

Equalities, Human Rights and Civil Justice Committee
Scottish Parliament
Edinburgh
EH99 1SP

Via email only ehrcj.committee@parliament.scot

27 November 2024

Dear Members of the Committee,

SHRC Report: Economic, Social and Cultural Rights in Highlands and Islands

On behalf of the Scottish Human Rights Commission (SHRC), I am writing to submit to the Committee the [SHRC's report on the current status of economic, social, and cultural rights in the Highlands and Islands](#). This Monitoring report has been issued under section 4(1)(b) of the Scottish Commission for Human Rights Act 2006, and pursuant to the objectives of our Strategic Plan 2024-28.

Based on the evidence received and analysed by the SHRC, following a programme of community visits, interviews with local adults, and reviewing available evidence, our monitoring work suggests that there are significant challenges in the current enjoyment of economic, social, and cultural rights for people in the Highlands and Islands.

Some of the most critical issues that the report identifies are the apparent failure to meet the basic international obligations (Minimum Core Obligations) in some areas related to the right to food, the right to housing, the right to health, and the right to cultural life. I am aware the Committee has taken evidence from the SHRC in the past in relation to Minimum Core Obligations so it will be of interest for the Committee to know that, for the first time ever, this work makes an assessment of how each obligation is being met, based on testimony from local people.

Another area of concern is the apparent regression or deterioration of rights across the Highlands and Islands, as reported by rightsholders. This is exacerbated by decisions on budget reductions or indeed the complete elimination of previously existing services, without sufficient mitigating measures.

Across all rights examined, there is not a single human right that meets all the conditions of adequacy under international law. In general terms, this means that services across the Highlands and Islands are not fully accessible, affordable, available, acceptable, or of sufficient quality (among other conditions) as required by the International Covenant on Economic Social and Cultural Rights (ICESCR),.

Based on the evidence received, and the international human rights obligations applicable to Scotland via ICESCR, the SHRC makes eight general recommendations to assist focus on action to demonstrate the progressive realisation of these rights for all across the region. These are highlighted in the [executive summary](#).

With this monitoring work, the SHRC has piloted a new domestic human rights monitoring model for Scotland, bringing us closer to local communities and their daily struggles to realise their rights. We have captured this evidence, alongside insight from MSPs about their caseload and from complaints bodies such as the SPSO, to assist us to identify the most common thematic areas of concern.

As part of our work, we have also created a simple new framework which can be adapted by duty bearers to assess and plan for action to promote compliance with their human rights obligations under ICESCR.

We are committed to continuing to develop this model. Given current resource limitations, we will consider one region of the country per year over the course of the 2024-28 Strategic Plan in order that we may have a baseline of ESC rights enjoyment across Scotland over the next four years.

The focus for 2025 will be on monitoring economic, social, and cultural rights in the South Scotland (as defined by the Scottish Parliament's regional area).

The Commission will be reflecting our findings to the United Nations Committee on Economic, Social and Cultural Rights to inform its assessment of the United Kingdom's compliance in February 2025, and we will be visiting communities and local duty bearers before end of March 2025 to share our findings and the ESC rights monitoring framework.

We encourage the Equalities, Human Rights, and Civil Justice Committee to thoroughly consider the findings and recommendations of our monitoring work, particularly at this formative stage of the monitoring model. We would welcome any formal discussion between the Committee and SHRC on this report and our approach to human rights monitoring in Scotland more generally.

If you would like more information or would like to discuss our work and findings, please contact me by return and I will be happy to facilitate discussions with members of the Commission and our Project Lead, Dr Luis F Yanes, who will be happy to provide you with any insight you require.

Yours sincerely

Professor Angela O'Hagan
Chair