the South. But they face increasing pressure as public budgets are squeezed and services are pushed on to third sector organisations.

People in the region told us that they feel distant from decision making. There is a lack of effective and meaningful participation of rights holders in local decisions on budgets, planning and services. This Spotlight on ESC rights is about amplifying the voices of rights holders and taking the evidence from across Scotland direct to the Scottish Parliament and duty bearers.

We are immensely grateful to everyone who participated in interviews, focus groups, town halls, and took the time to complete the survey. Your evidence, about your realities, is the power of this report.

We have used a framework based on the International Covenant on Economic, Social and Cultural Rights (ICESCR). Public service providers can use it as the route map, especially at this time of public service reform, to design and deliver services that respect, protect, and fulfil human rights for everyone.

A handwritten signature in black ink, appearing to read "A. O'Hagan".

Summary report

Economic, social and cultural rights are about the things we all need to live a life free from fear and want. These include the right to work, social security, food, clothing, housing, water, health, social care, education, and culture. The Scottish Government has legal obligations to protect, promote and uphold these rights under the International Convention on Economic, Social and Cultural Rights (ICESCR). These are known as ESC rights.

In our **Strategic Plan 2024-28**, the Scottish Human Rights Commission (SHRC) committed to continue our local monitoring programme across Scotland. Through this work we are building a picture of ESC rights realisation across Scotland. We are developing recommendations for how duty bearers can make things better in people's daily lives, and holding the State to account to ensure it meets its obligations to people across Scotland.

In December 2024, the SHRC published the first in the series of local monitoring spotlight reports on the Highlands and Islands. In it, we piloted a new model of human rights monitoring for the SHRC, focused on hearing direct evidence of people's lived experiences. These reports take a deeper look at how economic, social and cultural rights are playing out in the lives of local communities in Scotland.

This report sets out the findings, the testimonies of rights holders and our indicative assessment of economic, social and cultural rights in the second region we visited: the South of Scotland.

The region consists of following local authorities:

- Dumfries and Galloway
- Scottish Borders
- South Ayrshire
- East Ayrshire
- North Ayrshire
- East Lothian
- Midlothian
- South Lanarkshire

The study area covers eight local authority areas across the South of Scotland and is home to approximately 1.17 million people, around one fifth of Scotland's population. It encompasses a diverse range of communities. These include remote rural and agricultural areas, coastal towns, former industrial communities and expanding commuter settlements. These communities differ in their demographic profile, local economies, levels of deprivation, health needs and access to public services. Recognising and understanding this diversity is important when considering the evidence presented in this report. This is because people's experiences of economic, social and cultural rights are shaped not only by their individual circumstances but also by the places where they live.

In February and March 2026, we visited communities across the South of Scotland, including Ayrshire, Cumbrae, and Arran. We heard first-hand from communities and human rights defenders in Stranraer, Ayr, Dumfries, Kilmarnock, Hamilton, Irvine, Arran, Galashiels, Kelso, Dalkeith and Haddington. We also held community engagement events in Dumfries and Galashiels and shared an online survey so that people could have their say remotely.

To inform our indicative rights compliance assessment we analysed the information collected through our community visits alongside a review of publicly available documents and policies from duty bearers in the region. This analysis meant identifying key areas where rights holders had raised concerns and locating documented evidence of any steps taken to address them. This review included more than 200 reports from the Scottish Government, councils, NHS Boards, Audit Scotland audits and other reports issues by public bodies.

This report provides an indicative assessment, informed by rich testimonies from rights holders on the current enjoyment of economic, social and cultural rights in the South of Scotland. While it is not an absolute or definitive assessment, it shows clearly where people are experiencing progress, where they are experiencing a deterioration of their rights, and where public services and policies appear to fall short of human rights standards.

Our mandate

We have undertaken this work under section 3(c) of the Scottish Commission for Human Rights Act 2006 and offer our recommendations under section 4(1)(b) of the Scottish Commission for Human Rights Act 2006.

Our findings

We found significant challenges in the enjoyment of economic, social and cultural rights across the South of Scotland. Across all the rights we examined, we have not found any right for which the conditions of adequacy under international law are fully met. This means that services, goods and systems across the region are not consistently available, accessible, affordable, acceptable, adaptable, or of sufficient quality.

The legal framework for economic, social and cultural rights

ESC rights place specific obligations on the State. These are known as:

Minimum core obligations

Minimum Core Obligations (MCOs) are the basic ‘floor’ below which countries must not fall. 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. They represent the minimum essential requirements for survival and dignity. Examples include the obligation to provide basic food for those struggling to afford food or shelter for those experiencing homelessness. There is little to no justification in international law for failing to meet Minimum Core Obligations.¹

¹ International law does not define minimum core obligations for clothing and social care so we have not included them in our indicative assessment of these rights.

Progressive realisation

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.

Non-retrogression

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.

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.

Maximum available resources

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.

Indicative assessment of ESC rights in South of Scotland

Right	Minimum Core Obligations	Progressive realisation	Non-Retrogression	Adequacy
 Work				
 Social security				
 Food				
 Clothing				
 Housing				
 Water				
 Health				
 Social Care				
 Education				
 Culture				



Meets all obligations



Partially meets obligations



Does not meet obligations



Not possible to determine at this stage

Summary of findings

We found some areas where progress is being made towards rights realisation. In relation to food, housing, health, social care, education and culture, we have found strategies, plans and local initiatives that, at the very least, seek to improve rights enjoyment.

But the evidence also shows that these efforts are often not enough. Too much of what is working depends on third sector organisations, volunteers, community groups and short-term funding. These efforts are often excellent, but they are also fragile. They are filling gaps that should not exist in the first place.

The stories we heard demonstrate how failures to realise ESC rights can compound one another. People don't live their lives in silos, but often the design of policy and services treats them as if they do, failing to recognise that access to healthy food is intrinsically linked to health outcomes, or that availability of social care might impact someone's ability to engage in cultural activities. These stories demonstrate the devastating consequences this can have across some people's lives.

We identified three clear cross-cutting challenges, or barriers, to the full enjoyment of economic, social and cultural rights in the South of Scotland.



The biggest cross-cutting challenge is **accessibility**. Rights may exist on paper, and services may exist somewhere in the region, but they are often not reachable in practice. Transport failures (including ferries), centralised services, digital exclusion, poverty, caring responsibilities and disability all shape whether people can enjoy their rights.



The second major challenge is **affordability**. Food, housing, clothing, transport, energy, cultural participation and the hidden costs of accessing healthcare are putting pressure on people's lives. Rights holders are being forced to choose between essentials, or to depend on charity and informal support to live with dignity.



The third major challenge is **fragility**. Across food, clothing, culture, social care, health and social security advice, community and third sector organisations are carrying a heavy burden. They are often trusted, flexible and close to people's lived experience. But they cannot replace the duties of local and national government. When basic rights depend on short-term grants, volunteers and goodwill, they are not secure.

“NHS, housing and councils won’t work across borders, you can’t get something if you don’t have the right postcode. We do our best to cross those borders and try and support people.

You’ve got villages dotted around who don’t get the support they should. There’s a big disparity between the town and the rural areas, which needs to be addressed. It shouldn’t matter where you are.”

Steph, Charity Service Manager.

[Read Steph’s story at our website](#)



Our work also found specific challenges and failures in relation to the rights to food, housing, health, education, social care and culture.

We found failures to meet the most basic obligations on the right to food. Action to mitigate hunger is being delivered largely through charitable and community provision, with limited state intervention. Food is available across the region, but the supply is not consistently affordable, local, resilient or nutritious. Rising food costs, low incomes and wider cost-of-living pressures mean many households are reducing food consumption, relying on lower-quality options, and/or depending on food banks and community support.

We found serious failures in relation to housing. Housing is increasingly unaffordable for many, and people are experiencing poor quality housing, damp, mould, high energy costs and limited access to suitable homes in the places where they live. There are people without temporary accommodation, and hidden homelessness is not fully captured in public data. These failures affect dignity, health, family life, employment, education and community sustainability.

We found substantial deterioration in the right to health. Health services exist across the South of Scotland, but they are not evenly available or consistently sufficient. People face barriers accessing GPs, sexual and reproductive health services, dentistry, mental health services, specialist care and alcohol and drug support. Services have become centralised in ways that make access difficult, particularly for rural and island communities. Most healthcare may be free at the point of delivery, but for many people the cost of travel, childcare, accommodation and time away from work makes access unaffordable in practice.

“As he started to fall apart, navigating services was impossible. Doctors didn't know what to do. There were no trauma-trained psychiatrists in our area, and he needed specialist brain scans, but they still refused to refer us elsewhere.”

Not having a diagnosis was torture. He was trapped in the health care system here, and he became suicidal. He stood on the front line to protect everybody else's rights, and nobody would help him.”

Read Rhona's story at our website



We found social care is under significant pressure. Services are present, but not available at a level sufficient to meet demand. Workforce shortages, limited choice, delays, unmet need and fear of complaining all affect whether people can access care with dignity. While there are strategies and local efforts in place, evidence suggests access has become significantly more difficult over the past decade and quality has been reduced by insufficient workforce capacity.

We found deterioration in education. Minimum legal access to education is broadly protected, but the right is not being fully realised in practice. Issues such as school closures, budget cuts, withdrawal of programmes, limited subject choice, transport barriers, and delays to meeting additional support needs are all affecting adequacy. There are committed staff and positive experiences, but these are not consistent across the region.

“I went into school armed with a book about education rights. The headteacher looked me in the eye and said,

'You absolutely have a legal right. But we don't have the resources'.”

Read Valerie and Lola's story at our website



We found serious regression in cultural rights. Cultural and community life remains rich and deeply valued in many places, but access is uneven and fragile. Libraries, leisure facilities, community spaces, heritage assets, youth activities and cultural programmes are under pressure. Transport, cost, rural geography, inaccessible venues, language barriers and poverty all restrict participation. Cuts to cultural and recreational services, especially those affecting third sector organisations and community groups, are having a significant impact.

We found there has been deterioration in the right to work. Employment opportunities can be limited, narrow in range and unevenly distributed. Work exists, but not in sufficient quantity or variety, and often not in forms that provide stable, year-round or adequately paid employment. Transport, housing, insecure contracts, caring responsibilities, health and financial barriers all affect whether people can access work. For many, local economies are shrinking and young people leave because they cannot see a future locally.

Overall, the South of Scotland is a region where many communities and duty bearers are working hard to protect dignity and their human rights, often in difficult circumstances. But we have also found clear human rights failures. In many areas, rights are not improving. In several areas, they are getting worse.

Furthermore, we know from the wider work of the SHRC that people do not have adequate access to justice when things go wrong. They cannot always access the advice and legal support they need, and often the legal obligations do not exist in domestic law to hold duty bearers to account.

“ I have tried talking to ministers and even taking it to the ombudsman, but still nothing has been done about it. We don't have a national health service, we've got a regional health service.

I'm just left in limbo, unable to work and unable to get better, even though I know that there's a solution out there. ”

Read Donald's story at our website



Duty bearers must act with greater urgency, stronger coordination and clearer accountability to ensure that economic, social and cultural rights are fully realised for people across the South of Scotland.

Our recommendations

Scotland requires an overarching, systemic approach to improving the realisation of economic, social and cultural rights in people's lives.

Firstly, this means making it an urgent priority for services and support to meet the basic minimum standards required by human rights law.

Secondly, it means improving access to justice, including through legislative reform, to make sure that people have access to advice when they need it and recourse when their human rights are breached.

Thirdly, duty bearers at a national and local level must review their approaches to the provision of public services. They should make a clear commitment and set concrete, measurable plans to fulfil their obligations under the ten rights detailed in this report. These plans should be informed by the lived experience of people in the South of Scotland, and should reflect the interrelated ways in which these rights play out in people's lives.



Strengthen human rights laws and access to justice

A domestic legal framework that upholds ESC rights is necessary to ensure accountability and justice. Economic, social, and cultural rights need legal protection. The Scottish Government's proposed Scottish Human Rights Bill, due to be introduced in the second year of this Parliamentary session, has the potential to deliver this. The SHRC has already provided substantial guidance on proposals for the domestic incorporation of ESC rights.

This legislation should include clear requirements on duty bearers which put people's rights at the heart of decision-making. It should strengthen accountability and provide routes for redress when people's rights are not upheld. Alongside this Bill, the Scottish Government should strengthen complaints mechanisms and ensure rights holders can access legal advice when they need it.



Meet Minimum Core Obligations

Minimum Core Obligations represent fundamental, basic and non-negotiable obligations. Urgent action is needed by Scottish Government, councils and relevant NHS boards to make sure all of these obligations are being met in the South of Scotland. This means the prioritisation of resources at a local and national level, including through the next Scottish Budget, to:

- Eradicate rooflessness in the South of Scotland
- Alleviate hunger and ensure universal access to essential food
- Ensure universal access to affordable, acceptable, and quality sexual and reproductive health services
- Address barriers that currently restrict access to cultural life, working alongside charities and communities to do so.



Flexible and localised policies

Policies and service delivery must be shaped by the lives of the people they exist to support. Local councils should ensure that their programmes and services are adaptable to the realities and needs of people in rural and urban communities. Programmes should identify and address local challenges. The Scottish Government should review the key national policies which intersect with ESC rights, to ensure they recognise that different approaches may be needed in different areas to achieve the best outcomes for people.

The Scottish Parliament should scrutinise all new legislation to ensure centralised approaches are not implemented in a way that obstructs flexibility and local decision-making. This should be a key consideration for Parliamentary Committees, and for cross-government work on public service reform.



Take clear, strategic and measurable action to improve service adequacy

Duty bearers must improve the accessibility, availability, acceptability, and quality of services. This includes services related to work, social security, food, clothing, housing, water, health, social care, education, and culture.

Duty bearers should use the monitoring framework set out in this report to ensure their plans, strategies and service delivery are designed to improve human rights realisation and are doing so in practice.

To do this, the Scottish Government, local authorities and relevant NHS boards should:

Assess whether they currently meet their obligations to realise economic, social and cultural rights

This must include listening to people and communities, and ensuring that service delivery is delivering the required outcomes for people in practice, not just in principle. 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.

Create clear objectives for how to improve human rights realisation

After assessing compliance with their human rights obligations, duty bearers should develop clear, measurable and timed objectives to progressively improve human rights. Where plans exist at a local level, for example through local planning mechanisms, measurable short, medium, and long term goals reflecting how these plans will meet human rights obligations and improve the realisation of rights should be built in. The plans and objectives should also be developed in a transparent approach, in collaboration with services users and ensuring the voices of marginalised groups are heard.

Where plans do not yet exist, they should be developed so that the duty bearers responsible for all 10 human rights examined in this report can clearly demonstrate what they intend to do to improve rights realisation. Where responsibilities for these rights are shared, duty bearers should collaborate to make sure their plans and targets are clearly aligned. Measures of success should be rooted in genuine improvements to people's lives.

Duty bearers should report on their progress against these human rights objectives annually.

Set ESC rights realisation as the core objective of public service reform

The Scottish Government's priority programme of public service reform must have the clear objective to improve realisation of economic, social and cultural rights. The Scottish Government should use improvements against the monitoring framework in this report as a measure of success in its public service reform agenda.

Public service reform is a key opportunity to embed a human rights based approach to decision making and to taking a human rights budgeting approach to decisions about how to allocate resources when such resources are limited. This should also contain human rights impact assessments before any budget reduction, service closure or withdrawal of funding affecting economic, social and cultural rights, including evidence of consultation, alternatives considered and protections for those most at risk. All impact assessments should be published.

Formally respond to the findings of the SHRC and report on progress

The Scottish Parliament should establish a formal follow-up process for this report, requiring the Scottish Government, NHS bodies and relevant local authorities to respond publicly within six months and report annually on progress.

The Scottish Government should respond in detail to this report, informed by collaboration with, and evidence provided by, local authorities and relevant NHS boards. The response should be submitted to the SHRC and to the Equalities, Human Rights and Civil Justice Committee of the Scottish Parliament. We recommend that it also informs the annual Human Rights Day debate in the Scottish Parliament.



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