

*Shirley-Anne Somerville MSP,
Cabinet Secretary for Social Justice and Housing*

Via email only CabSecforSJH@gov.scot

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Dear Cabinet Secretary,

Report: Economic, Social and Cultural Rights in the South of Scotland

On behalf of the Scottish Human Rights Commission (SHRC), I am writing to share with you our report on the current enjoyment of economic, social and cultural rights in the South of Scotland.

This is the second report in our programme of local monitoring of economic, social and cultural (ESC) rights across Scotland, following our 2024 report where we monitored the situation in the Highlands and Islands. Through this programme, the SHRC is building an evidence base on how these rights are being realised in practice across Scotland, grounded in the lived experience of rights holders and assessed against the international human rights obligations that apply to Scotland.

Our assessment identifies progress in some areas, but significant challenges in the enjoyment of ESC rights across the South of Scotland. Drawing on direct testimony from rights holders alongside a review of more than 200 reports and policy documents of local duty bearers, it identifies where progress is being made, but also where rights are deteriorating and where policies and public services appear to fall short of international human rights standards.

Across all the rights examined, we did not find a single right for which all the conditions of adequacy required under international law are fully met. This means that services, goods and systems are not consistently available, accessible,

affordable, acceptable, adaptable or of sufficient quality for everyone who needs them.

Of particular concern is our assessment against Minimum Core Obligations. These are the most basic and non-negotiable standards below which economic, social and cultural rights should not fall. The report finds that the Minimum Core Obligations relating to the right to food are not being met, while those relating to housing, water, health and culture are only partially met.

We also found evidence of deterioration and regression in important areas. Our assessment finds failures to meet obligations of non-retrogression in relation to health, education and culture. The evidence describes barriers to healthcare, pressures on education, declining access to cultural and community services, and deterioration in opportunities to access secure and adequately paid work.

Across these different rights, three recurring problems are particularly apparent: accessibility, affordability and fragility. People may have a service available to them in principle but be unable to reach or use it because of transport, geography, digital exclusion, poverty, disability or caring responsibilities. The cost of essentials and the additional costs associated with accessing services are also restricting people's enjoyment of their rights. At the same time, too much essential support is dependent on third-sector organisations, communities, volunteers and short-term funding arrangements.

These findings demonstrate the need for a systemic response. Our report makes the following recommendations to the Scottish Government and duty-bearers:

- Strengthen human rights laws and access to justice, including through a Human Rights Bill
- Meet Minimum Core Obligations
- Ensure flexible and localised policies
- Take clear, strategic and measurable action to improve service adequacy, including:
 - Assess whether they currently meet their obligations to realise economic, social and cultural rights
 - Create clear objectives for how to improve human rights realisation
 - Set ESC rights realisation as the core objective of public service reform

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

We hope that this evidence can make a constructive contribution to the Scottish Government's wider programme of public service reform. Human rights provide both a guide for the changes that are needed and a framework for assessing whether those changes are succeeding. In our other recent report on Poverty in Scotland, the SHRC has made clear that there is an opportunity for public service reform to be framed as a vehicle to promote human rights. Success of these reforms should ultimately be judged by whether it results in tangible improvements in people's ability to access their rights, particularly for those currently experiencing the greatest barriers. Our South of Scotland report demonstrates in practice what a human rights based approach to assessing public service delivery looks like, using the existing internationally developed frameworks of economic, social and cultural rights monitoring. As you are preparing the Human Rights Bill to incorporate these rights into Scots Law, it is hoped that this is both an illustrative guide of the value of such a framework, as well as a diagnostic tool of current enjoyment of these rights.

The SHRC would welcome the opportunity to discuss these findings and recommendations with you and relevant officials. We would also be happy discuss further how the monitoring framework we developed through this work could support policy development, public service reform and the assessment of progress.

Ultimately, we hope this report provides robust evidence of where change is needed and helps inform concrete measures to improve the realisation of economic, social and cultural rights, both for people in the South of Scotland and across Scotland as a whole.

Yours sincerely,



Professor Angela O'Hagan
Chair, Scottish Human Rights Commission

Enclosed: Economic, Social and Cultural Rights in the South of Scotland Report