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The Scottish Parliament
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Dear Convener

Concluding Observations from the United Nations Committee on Economic Social and Cultural Rights Review of the United Kingdom

The United Nations Committee on Economic, Social and Cultural Rights has recently published the Concluding Observations following the 7th review of the United Kingdom's adherence to the International Covenant on Economic, Social and Cultural Rights.

I enclose a copy of the Committee's Concluding Observations, which I know will be of interest to the Committee. I am also pleased to share a copy of the Commission's parallel report to this process, which supports the UN Committee through an independent analysis of evidence relating to the enjoyment of ICESCR in Scotland.

The review by the UN Committee is an essential aspect of accountability for human rights in Scotland. I was pleased to attend the review alongside Commission staff and to have opportunity to brief UN Committee members on the challenges facing Scotland. These include

- the need for devolution sensitivity in the Committee's approach,
- the disappointment of many organisations surrounding the failure to ensure that ICESCR rights are incorporated domestically,
- challenges of access to justice,
- the inadequacy of social security, rising poverty and economic security,
- access to healthcare, and
- the wide-ranging problems many people face in accessing affordable, accessible and secure housing.

I would personally reflect that we observed a robust, challenging and informed dialogue led by the UN Committee experts, and which attempted to cover a wide range of issues across the whole of the UK. I am further pleased to report that many Scottish civil society organisations participated in the ICESCR review, in writing, through in person or virtual meetings with Committee members and through the Commission's own outreach, which engaged with civil society organisations and Scottish scrutiny bodies such as regulators.

The CDESCR review concludes an extremely busy period of scrutiny at UN level. I additionally highlight that last year saw publication of Concluding Observations from the Committee on the Elimination of Racial Discrimination, the Human Rights Committee (which scrutinises the International Covenant on Civil and Political Rights) and updated recommendations from the Committee on the Rights of Persons with Disabilities following an inquiry into 'grave and systematic' violations of the UNCRPD.

You will be aware that the Commission engaged in these monitoring process, and in similar terms, encouraged and worked alongside the participation of many Scottish organisations, especially in the CERD review.

These processes highlight a broad range of concerns. Of note, the Concluding Observations of the CERD Committee from October 2024, include recommendations for Scotland on matters such as disaggregated data, forced assimilation of the gypsy traveller community, progress against the Scottish Government's Race Equality Delivery Plan, racism in policing, impact of No Recourse to Public Funds policy, racism towards people of Irish descent, poverty, housing and bullying in schools.

Other areas of concern brought to light in the UN treaty bodies included the UNCRPD's findings that **no significant progress has been made in the State party concerning the situation of persons with disabilities** and that **the State**

party has failed to take all appropriate measures to address grave and systematic violations of the human rights of persons with disabilities, and the Human Rights Committee's comments on the rights of prisoners and protection of reproductive rights in Scotland.

In addition, both the Human Rights Committee and the CERD Committee made specific observations about the strengthening of the SHRC mandate:

“It also recommends that the State party strengthen the functions and powers of these institutions, including through legislative or other measures, to promote and protect human rights. It further recommends that the State party ensures the allocation of adequate human, financial and technical resources to these institutions to enable them to perform their mandates effectively” (CERD)

I also enclose a copy of the Concluding Observations from the Human Rights Committee, the UNCRPD Findings and the CERD Committee's Concluding Observations.

The Commission has previously encouraged the Equality, Human Rights and Civil Justice Committee to pick up where the UN Committee structures leave off by undertaking a domestic review of the Concluding Observations and the Scottish Government's response. Such a process would encourage further detailed consideration of the impact of the Concluding Observations in a devolved setting and enable many Scottish voices to contribute further.

In paragraph 69 of the CESCR's Concluding Observations, the Committee **“emphasizes the crucial role that Parliament plays in implementing the present concluding observations and encourages the State party to ensure its involvement in future reporting and follow-up procedures.”**

Implementation of Concluding Observations supports the progressive realisation of economic, social and cultural rights, and the rights protected in all UN treaties ratified by the UK, and in the context of the Scottish Government's commitments to exploring a tracker tool, enhancing transparency and accountability for progress, the additional parliamentary scrutiny would greatly assist this process.

Accountability for securing these rights is extremely complex and out of reach for many, and the delay to the Human Rights Bill means that legislative mechanisms to improve this remain unavailable at present. Enabling individual complaints where rights are violated would of course close the gap between the legal standards and practice, evidence of which you can see in the enclosed parallel report, in our local

monitoring in the Highlands and Islands and which will be the subject of our 2025 State of the Nation Report later this year.

The Commission stands ready to engage in and support the Committee to advance the realisation of ICESCR, ICCPR, CERD, CEDAW and CRPD throughout its work. We would be happy to explore our proposal further and to discuss our findings and treaty monitoring activities wherever this would assist Members.

Yours sincerely,

Professor Angela O'Hagan
Chair

[enc: Parallel Report of the Scottish Human Rights Commission to Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues in relation to its seventh periodic report to the Committee on Economic Social and Cultural Rights](#)

[Committee on Economic, Social and Cultural Rights Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland](#)

[Committee on the Elimination of Racial Discrimination Concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of the United Kingdom of Great Britain and Northern Ireland](#)

[Human Rights Committee Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland](#)

[Committee on the Rights of Persons with Disabilities Report on follow-up to the inquiry concerning the United Kingdom of Great Britain and Northern Ireland.](#)