

**INTERNATIONAL
COVENANT ON
ECONOMIC, SOCIAL AND
CULTURAL RIGHTS:
REPORT TO THE UN
COMMITTEE ON
ECONOMIC, SOCIAL AND
CULTURAL RIGHTS IN
SCOTLAND AND THE UK**

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Final shadow report for
the 77th session of CESCR.

This report has been co-designed, and/or endorsed by the following organisations, in order alphabetically: AccessAble Borders (Access Panel under Ability Borders), Ability Borders, Ability Borders SCIO, Amina MWRC, ARGH (Autism Rights Group Highland), Ayr Housing Aid Centre, Ayr Housing Aid Centre SCIO, AyeRight, BEMIS Scotland, C-Change Scotland, Capella Charity, Carers Trust Scotland, CEMVO Scotland, Central Scotland Regional Equality Council (CSREC), Children's Parliament, Coalition for Racial Equality and Rights (CRER), Committed to Ending Abuse (CEA Ltd), Community Policy Forum, Creative Services (Scotland) Ltd, Disabled Persons Housing Service (Borders), East Ayrshire Advocacy Services, Engender, Environmental Rights Centre for Scotland (ERCS), Equate Scotland, Families Outside, Glasgow Disability Alliance, Grampian Regional Equality Council (GREC), Inclusion Scotland, Just Fair, JustRight Scotland, Lanarkshire Deaf Hub, Long Covid Scotland, Long Covid Scientific Consultancy, Making Rights Real, Marie Curie Scotland, Media Education, Migrant Voice, Nourish Scotland, No Recourse North East Partnership, Outside the Box, Parenting across Scotland, Quakers in Scotland, Radiant and Brighter Community Interest Company, Refugee Sanctuary Scotland, Royal Edinburgh Hospital Patients Council, Salvesen Mindroom Centre, Scottish Borders Social Enterprise Chamber CIC, Scottish Care, Scottish Child Law Centre, Scottish Community Link Worker Network (facilitated by Voluntary Health Scotland), Scottish Independent Advocacy Alliance, Scottish Parliament Cross Party Group on Chronic Pain Secretary's view, Scottish Refugee Council, Scottish Vaccine Injury Group, Scottish Women's Aid, Scottish Youth Parliament, SISU, Springburn Unity Network, The ALLIANCE (Health and Social Care Alliance Scotland), The Hong Kong Scots, The Young Women's Movement, Together (Scottish Alliance for Children's Rights), UKCVFamily, Voluntary Health Scotland, Welfare Scotland, Who Cares? Scotland, Women's Support Project (Rights & Choices initiative), WithYou, Worker Support Centre.

A particular thanks to the communities who relived their own trauma in providing data for the following report.

Foreword

Scotland is at an important moment. We face rising inequality, strained public services, and global challenges that test the resilience of our communities and institutions. In these circumstances, human rights are more than ideals - they are the foundations we rely on to uphold dignity, fairness, and justice. Human rights laws help to ensure that everyone, no matter their circumstances, is treated with respect and has access to the support they need to live with dignity. These laws are not about abstract concepts; they are about real lives. They give people facing poverty, discrimination, or marginalisation a way to challenge unfair treatment and demand better. They ensure accountability, transparency, and fairness from those in power.

In the immediate term, strong human rights laws provide protection when people need it most, particularly during times of economic or social pressure. But they also do more than that. Over the long term, embedding human rights into our legal and policy frameworks helps to build a fairer, more equal society. It ensures that as we tackle challenges like the climate crisis, systemic injustice, and demographic shifts, we do so in ways that are rooted in respect and care for one another. This is why the urgency of human rights law cannot be overstated. We must continue to act with determination, ensuring that those laws become not just promises, but realities. The recommendations in this report are a vital part of that effort. For instance, we urge the Scottish Government to expedite the introduction of the Scottish Human Rights Bill, ensuring that it reflects the lived experiences and needs of marginalised communities. This Bill will help address systemic barriers that undermine equality in our society, but it is not enough to wait until it is enacted - actions must be taken now to push forward the work already begun.

In particular, creative legal solutions are needed to address legislative restrictions stemming from the Scotland Act 1998. We call on both the Scottish and UK Governments to explore options that restore Scotland's full legislative autonomy on human rights matters, such as phased implementation or "carve-out" provisions. These solutions could help unlock opportunities for real progress.

Similarly, human rights law must be actively shaped by those most affected by inequality. That's why collaboration with civil society is essential in developing policies and laws that directly address the lived experiences of vulnerable groups, from refugees and asylum seekers to workers facing exploitation in precarious employment. This report calls for a renewed commitment to family reunification, support for asylum seekers, and enforcement of fair work principles that ensure basic rights are respected across sectors.

Equally, there is much work to do on the broader issue of poverty in Scotland. We recommend that the Scottish Government scale up efforts to reduce child poverty, expand social security support, and address housing affordability. At the same time, we ask that the UK Government remove harmful policies such as the two-child limit and the benefit cap, which disproportionately affect women and children, leaving them in even more difficult circumstances.

As we look at the intersection of human rights and the environment, the report stresses the importance of embedding the right to a healthy environment into Scots law. From air quality to green spaces, ensuring that all communities - especially the most marginalised - have access to a healthy environment is crucial for future generations.

Lastly, the recommendations also call for improvements in healthcare, especially for the most vulnerable groups. Whether through improved access to mental health support, better maternity services, or comprehensive care for those affected by long COVID, we need to ensure that human rights are front and centre in Scotland's healthcare system.

This is not just a matter for governments or policymakers. It is a call for all of us - civil society, communities, and individuals - to take responsibility for safeguarding these rights and ensuring that they are honoured every day. Human rights are the tools we use to create a fairer, more inclusive society where everyone can thrive.

This is a time to look forward with ambition and determination. In working collaboratively, we can ensure that human rights are not just principles we talk about - they are the reality for every person in Scotland, today and in the years to come. But much more must be done to address the crises we face now, not at some distant point in the future.

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Introduction

The Human Rights Consortium Scotland (HRCS) has been at the heart of efforts to strengthen and secure human rights in Scotland, particularly through legislative change and public accountability. This contribution comes as part of the final stages of the UN Committee on Economic, Social, and Cultural Rights (CESCR) review cycle, at a critical time for human rights in Scotland. The review offers a chance to reflect on the state of economic, social, and cultural rights and to push for stronger protections, particularly for those most impacted by poverty and inequality. HRCS has worked extensively to highlight gaps in implementation, calling for urgent progress on incorporating international human rights standards like ICESCR into domestic law.

As Scotland continues to face political and economic challenges, this review process provides an opportunity to ensure that rights are more than just aspirations - they are enforceable guarantees. HRCS's advocacy throughout the CESCR cycle has focused on ensuring that civil society voices are central to the process and that recommendations drive real change for people across Scotland.

About HRCS

The Human Rights Consortium Scotland is a civil society network (230 members) dedicated to promoting and protecting human rights. It brings together organisations and campaigners to influence law and policy, ensure accountability, and push for the incorporation of international human rights standards into Scottish law. HRCS plays a vital role in amplifying marginalised voices and ensuring human rights are at the core of decision-making.

Article 2(1) – Progressive Realisation of Rights and Article 11 – Right to an Adequate Standard of Living - Advancing Human Rights Protections in Scotland Amid Legislative Constraints

The protection of human rights within the UK has faced significant challenges in recent years. Concerns have been raised regarding the potential repeal of the Human Rights Act 1998 (HRA), which provides vital safeguards for economic, social, and cultural rights. In Scotland, there is a commitment to advancing human rights through the incorporation of international standards into domestic law. The proposed Scottish Human Rights Bill represents a pivotal step in this direction. Announced with significant public support, the Bill promises to strengthen protections by embedding international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), into Scots law.

The proposed Bill presents a vital opportunity to embed international human rights standards, including the ICESCR, into Scots law, offering stronger protections for marginalised communities. Despite significant civil society support and years of development, the Scottish Government has delayed the Bill, citing legal constraints under the Scotland Act 1998 and resource pressures. Recent UK Supreme Court rulings, particularly on the UNCRC (Incorporation) (Scotland) Bill, have highlighted limitations on Holyrood's legislative competence.

HRCS believes that the Scottish Government could take creative approaches, such as drafting the Bill with "carve-out" provisions that align with reserved matters while still advancing key rights. Another option is phased implementation, prioritising areas firmly within devolved competence while advocating for future legislative changes. Such strategies would demonstrate leadership and maintain momentum.

The CESCR's intervention is critical. We urge the Committee to press the UK Government to amend the Scotland Act 1998, restoring pre-2018 interpretations of devolution that allowed broader legislative autonomy on human rights.

Simultaneously, the Scottish Government must introduce the Human Rights Bill without further delay, demonstrating its commitment to rights through creative legal solutions and transparent timelines. These actions will ensure Scotland fulfils its potential as a leader in human rights while addressing the immediate needs of marginalised communities.

Recommendations for the Scottish Government

- Expedite the introduction of the Scottish Human Rights Bill to ensure timely progress.
- Explore and implement creative legal solutions to address legislative restrictions stemming from the Scotland Act 1998, such as phased implementation or "carve-out" provisions for devolved areas.
- Actively collaborate with civil society to ensure the Bill reflects the lived experiences and needs of all marginalised communities.
- Provide clear timelines and transparent updates on the Bill's development and anticipated introduction.

Recommendations for the UK Government

- Amend the Scotland Act 1998, particularly Section 28(7), to restore legislative autonomy for the Scottish Parliament on human rights matters and reverse the narrowing of devolved competencies.
- Work in partnership with devolved administrations to support the incorporation of international human rights standards across the UK.
- Ensure that any UK-level legislative changes or policy decisions, including those affecting the Human Rights Act, do not undermine Scotland's efforts to enhance human rights protections.

Article 6 – Right to Work, Article 10 – Protection of the Family, and Article 11 – Right to an Adequate Standard of Living - Reforming the UK's Asylum System to Uphold Human Rights

The UK's asylum system often fails to provide the dignity, safety, and opportunity that people seeking refuge deserve. Prolonged waiting times, limited access to work, and fragmented support systems leave many asylum seekers in uncertainty and hardship. A fair and humane system is essential to uphold the UK's commitment to international human rights standards.

Fair and Efficient Procedures

A functional asylum system must ensure timely decisions while treating every applicant with dignity. The new Government's decision to scrap the Rwanda Plan and restart the processing of asylum claims has prevented the backlog from spiralling to a record high, with projections showing 59,000 fewer people waiting for an initial decision by January 2025 than under previous policies. This approach could save up to £240 million in asylum support costs. However, a coherent strategy is now essential to sustain this progress. Transparent plans for prioritising claims, expanding legal advice access, and bolstering tribunal capacity are critical to rebuilding the system. The Government must also adopt a clear vision for refugee protection that simplifies legislation, ensures fairness, and upholds international human rights standards.

The Right to Work

Prohibiting asylum seekers from working leaves many isolated and reliant on minimal support. Allowing people to work after six months would reduce destitution, improve mental health, and contribute to the economy. Case studies from countries like Spain show the benefits of supporting asylum seekers with vocational training and employment opportunities. Scottish civil society can amplify the case for change by sharing personal stories, highlighting public support, and engaging businesses to champion the economic and social benefits of lifting the ban.

Family Reunification

Families often face significant barriers to reunification after being forced apart by conflict or persecution. Reuniting families provides a critical foundation for stability and integration. Expanding existing schemes and introducing more compassionate, streamlined processes - especially for separated children - should be a priority.

Integration and Community Support

Integration begins on day one, yet many asylum seekers face barriers to accessing housing, healthcare, education, and community services. Local authorities and charities need greater funding and coordination to enhance integration programmes. Successful initiatives like the Scottish Government's "New Scots Integration Strategy" show how targeted support can build inclusive communities and unlock potential.

Recommendations for the Scottish Government

- Expand support for family reunification, particularly focusing on separated children, and provide funding to local authorities for these cases.
- Increase investment in integration programmes, including access to housing, mental health services, and community-led initiatives that welcome asylum seekers.
- Collaborate with civil society organisations to ensure asylum seekers' voices are central to policy development.

Recommendations for the UK Government

- Commit to reducing the asylum backlog with a clear and transparent plan, prioritising claims, increasing tribunal capacity, and investing in trained staff and efficient decision-making processes.
- Remove the ban on work for asylum seekers, allowing them to support themselves, improve mental health, and contribute to society.
- Strengthen family reunification schemes by broadening eligibility criteria and ensuring timely, compassionate processes, especially for separated children.
- Repeal the Illegal Migration Act 2023 and align asylum policies with international human rights obligations, removing barriers to integration and homelessness risk.

Article 6 – Right to Work - Tackling Employment Disparities for BAME Communities in Scotland

Addressing Zero-Hour Contracts in Scotland's Public Sector

The issue of zero-hour contracts (ZHCs) has long been a focal point in discussions around fair work practices in Scotland. Despite the Scottish Government's commitment to upholding the principles of the Fair Work Convention, concerns persist regarding the use of ZHCs within the public sector, particularly in organisations like the Scottish Courts and Tribunals Service (SCTS).

Context and Current Practices

In 2018, a Fair Work Agreement was established between Scottish ministers and unions to eliminate the use of ZHCs, recognising that employment security is critical for a successful life. Yet, the SCTS continues to employ staff on ZHCs, albeit under the justification of exceptional circumstances.

As of 2023, SCTS employs 16 individuals on ZHCs, a reduction from previous years but still a matter of contention. The organisation claims these contracts are used for ad hoc work in remote areas where hiring permanent staff is infeasible. However, this practice has been criticised for contravening the principles of the Fair Work Agreement and creating insecure working conditions that disproportionately affect workers' rights and job security.

Workplace Bullying and Report and Worker Insecurity

ZHCs offer no guarantee of work hours, leaving employees with unstable incomes and limited financial predictability. This insecurity undermines their ability to plan for the future, access credit, and meet basic needs, contributing to broader economic inequality.

The precarious nature of ZHCs can exacerbate power imbalances in the workplace. Workers may fear retribution or a reduction in offered hours if they report mistreatment or raise concerns, thereby perpetuating a culture where workplace bullying can go unchallenged.

Broader Social and Economic Implications

The rise in ZHCs in Scotland, now representing 4.1% of the workforce (as of 2023) - the highest in the UK - has far-reaching consequences. These contracts erode the stability that underpins a thriving economy and social cohesion. Public sector use of ZHCs also sets a poor example for private sector employers, undermining efforts to promote fair work as a national standard.

Reserved Nature of Employment Law

The Scottish Government has cited the reservation of employment law to the UK Government as a barrier to stronger action against ZHCs. However, within devolved competencies, public bodies can still adhere to fair work principles by implementing robust internal policies that avoid the use of ZHCs.

Recommendations for the Scottish Government

- Establish a monitoring body to ensure public sector compliance with the Fair Work Agreement, publishing annual reports on the use of Zero Hour Contracts (ZHCs) and holding organisations accountable.
- Transition ZHC workers in public bodies to part-time or fixed-term contracts where possible, with clear exceptions for remote or unpredictable roles subject to review.
- Amend internal policies to ensure workers on ZHCs receive the same support and protections as permanent staff, including grievance mechanisms and whistleblowing protections.
- Lead by example in the public sector by embedding fair work principles into procurement, partnerships, and operational frameworks.
- Advocate for the devolution of employment law to strengthen protections against exploitative practices like ZHCs, while leveraging existing powers to enforce fair work.
- Collaborate with trade unions, such as the Public and Commercial Services Union, to co-develop policies and ensure worker concerns are addressed through transparent engagement.
- Raise public awareness about the negative impacts of ZHCs and promote the benefits of secure employment to encourage demand for fair work practices.

Articles 6 (Right to Work), 7 (Right to Just and Favourable Conditions of Work), and 2(2) (Non-Discrimination) of ICESCR – Achieving Racial Equality in Employment and Public Services

Employment Disparities for BAME Communities

The employment rate for minority ethnic groups in Scotland remains significantly lower than that of white groups. In 2023, the employment rate for people from minority ethnic backgrounds aged 16 to 64 was 62.0%, compared to 75.8% for white groups. This disparity is further highlighted by a higher unemployment rate among young Black people, with 27% of 16-24-year-olds from a Black ethnic background unemployed in 2023-2024, compared to 10% for their white counterparts. In addition to these employment challenges, ethnic minorities experience higher rates of poverty, lower average wages, and under-representation in senior roles across various sectors. Employment practices frequently fail to address these inequities effectively.

Insights from Scottish Workforce and Employment Data

- The Scottish Government's Diversity and Inclusion report (2023) highlights systemic barriers for ethnic minority workers:
- People from ethnic minorities are underrepresented in the workforce compared to Scotland's general working-age population.
- Ethnic minority applicants are less likely to secure interviews, or job, offers than white applicants.
- Average pay for ethnic minority staff is lower than for white staff.
- Staff from mixed or multiple ethnic groups report higher rates of discrimination.
- Ethnic minority employees are more likely to receive lower performance ratings and report higher sickness absence levels.

Research from the Coalition for Racial Equality and Rights highlights similar challenges in the public sector, where limited ethnic diversity in senior roles persists despite high application rates from ethnic minority candidates.

Intersectional Challenges in Justice and Public Services

Studies from Police Scotland, the Scottish Institute for Policing Research, and Public Health Scotland reveal further systemic issues, such as discrimination in policing and barriers to engagement for minority communities. These challenges extend to how minority ethnic women experience violence and access public services.

Recommendations for the Scottish Government

- Implement “blind” recruitment processes and set diversity targets for workforce composition and senior roles to reduce bias and enhance recruitment practices.
- Conduct regular pay audits, address disparities, and strengthen mentoring programmes to support the progression of ethnic minority employees.
- Provide mandatory anti-racism training, establish robust reporting mechanisms, and ensure accountability for workplace discrimination.
- Develop inclusion metrics, create employee resource groups, and monitor engagement to foster inclusive workplace cultures.
- Require public sector bodies to publish workforce diversity data and partner with community organisations to improve recruitment outreach.
- Incorporate intersectionality into workplace policies and use disaggregated data to address the unique needs of ethnic minority groups.

Article 7 – Right to Just and Favourable Conditions of Work - Addressing the Gender Pay Gap and Structural Inequalities in Scotland

Despite legal requirements for gender pay gap reporting, disparities between men's and women's earnings persist across Scotland. The most recent data highlights that:

- From 2021 to 2022, the mean gender pay gap in Scotland increased from 10.1% to 10.9%, while the gap for full-time workers rose from 6.6% to 7.9%. Women working part-time earn, on average, 26.3% less than men working full-time, with women comprising 73% of part-time workers. This reflects systemic undervaluation of part-time and female-dominated roles.
- Women are over-represented in low-paid sectors such as caring, leisure, and service work. These sectors show lower-than-average pay gaps, yet perpetuate economic inequality through lower wages overall. By contrast, managerial and senior roles show a 17.1% gender pay gap among high earners, illustrating continued challenges for women in advancing to top-paying roles.
- The gender pay gap widens significantly for women aged 40 and older, driven by the 'motherhood penalty' and lower representation in managerial positions post-childbearing age. Additionally, gaps are larger for women of colour, disabled women, and older women due to intersecting inequalities.

The COVID-19 pandemic exacerbated these disparities, with disrupted labour market trends initially narrowing gaps in 2020, only for them to rebound in subsequent years. The enduring inequalities are a lagging indicator of structural barriers women face in the workforce.

Gender Data Gaps

Key issues in measuring and addressing the gender pay gap include:

- A lack of intersectional data that considers overlapping forms of marginalisation. Current data is insufficient to fully understand disparities faced by women of colour, disabled women, and other marginalised groups.

- Ungendered indicators within the National Performance Framework (NPF). For example, measures like household poverty fail to capture women's unequal access to resources, while unpaid care work - an essential driver of inequality - is not adequately recognised.

Recommendations for the Scottish Government

- Enforce stricter gender pay gap reporting, including intersectional data on race, disability, and other forms of marginalisation, and ensure transparency across all sectors.
- Reform skills and reskilling programmes to tackle occupational segregation, support women returning to work, and improve access to higher-paying, male-dominated fields like STEM.
- Integrate gender equality into economic policy by implementing the National Advisory Council for Women and Girls' recommendations and embedding gender mainstreaming in Scotland's National Strategy for Economic Transformation.
- Improve gender-sensitive data collection through enhanced NPF indicators and a robust Equality Evidence Strategy.
- Strengthen the Public Sector Equality Duty with measurable targets, co-produced regulations, and adequate funding for effective implementation.

Article 9 – Right to an Adequate Standard of Living - Reforming Social Security and Welfare

The current social security system in the UK is failing to provide adequate support to those who need it most, exacerbating financial hardship and poverty across Scotland. Policies such as the two-child limit, benefit cap, and the failure to index benefits to the rising cost of living disproportionately harm women, disabled people, minority ethnic families, and LGBT+ individuals. The five-week wait for Universal Credit deepens poverty and debt for vulnerable populations, compounding the systemic barriers many already face. Evidence suggests these policies perpetuate cycles of poverty and undermine efforts to reduce inequality, particularly among groups already marginalised by society.

Research highlights the widespread dissatisfaction with social security services. The Equality Network found that disabled people, who are significantly more likely to claim benefits, frequently encounter inaccessibility, stigma, and dehumanisation when engaging with services like the DWP and Job Centres. LGBT+ claimants face additional challenges, including systemic discrimination, misgendering, and hostile treatment, while migrants encounter distinct barriers to accessing benefits. Meanwhile, research from the University of Stirling underscores the stigma associated with claiming benefits and unique vulnerabilities of LGBT+ people within the system. This is further echoed by the Joseph Rowntree Foundation's 2024 report, which paints a bleak picture of persistent poverty in Scotland, with over one in five Scots living in poverty, including one in four children.

The Scottish Government has taken some positive steps, such as the Scottish Child Payment, but these measures fall short of the urgent action required to meet statutory child poverty reduction targets. Without systemic reform at both the UK and Scottish levels, the social security system will continue to fail the most vulnerable, undermining poverty reduction strategies and perpetuating inequality.

Recommendations for both the UK and Scottish Governments

- Commit to joint working on poverty reduction, ensuring greater coordination between devolved and reserved social security systems.
- Prioritise increasing benefit uptake through coordinated campaigns, particularly for minority ethnic households and underrepresented groups.
- 3. Collaborate on strategies to maximise the impact of child poverty reduction efforts across devolved and reserved powers.

For the UK Government

- Remove the benefit cap and two-child limit, which disproportionately harm women, children, and larger families.
- Introduce a protected minimum floor within Universal Credit to prevent the deepest hardship caused by debt deductions.
- Equalise the standard allowance rates for under-25s with those over 25.
- Uprate Local Housing Allowance (LHA) annually to cover at least the bottom 30% of rents.
- Reform the DWP's culture, replacing sanctions with a more supportive, claimant-centred approach.

For the Scottish Government

- Expand and accelerate actions under child poverty reduction strategies, including scaling up initiatives like Fairer Future Partnerships across all local authorities.
- Strengthen the Discretionary Housing Payments system to offer more consistent housing support.
- Review the adequacy of disability assistance payments and explore steps toward implementing a Minimum Income Guarantee.
- Build on the success of Social Security Scotland by embedding trauma-informed, person-centred approaches across its services.

Articles 9 (Right to Social Security), 11 (Right to an Adequate Standard of Living), 12 (Right to Health), and 13 (Right to Education) of ICESCR – Child Poverty and National Poverty Rates in Scotland

Child poverty in Scotland remains a persistent and troubling issue. Despite policy initiatives like the Scottish Child Payment (SCP) and the Child Poverty Act (2017), progress toward meeting the interim and final targets for reducing child poverty has stalled. The most recent data reveals that:

- 24% of children (240,000) live in relative poverty after housing costs (2020 - 2023 average).
- 26% of children live in relative poverty based on the latest single-year data, an increase of 30,000 from the previous year.
- Absolute child poverty and persistent poverty exceed interim targets by 7 and 10 percentage points, respectively.

The Joseph Rowntree Foundation and campaign groups like CPAG and Save the Children express grave concern that Scotland may fail to meet both the 2026 interim target of 18% and the 2030 target of 10%. This challenge is exacerbated by the rising cost of living and cuts to housing and employment support programmes.

The Role of the Scottish Child Payment

The SCP (£26.70 per week per eligible child) has provided critical support, with positive feedback from families citing its role in easing financial strain. However, limitations in UK poverty data collection have hindered an accurate assessment of its impact. Modelling suggests the SCP has the potential to reduce child poverty rates to 20% by 2024/25 and by 3 percentage points by 2030. Despite this, the gap between projected outcomes and the 2030 target remains significant, necessitating further action.

Recommendations for the Scottish Government

- Raise the Scottish Child Payment (SCP) to £40 per week, advocate for UK Government reforms like removing the two-child Universal Credit limit, and introduce an essentials guarantee to cover basic living costs.
- Reinstate funding for programmes like the Parental Employment Support Fund and expand initiatives to reduce in-work poverty, including wage increases and job security improvements.
- Resolve data gaps in UK poverty measurements to accurately reflect the impact of Scottish policies and publish more detailed data on the experiences of minority ethnic families facing higher poverty rates.
- Protect and increase investment in affordable and social housing to reduce cost pressures on low-income families, ensuring housing support includes precarious private tenants.
- Allocate resources to address the unique challenges faced by minority ethnic families, with tailored employment and housing support, and monitor the effectiveness of poverty reduction strategies for these groups.

Article 10 - The Right to Protection of the Family – Monitoring and Regulation of Residential Care

Significant gaps remain in Scotland's regulation of residential care for children, particularly regarding restraint practices. Research has highlighted poor data collection, inconsistent terminology, and limited progress in phasing out restraint, despite commitments in The Promise. Between February 2020 and 2023, at least 2,355 children were subjected to restraint practices, though the actual figure is likely higher due to incomplete data from several local authorities. Some authorities reported they do not record this information centrally, while others cited cost barriers under FOI limits. Additionally, the introduction of terms such as "safe holds" has diluted the original commitment to end restraint entirely, creating confusion and undermining accountability.

Recommendations for the Scottish Government

- Require all local authorities and care providers to report restraint incidents under a unified national framework, with oversight by the Care Inspectorate. A national audit should be conducted to ensure transparency and compliance, addressing issues such as incomplete data recording, inconsistent practices, and gaps in oversight of commissioned care providers.
- Develop a clear, time-bound plan to eliminate restraint in residential care. This plan must include proper funding for local authorities and high-quality training for staff in trauma-informed and rights-based approaches to behaviour management. Without strong action, Scotland risks failing its commitment to become a nation that does not restrain its care experienced children.

Article 11 – Right to Adequate Food - Addressing Food Insecurity in Scotland

The right to adequate food is a cornerstone of the broader right to an adequate standard of living, recognised under international human rights law. In Scotland, this right is far from being universally realised. For too many, the ability to access, afford, and consume nutritious food remains a daily struggle, driven by systemic inequalities, geographic barriers, and financial pressures.

Recent data paints a stark picture: one in six people in Scotland live in households with low or marginal food security. For those in poverty, this number is even higher - only 66% of individuals in relative poverty and 68% in severe poverty experience high food security. This means a third of those living in poverty are in households where access to enough food is uncertain. Parents often shield their children from the worst effects, skipping meals or reducing their portions to ensure younger family members don't go hungry.

Efforts have been made to address these issues. The “Cash-First: Towards Ending the Need for Food Banks in Scotland” strategy and the “Good Food Nation (Scotland) Act 2022” represent meaningful progress. However, gaps remain. High food costs, limited availability of fresh and nutritious options, and the stigma of seeking food support are persistent challenges. The COVID-19 pandemic exposed further vulnerabilities, particularly in rural and remote communities, where disrupted supply chains and limited local options compounded the issue. The delay in introducing the Scottish Human Rights Bill - a key vehicle for incorporating the right to food into law - has left a concerning void. Without statutory protections, the responsibility to address food insecurity has fallen to underfunded local initiatives and third-sector organisations.

Where Scotland Falls Short

Food availability in remote areas, such as the Highlands and Islands, is inconsistent, with unreliable ferry services, seasonal tourism, and unstocked shops creating significant gaps in supply. Rising food costs, coupled with transportation expenses, make even basic groceries unaffordable for many, with poverty exacerbating these challenges as families prioritise housing and energy over nutrition. Physical access to food is further hindered by poor public transport in rural areas and the long travel distances to supermarkets, making it difficult for people to secure affordable and nutritious food. Social stigma also remains a key barrier, particularly in small communities where turning to food aid can feel humiliating. Even when food is available, healthy options are limited, especially in convenience stores, contributing to poor health outcomes and reinforcing inequalities. A third of those living in poverty lack reliable access to food, which is unacceptable in a country as wealthy as Scotland.

Recommendations for the Scottish Government

- Develop a National Food Security Strategy that treats food security as a human rights issue, including minimum core obligations under international law and contingency plans for emergencies.
- Strengthen local food systems by funding small-scale farming and community initiatives, supporting shorter supply chains to enhance resilience and reduce environmental impact.
- Increase accessibility to affordable food by expanding public transport options to rural areas and collaborating with supermarkets for delivery services to underserved communities.
- Address financial barriers by scaling up cash-first approaches to support low-income households and introducing subsidised nutritious food programmes in high-cost areas.
- Combat stigma and promote dignity by expanding non-means-tested food initiatives like community kitchens and launching public campaigns to reduce stigma around food support.
- Regularly monitor and evaluate food security across Scotland, particularly for those in poverty, to ensure policies are effective and adapt strategies where needed.
- Promote training and awareness on food security, nutrition, and human rights in the education of health and social care professionals.

Articles 12 (The Right to Physical and Mental Health), 10 (The Right to Protection of the Family, Including Parental Leave), 6 (The Right to Work), 7 (The Right to Fair and Equitable Conditions of Work), 11 (The Right to an Adequate Standard of Living), and 15 (The Right to Participate in Cultural Life) of ICESCR - Addressing the Impact of COVID-19 on Vulnerable Groups and Healthcare Systems in Scotland

Addressing the Impact of COVID-19 on Vulnerable Groups and Healthcare Systems in Scotland

The COVID-19 pandemic exposed and exacerbated pre-existing inequalities within Scotland's healthcare system, disproportionately impacting vulnerable groups, including disabled people, those at clinical high risk including those with long-term conditions, unpaid carers, and women. It also raised complex challenges for vaccine equity and the rights of those affected by adverse vaccine reactions. Addressing these issues requires robust action to ensure a human rights-based approach in healthcare and public health emergencies.

Vulnerable Groups and Health Inequalities

The pandemic severely disrupted access to healthcare and social services, particularly for disabled people and those with long-term conditions. Reduced person-centred care, communication challenges, and postponed treatments widened health inequalities. Scotland's estimated 620,000 to 800,000 unpaid carers - who provide essential care valued at £15.9 billion annually - faced additional burdens without sufficient support. Excluding them from the free 2024-25 COVID-19 booster vaccination programme further marginalises this critical group, threatening their health and ability to continue caregiving. Women were similarly disadvantaged. A 2023 report by the ALLIANCE and Engender revealed that public health restrictions disrupted pregnancy and maternity services, affecting antenatal care, fertility treatments, and postnatal support.

These gaps highlight the need for gender-sensitive approaches to healthcare, especially during crises.

People affected by alcohol and substance use also face entrenched inequality. The recent Charter of Rights for People Affected by Substance Use, developed by the National Collaborative, provides a roadmap for addressing these issues. The Charter's PANEL principles analysis highlighted barriers, including limited access to mental health services, discrimination against women who disclose substance use, and inequitable resource allocation in areas of deprivation. The development of Lived Experience Panels is promising but requires stronger alignment with rights-holder empowerment and systemic accountability.

Long COVID

Long COVID remains a significant issue, affecting individuals' ability to work, study, and maintain financial independence. Symptoms are often severe and persistent, with many patients reporting insufficient access to NHS services, forcing them to seek alternative care. The unpredictable nature of Long COVID demand an integrated, holistic response to support affected individuals and their families.

Addressing Adverse Vaccine Reactions

While COVID-19 vaccines have played a vital role in controlling the pandemic, a small number of individuals affected by severe adverse reactions or bereavement due to vaccine-related complications face stigma and inadequate support. Scotland has documented nine deaths where vaccines were the underlying cause, yet no Fatal Accident Inquiries (FAIs) have been conducted, unlike in other parts of the UK. The Vaccine Damage Payment scheme has also faced criticism for its outdated compensation cap and narrow eligibility criteria, leaving many without adequate redress.

Advocates, such as those representing the Scottish Vaccine Injury Group (VIG), emphasise the importance of recognising vaccine injuries within a framework that respects human rights while maintaining public trust in vaccination programmes.

Recommendations for the Scottish Government

- Extend the annual free COVID-19 booster programme to unpaid carers.
- Conduct a comprehensive review of maternity services during the pandemic, with findings informing intersectional, human rights-based reforms to emergency healthcare guidance.
- Implement the Charter of Rights for People Affected by Substance Use as a framework for addressing systemic inequality, ensuring equitable access to healthcare, mental health support, and rehabilitation services.
- Establish a central Long COVID hub to coordinate care, ensure rights-based treatment, provide professional training, and monitor healthcare accessibility.
- Initiate Fatal Accident Inquiries (FAIs) for confirmed vaccine-related deaths to provide transparency and justice for affected families.
- Reform the Vaccine Damage Payment scheme, increasing compensation in line with inflation and introducing a sliding scale based on individual needs.

Article 12 – Right to the Highest Attainable Standard of Physical and Mental Health, and Article 11 – Right to an Adequate Standard of Living - Embedding the Right to a Healthy Environment in Scots Law

Climate change and environmental degradation pose profound threats to economic, social, and cultural rights, disproportionately affecting marginalised and disadvantaged groups. The Scottish Government is under increasing pressure to incorporate the right to a healthy environment into Scots law, ensuring it is enforceable and aligned with international conventions such as the Aarhus Convention.

In July 2022, the United Nations General Assembly declared access to a clean, healthy, and sustainable environment a universal human right. This recognition acknowledges that environmental harm undermines the realisation of all human rights, for both present and future generations.

This right has two key elements:

- Substantive Rights - These include clean air, a safe climate, access to safe water and adequate sanitation, healthy and sustainably produced food, non-toxic environments, and thriving biodiversity and ecosystems.
- Procedural Rights - These are mechanisms that enable people to exercise their environmental rights, such as access to information, participation in decision-making, and access to justice, as enshrined in the Aarhus Convention.

Despite Scotland's ambitions to lead on environmental and human rights, significant barriers remain. Access to justice is hindered by the "loser pays" rule and prohibitive legal costs, which deter individuals and organisations from pursuing environmental cases in court. Scotland is also non-compliant with the Aarhus Convention's access to justice requirements, and failed to implement recommendations of the Convention's governing bodies to remedy this breach before a deadline of 1 October 2024.

Meanwhile, environmental inequality continues to disproportionately impact deprived communities, with poor environmental quality, pollution, and limited access to green spaces exacerbating existing social inequalities. Support for environmental law reform is growing.

In December 2023, over 1,500 individuals and 66 organisations, including environmental groups, charities, think tanks, and trade unions, signed a petition urging the Scottish Government to make the right to a healthy environment enforceable. This momentum reflects widespread demand for stronger environmental protections and equitable access to justice.

Recommendations for the Scottish Government

- Embed the right to a healthy environment in Scots law, ensuring public bodies and polluters can be held accountable.
- Reform environmental justice by replacing the Protective Expenses Orders regime with qualified one-way costs shifting, expanding legal aid, and establishing a dedicated Scottish Environment Court.
- Address Scotland's longstanding breach of the Aarhus Convention by fully implementing the recommendations of [Decision VII/8s](#) to ensure access to justice is fair, equitable, timely, and not prohibitively expensive.
- Improve environmental quality in deprived areas, increase access to green spaces, and empower marginalised communities in decision-making.



Final shadow report for
the 77th session of CESCR.

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