



HUMAN RIGHTS CONSORTIUM SCOTLAND'S RESPONSE TO THE SCOTTISH POLICY FORUM

JANUARY 2025

SCOTTISH LABOUR'S POLICY FORUM

Introduction

The Human Rights Consortium Scotland (HRCS) is appreciative of the opportunity to contribute to this important discussion on ensuring fair policies across Scotland.

HRCS 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.

As part of this consultation, we recognise that some questions explore what a future Scottish Labour government could deliver to improve lives across Scotland. While our responses focus on opportunities for bold and progressive action, we also acknowledge the positive work already undertaken by the current Scottish Government in several areas, in addition to areas that need work or immediate action.

Where effective policies and initiatives are already in place to support people and advance equality, we propose that Scottish Labour commit to maintaining, building on, and strengthening these efforts. Our recommendations aim to ensure continuity of impactful measures while advancing new approaches that address emerging challenges and create lasting benefits for communities across Scotland.

How we will be presenting answers in this response

In this response, we address the specific questions posed as part of this consultation. However, we also believe it is essential to provide broader context on the priorities of the HRCS which shape our approach to these issues.

HRCS works to strengthen and advance human rights in Scotland. Our key priorities include:

1. **The incorporation of international human rights into Scotland's legal framework:** This includes advocating for the Scottish Human Rights Bill and ensuring robust mechanisms to make these rights enforceable.
2. **Human rights mainstreaming:** Embedding a human rights-based approach across public services and decision-making to ensure rights are central to the way Scotland is governed.
3. **Reform of civil legal aid as part of a wider access to justice campaign:** Ensuring the legal aid system is accessible, adequately resourced, and capable of supporting people to uphold their rights in practice.

These priorities reflect our commitment to creating a Scotland where rights are realised for all, with access to justice forming a critical component of that vision.

General Vision and HRCS Priorities

The Scottish Human Rights Bill and Devolution

HRCS believes that the next Scottish Parliament election presents a critical opportunity to strengthen human rights in Scotland and tackle the inequalities that hold too many people back. Civil society organisations like ours stand ready to work with Scottish Labour to ensure that Scotland becomes a leader in embedding international human rights standards into law and practice.

The Scottish Human Rights Bill proposes incorporating ICESCR and the right to a healthy environment into domestic law, with due regard given to group treaties, strengthening enforceable rights to housing, healthcare, and fair treatment. Building on Scotland's incorporation of the UNCRC, this approach reflects a continued commitment to social justice and equality. By embedding these rights in constitutional law, the Bill ensures that fairness, justice, and equality remain guiding principles of governance, protecting the country's values long into the future. [Read more on what the Scottish Human Rights Bill will do here, and HRCS's work on it.](#)

The proposed Scottish Human Rights Bill represents a transformative opportunity to enshrine rights, such as the right to an adequate standard of living, into Scots law. We are encouraged by Scottish Labour's commitment to developing a progressive policy platform, and we urge the party to place human rights at the core of its vision for a more equal and thriving Scotland. By introducing bold proposals to incorporate international human rights treaties like ICESCR, Scottish Labour can lead the way in addressing the root causes of poverty, inequality, and discrimination.

HRCS values collaboration with political parties and civil society as central to advancing human rights. To achieve this shared vision, Scottish Labour can work with HRCS and our network of over 230 organisations to ensure the voices of those most affected by inequality are central to the policy-making process. Together, we can:

1. Develop practical solutions to overcome legal constraints under the Scotland Act 1998, such as phased implementation of human rights legislation or "carve-out" provisions for devolved matters.
2. Ensure that the Human Rights Bill reflects lived experiences by engaging meaningfully with marginalised communities throughout its development.
3. Campaign for changes to the Scotland Act 1998 that restore Holyrood's ability to legislate broadly on human rights and reverse recent UK Supreme Court rulings that have constrained devolution.

Scottish Labour's priorities - supporting young people, addressing economic stagnation, and tackling inequality - align closely with the principles of human rights. By working closely with civil society, the party can ensure these priorities are implemented in a way that guarantees enforceable rights for all.



Equality and Human Rights Mainstreaming

HRCS is urging Scottish Labour to prioritise equality and human rights in Scotland's policy framework. While the decision to delay the Scottish Human Rights Bill remains a setback, the renewed focus on the Scottish National Action Plan on Human Rights (SNAP 2) and the development of a robust equality and human rights mainstreaming strategy present an important opportunity for progress.

We are calling on Scottish Labour to ensure the strategy drives meaningful change by addressing systemic inequalities through a comprehensive, coordinated approach across the six key drivers identified by the Scottish Government. Crucially, this must include embedding a human rights-based approach to budgeting. Without aligning public sector finances to human rights principles, the gap between policy intent and lived reality will persist, leaving marginalised communities unsupported.

HRCS also stresses the need for Scottish Labour to champion the critical role of civil society and the voluntary sector in shaping and delivering this strategy. The experiences of those facing intersectional discrimination provide an essential lens through which systemic injustice can be tackled. A bold mainstreaming strategy must reflect these lived realities and prioritise actions that address the hardwired inequalities that Scotland has struggled to confront. By working with Scottish Labour, we hope to ensure that equality and human rights are embedded not only in public policy and service delivery but also in financial decision-making.

Access to Justice - Civil Legal Aid Reform

Civil legal aid reform is one of those topics that can feel complex and technical, but its importance can't be overstated. It's a cornerstone of access to justice, making sure that everyone, regardless of their financial situation, can seek legal help when faced with injustice. Whether it's a survivor of domestic abuse needing protection, a tenant at risk of eviction, or a worker challenging discrimination, civil legal aid is often the only route to holding wrongs to account and ensuring human rights are upheld.

Yet, Scotland's legal aid system is in crisis, and the cracks are widening. Recent data from The Herald highlights just how deep these issues go. Across the country, the number of solicitors taking on legal aid work is falling sharply, creating "legal aid deserts" in places like Orkney and North Uist, where no solicitors are available at all. Cases are taking longer to resolve, the workforce is aging, and professionals are increasingly walking away from a system they say is no longer viable. This isn't just an issue for lawyers; it's a direct threat to the fairness and equality of Scotland's justice system.

The challenges with legal aid aren't new. In fact, the profession, civil society organisations, and government have been in dialogue about reform for years. Back in 2018, the Independent Strategic Review of Legal Aid outlined 67 recommendations for change. Despite this, only piecemeal actions have followed, such as one-off funding boosts that don't tackle the underlying structural issues. To make meaningful progress, we need more than stopgap measures or further rounds of consultation. A long-term, costed plan for reform is essential - one that addresses the chronic underfunding of the system, ensures fair remuneration for solicitors, and expands eligibility so more people can access legal aid when they need it.

It's vital to frame legal aid reform as a public service issue, not just a legal one. Audit Scotland has repeatedly pointed out that without a clear, sustainable vision for reform, all public services in Scotland will struggle to meet growing demand. Legal aid is no exception. Short-term fixes simply don't work when the entire system is creaking under decades of underinvestment.

For organisations like ours, the HRCS, reforming civil legal aid is part of a much bigger picture. We've been campaigning for a system that supports individuals to access justice, not just in theory but in practice. In July 2024, we published a briefing alongside JustRight Scotland and the Environmental Rights Centre for Scotland, highlighting the lived experiences of those who've struggled to find legal representation and offering concrete proposals for change.

This is a critical moment for civil legal aid. It's not enough to maintain the status quo or wait for more professionals to "come to the table." If we're serious about human rights and access to justice, we need bold, systemic reform that addresses the root causes of this crisis and ensures everyone in Scotland can stand up for their rights, no matter their income or postcode. We hope Scottish Labour agree and will look to take immediate action to push for systemic reform.

To note, there are more specific answers to questions on the legal aid system as asked by the consultation below.

Specific Questions

Q: In what ways can an incoming Scottish Labour government use the decentralisation of power to build communities, tackle poverty and grow the economy?

An incoming Scottish Labour government can use the decentralisation of power as a tool to embed human rights at the heart of governance, ensuring that power is placed in the hands of communities to advance equality, tackle poverty, and uphold dignity for all.

Decentralisation can strengthen the ability of communities to directly influence decisions that affect their lives, ensuring policies are rooted in the lived experiences of those most impacted by inequality and poverty. Supporting participatory democracy, such as through participatory budgeting and local assemblies, enables people to claim their right to participate in public life and shape priorities like housing, childcare, and social care. Empowering communities to lead decision-making aligns with international human rights standards, which emphasise the importance of participation, accountability, and non-discrimination.

Decentralisation offers an opportunity to address poverty through human rights frameworks, particularly by focusing on the incorporation of economic, social, and cultural rights. Scottish Labour could devolve resources and responsibilities to local authorities and community organisations to ensure targeted action on issues such as food security, adequate housing, and access to education - meeting minimum core obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR). This could involve supporting community-led anti-poverty initiatives, ensuring those facing hardship are at the centre of solutions and decisions.

Devolving power must be accompanied by embedding human rights and equality duties in the work of local authorities and public bodies. For example, a Labour government could require all public services to apply a human rights-based approach in their policies and practices, prioritising fairness, transparency, and respect for the rights of marginalised groups. This approach ensures that decisions at the local level advance equality and tackle systemic discrimination.

Decentralisation also requires clear accountability mechanisms to uphold human rights. Scottish Labour could establish stronger oversight of local decisions to ensure they meet Scotland's human rights obligations, such as through independent scrutiny bodies or localised monitoring. Alongside this, reforming civil legal aid would ensure people can challenge rights violations effectively, particularly when local authorities or public bodies fail to deliver on their obligations.

Change driven by communities themselves is one of the most effective ways to advance social justice and realise rights. Decentralisation allows grassroots organisations to play a central role in delivering human rights on the ground, supported by proper funding, capacity-building, and collaboration with the government. Scottish Labour could help create structures that amplify community voices and ensure their leadership in tackling issues like poverty and inequality.

How can the Scottish Government support local government support to sustain essential services in remote and rural areas?

The Scottish Government can support local authorities to sustain essential services in remote and rural areas by embedding a human rights-based approach into the design, delivery, and monitoring of these services. The findings from the Scottish Human Rights Commission's (SHRC) Highlands and Islands report provide a valuable framework for addressing the significant challenges faced by communities in these regions.

To begin with, government must prioritise the realisation of economic, social, and cultural rights by strengthening legal protections and ensuring that these rights are enforceable. The proposed Scottish Human Rights Bill is a crucial step, but local governments also need accessible, affordable, and effective complaint mechanisms to address rights denials. This legal framework must be coupled with adequate resourcing to meet minimum core obligations, such as eradicating hunger, addressing rooflessness, and ensuring universal access to quality healthcare, particularly sexual and reproductive health services.

Improving the adequacy of services is essential. Local authorities should focus on enhancing accessibility, availability, and quality, guided by robust strategies and monitoring frameworks aligned with human rights principles. For example, tackling fuel poverty and improving transport connectivity are critical to ensuring that remote communities can access essential services and supplies. The SHRC highlights that many services fail to meet international standards of adequacy, and targeted improvements are urgently needed.

A key recommendation from the SHRC report is the adoption of a human rights-based approach that centres on listening to communities and valuing their lived experiences. Engaging directly with rights-holders, particularly those most marginalised, ensures that policies are transparent, collaborative, and reflective of real-life challenges.

For instance, addressing the poverty-related attainment gap in education requires tailored interventions that respond to the specific barriers faced by rural students, including access to technology and connectivity.

The government should also develop flexible and localised policies that recognise the unique challenges of remote areas. Learning from Nordic countries' successful models in housing, health, and education could provide valuable insights for Scotland. Expanding tools like the Island Impact Assessment to include non-island rural communities and embedding human rights considerations into all policy assessments would ensure that laws and policies are better adapted to local needs.

Finally, human rights budgeting is vital to effectively allocate limited resources and maximise their impact. By aligning budgets with human rights obligations, the government can ensure resources are directed where they are most needed, such as improving internet connectivity, reducing transport inequalities, and addressing fuel poverty. Setting specific, measurable targets for human rights realisation, alongside short, medium, and long-term plans, will also help drive progress.

Ultimately, adopting these recommendations would ensure that the government not only meets its human rights obligations but also addresses the systemic inequities that persist in Scotland's rural and remote areas.

With thanks to the SHRC for researching this issue so thoroughly – all references to evidence within their report (linked above).

How can local government best support asylum seekers and refugees and ensure services for all in their local areas?

Local government in Scotland can best support asylum seekers and refugees while ensuring inclusive services for all by adopting a human rights-based approach, addressing structural inequalities, and fostering integration from the outset.

Recognising asylum seekers and refugees as rights-holders is essential, with policies designed to meet their specific needs while promoting community cohesion.

Most asylum seekers in Scotland live in and around Glasgow, where public services and community organisations have developed expertise over time. However, accessing support services is challenging in rural or remote areas. Local authorities must ensure equitable service provision across Scotland, providing safe, affordable, and dignified housing. Children and young people arriving through the asylum dispersal process or resettlement programmes may have missed significant schooling and experienced trauma. Schools need support to address these gaps, while parents require accessible information to help their children settle and thrive. Free and flexible English language classes are critical to overcoming language barriers and improving access to employment and services.

Healthcare access poses unique challenges, particularly for women, LGBT+ people, and disabled individuals. Women often face barriers related to gender-based violence, cultural stigma, and caring responsibilities, while LGBT+ individuals may experience discrimination and struggle to find supportive environments. Local authorities must ensure healthcare is culturally sensitive, trauma-informed, and accessible, with specific attention to mental health needs and the isolation experienced by disabled asylum seekers. Transport is another critical issue, with asylum seekers receiving only £4.70 per week for transport, which is insufficient for even a day bus ticket in cities like Glasgow. Local councils should support initiatives such as concessionary free bus travel for asylum seekers, which has been championed by organisations like the Scottish Refugee Council, Maryhill Integration Network and JustRight Scotland. Free transport would enable participation in language classes, community activities, and employment opportunities, fostering integration and improving mental well-being.

Poverty and destitution are significant threats to asylum seekers, who are denied the right to work and forced to survive on as little as £6.40 per day in dispersal housing. This contributes to severe poverty and mental health deterioration. Local authorities should advocate for national policy changes to allow asylum seekers to work and contribute to society while waiting for their claims to be processed. Additionally, refugees often face racism, hate crimes, and structural discrimination. Local governments must actively promote inclusive policies, work closely with communities to address discrimination, and provide clear pathways for reporting hate crimes.

The asylum process itself is deeply challenging and often leaves people feeling passive and dependent. Trauma-informed approaches are essential for meaningful engagement, ensuring that individuals' experiences are acknowledged and respected. Written information should be provided in multiple translations and formats, and professional interpreters should be used instead of relying on family members. Partnering with organisations like the Scottish Refugee Council, JustRight Scotland, and the Voices Network is vital in providing effective support and advocating for change. Campaigns such as those for concessionary bus travel exemplify how targeted interventions can transform lives and promote integration. By addressing these challenges and prioritising inclusion, local governments can play a transformative role in supporting asylum seekers and refugees while ensuring equitable services for all residents in their communities.

What immediate devolved actions could a new Labour Scottish government do to reduce poverty and tackle the cost-of-living crisis in Scotland?

A potential new Labour Scottish government could take immediate devolved actions rooted in human rights principles to reduce poverty and tackle the cost-of-living crisis, these are listed below, either building upon or going further than the current Scottish Government's work. By focusing on economic, social, and cultural rights, the government can ensure its actions meet minimum core obligations and deliver tangible improvements in people's lives.

1. Strengthen Social Security Protections

- Immediately increase the Scottish Child Payment to support families struggling with rising costs. This aligns with the right to an adequate standard of living and the rights of children.
- Ensure timely and widespread delivery of devolved benefits such as Best Start Grants and Carer's Allowance Supplement, and introduce new entitlements where possible, like winter heating support for further vulnerable groups.
- Simplify the process for accessing devolved benefits to remove barriers for those most in need, ensuring everyone can claim their rights to financial support.

2. Cap Essential Costs

- Use devolved powers to expand support for energy efficiency schemes, providing grants for home insulation and renewable energy installations, prioritising low-income households. This not only cuts costs but meets obligations under the right to adequate housing.
- Cap public transport costs and expand free travel schemes to make mobility affordable for everyone, particularly those on low incomes. This would also address the right to access education, work, and public services.

3. Enhance Access to Affordable Housing

- Introduce emergency rent caps and expand tenant protections to prevent evictions.
- Increase funding for social housing development and accelerate retrofitting programmes to ensure homes are affordable, energy-efficient, and accessible, meeting housing rights obligations.

4. Ensure a Rights-Based Approach to Employment

- Use public procurement and devolved powers to promote the real Living Wage, eliminate insecure contracts, and enforce fair work principles. A focus on decent work is essential to upholding the right to just and favourable working conditions.

- Expand free childcare provision to help parents, especially women, return to work or training, tackling poverty by increasing household incomes and addressing gender inequalities.

5. Strengthen Public Services

- Expand universal free school meals to all primary and secondary pupils, meeting children's right to adequate food and nutrition.
- Increase funding for the Scottish Welfare Fund and other cash-first initiatives to ensure immediate relief for those struggling with the cost of essentials.

6. Empower Local Communities

- Provide direct funding to community organisations tackling food insecurity, energy poverty, and other local issues, ensuring a participatory approach to decision-making.

7. Reform Council Tax and Introduce Progressive Revenue Measures

- Reform council tax to ensure it is fairer and more progressive, shifting the burden onto higher-value properties and wealthier households. Use this additional revenue to fund anti-poverty measures.

How can the Scottish Government measure equality outcomes?

The Scottish Government can measure equality outcomes effectively by embedding human rights principles into its approach and prioritising tools that centre lived experiences of those most affected by inequality. A crucial first step is aligning all measurements with international human rights standards, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention on the Rights of Persons with Disabilities (CRPD). These frameworks provide comprehensive guidelines for evaluating equality outcomes across diverse demographic groups, ensuring that measurements are not only robust but also inclusive and equitable.

This requires disaggregating data by all protected characteristics under the Equality Act 2010 to uncover disparities in areas like education, healthcare, and housing. Without this granular approach, systemic inequalities are easily masked. Measuring equality outcomes should also be participatory and grounded in the realities of those impacted. Establishing lived experience panels and working with community organisations to design and evaluate government programmes can ensure monitoring reflects people's actual experiences, not just abstract metrics. Community-led reporting and engagement with grassroots groups are particularly powerful ways to hold public bodies accountable and ensure policies are genuinely advancing equality.

The development of a national equality scorecard, focused on outcomes rather than outputs, would provide a clear and transparent mechanism for assessing progress. This could include measurable indicators of improvements in income, health, education, and employment disparities, while also accounting for the ways multiple forms of discrimination - such as those based on gender and disability - intersect to create compounded disadvantages. Regular, publicly available progress reports would further enhance transparency and accountability, enabling Parliament and civil society to hold the government to its commitments.

Embedding equality into wider systems is essential. Equality impact assessments (EQIAs) should be mandatory for all policies, with findings published to demonstrate how proposed measures promote equality and meet human rights obligations. Budgetary decisions must also reflect this commitment by incorporating equality and human rights budgeting frameworks to ensure funding is allocated where it can make the most significant difference to marginalised groups.

Finally, existing frameworks like Scotland's National Performance Framework (NPF) and the Sustainable Development Goals must be leveraged to set measurable equality indicators that align with Scotland's obligations under human rights law.

As the forthcoming Scottish Human Rights Bill is implemented, it offers a key opportunity to embed and measure equality outcomes across all areas of public policy. By combining robust data collection, participatory processes, and a focus on outcomes rooted in human rights, the Scottish Government can meaningfully track and deliver on its equality commitments.

Marginalised women, including women of colour, disabled women, unpaid carers, LGBTI+ women, younger and older women, and migrant women, experience wide disparities in health outcomes – how can that be addressed?

Addressing the wide disparities in health outcomes for marginalised women in Scotland requires urgent, sustained action underpinned by a human rights-based approach to healthcare. The COVID-19 pandemic starkly exposed the vulnerabilities within the healthcare system, disproportionately affecting women of colour, disabled women, unpaid carers, LGBTI+ women, younger and older women, and migrant women. Tackling these disparities means addressing both systemic inequalities and the specific needs of these groups to ensure equitable access to care and support.

A key priority is ensuring that healthcare services are inclusive and intersectional, recognising how different forms of discrimination and disadvantage interact. For example, disabled women and women of colour often face compounded barriers to accessing healthcare, including a lack of culturally sensitive services, communication challenges, and systemic discrimination. The Scottish Government should mandate intersectional equality impact assessments for all healthcare policies and programmes to identify and address these gaps effectively.

Unpaid carers, the majority of whom are women, have borne a particularly heavy burden during the pandemic. Yet their vital contributions often go unrecognised, and their health needs are overlooked.

To reduce health disparities, carers must be prioritised for healthcare access, including extending eligibility for programmes like the annual COVID-19 booster vaccination. Additionally, robust support services for carers should be implemented, including mental health support and respite care, to ensure their well-being.

The pandemic's disruption to pregnancy and maternity services further highlights the need for gender-sensitive healthcare planning. A comprehensive review of these services during the pandemic should inform reforms to ensure women's rights to safe, accessible, and person-centred maternity care are upheld, especially during public health emergencies. Rebuilding trust in these services also requires sustained engagement with affected women and community organisations.

People affected by alcohol and substance use face entrenched stigma and barriers to healthcare. Implementing the Charter of Rights for People Affected by Substance Use provides a clear framework for tackling these inequalities. This includes ensuring equitable access to mental health services and rehabilitation, particularly in areas of deprivation where women are most affected.

The growing prevalence of Long COVID among marginalised communities, particularly those in lower-paid, frontline roles, also demands a human rights-based response. Establishing a centralised Long COVID hub could provide holistic care, professional training for healthcare workers, and ongoing monitoring of treatment accessibility.

Finally, the Scottish Government must address systemic failures in supporting those affected by adverse vaccine reactions, ensuring that justice and transparency are prioritised. This includes conducting Fatal Accident Inquiries for vaccine-related deaths, reforming the Vaccine Damage Payment scheme to provide fair compensation, and addressing the stigma faced by those affected.

By embedding human rights principles into healthcare policy and delivery, and by actively involving marginalised women in shaping solutions, the Scottish Government can begin to close these health inequality gaps. This approach is not only essential for achieving equity but also for rebuilding trust in public services and ensuring that no one is left behind.

The third sector delivers essential services across a range of social justice priorities, how can the Scottish Government work better with the third sector to help deliver effective services?

The third sector plays a critical role in delivering services that address social justice priorities, often reaching the most marginalised communities and filling gaps left by public services. However, the potential of this sector is often hindered by precarious funding arrangements, limited recognition of its expertise, and inadequate collaboration with government. A more equitable and strategic partnership between the Scottish Government and the third sector is essential to ensure effective and sustainable delivery of services that uphold human rights and advance social justice.

Firstly, the Scottish Government must commit to fair and sustainable funding for third sector organisations. This includes multi-year funding arrangements that provide stability, allowing organisations to focus on delivering long-term impact rather than being trapped in a constant cycle of funding applications. Additionally, funding models should cover the true cost of delivering services, including overheads and staff salaries, to ensure organisations can operate effectively and retain skilled workers.

Recognising the third sector as equal partners in policymaking is so crucial. The Scottish Government should actively involve third sector organisations in the co-design of policies and programmes, valuing their lived experience and on-the-ground expertise. This collaboration must go beyond consultation and ensure that the voices of those working directly with marginalised communities are heard and acted upon at every stage of decision-making.

To improve coordination, the Scottish Government could establish dedicated forums or working groups that bring together public sector bodies and third sector organisations to share knowledge, align priorities, and address challenges collaboratively. These forums should be supported by transparent communication and a shared commitment to human rights-based approaches to service delivery.

Capacity building within the third sector is another key area where the Scottish Government can provide support. This includes investment in training and development for third sector staff, particularly in areas such as human rights frameworks, equality impact assessments, and data collection to strengthen evidence-based advocacy and service delivery.

The Scottish Government also has a role to play in reducing the administrative burden on third sector organisations. Streamlining funding applications and reporting requirements would free up valuable time and resources, allowing organisations to focus on their core mission of delivering services and supporting communities.

Finally, embedding a human rights-based approach across all partnerships with the third sector will ensure that services are designed and delivered in a way that respects dignity, equality, and participation. This means ensuring accountability mechanisms are in place, as well as empowering third sector organisations to advocate for systemic change alongside service delivery.

Is there anything you would change about the current social security system in Scotland?

The Scottish social security system has taken positive steps, particularly through measures like the Scottish Child Payment and the establishment of Social Security Scotland, which operates with a more compassionate ethos compared to the UK system. However, significant reform is needed to ensure it fully delivers on Scotland's commitment to reduce poverty and advance human rights.

Firstly, the adequacy of payments must be addressed. Current rates for disability assistance and other devolved benefits often fall short of meeting recipients' basic needs. A review of these payments is essential, particularly in the context of rising living costs. Exploring the implementation of a Minimum Income Guarantee could provide a baseline of financial security for all, reducing poverty and inequality in a meaningful and lasting way.

Another key issue is accessibility and inclusivity. While Social Security Scotland has prioritised a person-centred and trauma-informed approach, barriers remain, particularly for disabled people, minority ethnic families, LGBT+ individuals, and migrants. Measures to increase benefit uptake among underrepresented groups, such as targeted awareness campaigns and culturally sensitive outreach, are essential. This not only ensures fairness but also helps maximise the impact of existing social security provisions.

Strengthening discretionary support systems, such as Discretionary Housing Payments, could also play a pivotal role in preventing housing insecurity. Ensuring consistency and accessibility across all local authorities would help mitigate the risk of homelessness and provide vital support to those facing unexpected financial pressures.

Child poverty remains a major concern, with one in four children in Scotland living in poverty. The Scottish Government must expand and accelerate initiatives under its child poverty strategies, including scaling up successful programmes like Fairer Future Partnerships to reach all local authorities. Ensuring that these strategies are well-funded and implemented with urgency is critical to meeting statutory poverty reduction targets.

Lastly, while Social Security Scotland has made strides in delivering a more compassionate service, ongoing efforts are needed to embed a human rights-based approach across all aspects of its work. This includes investing in staff training to deliver trauma-informed services, reducing stigma for claimants, and ensuring transparency and accountability in decision-making processes.

By addressing these areas, the Scottish Government can move closer to creating a social security system that genuinely upholds human dignity, reduces inequality, and helps Scotland meet its human rights obligations.

Are there any alternatives to custody that should be considered for prisoners on remand, to ease pressures on prisons and courts?

Scotland continues to have one of the highest incarceration rates in Europe, with 136 people per 100,000 population in prison compared to the European average of 104. Remand prisoners make up around 25-30% of the prison population, contributing significantly to overcrowding. While community-based alternatives to custody, such as Community Payback Orders, Electronic Monitoring, and Home Detention Curfews, have been expanded in recent years, they remain underfunded and underutilised. Efforts to reduce the prison population have not yet resulted in meaningful decreases, and the prison system remains under severe strain, with the overall population exceeding 8,300 as of late 2023 - close to its extended operating capacity.

The Scottish Government has committed to reducing the prison population and increasing the use of alternatives to custody, supported by legislative and policy changes over the past decade. In February 2024, the Cabinet Secretary for Justice and Home Affairs announced an externally led review of sentencing and penal policy. However, challenges remain, particularly regarding the significant number of remand prisoners and the increasing lengths of time spent on remand, which exacerbate pressures on both prisons and courts.

To address these issues, adequate funding for justice social work and community justice services is critical, as static funding since 2017 has limited the capacity for expansion. Building greater public and judicial confidence in community-based sentences is also essential, particularly by promoting evidence of their effectiveness in addressing offending behaviour. Reducing court backlogs would help lower the remand population by ensuring cases are processed more swiftly.

Sentencing guidelines should be reformed to support more tailored, rehabilitative approaches, and investment in preventative services, such as diversion programmes, is necessary to reduce reliance on custodial sentences. While alternatives to custody offer a vital pathway to easing pressures on Scotland's prison system, their success will depend on systemic reform, better resourcing, and a broader cultural shift towards prioritising rehabilitation over punishment.

What plans should Scottish Labour have to make sure legal aid is fit for purpose?

Scottish Labour must prioritise comprehensive reform of civil legal aid to ensure it is fit for purpose and upholds the principle of access to justice for all. The current system faces significant challenges, including restrictive eligibility criteria, financial barriers, and limited scope, which disproportionately disadvantage vulnerable individuals and communities. A potential future Scottish Labour government should focus on expanding financial eligibility by raising income thresholds to reflect the true cost of living, ensuring that people on modest incomes are not excluded. The current thresholds are outdated and exclude many who cannot realistically afford legal representation. Additionally, contributions for those eligible should be reviewed and reduced, with exemptions for individuals facing severe financial hardship.

Reforms should also broaden the scope of civil legal aid to cover a wider range of legal issues that impact everyday lives, particularly for marginalised groups. Areas such as housing, employment disputes, debt recovery, welfare rights, and family law should be prioritised, enabling individuals facing eviction, discrimination, or financial instability to access the legal representation they need. The system must address the specific needs of vulnerable groups, such as survivors of domestic abuse, disabled people, asylum seekers, and those facing homelessness. Introducing a trauma-informed approach to the application process, reducing administrative burdens, and ensuring that legal aid services are accessible in rural and remote areas would help achieve this.

Scottish Labour would also need to invest in legal aid providers to address the crisis in the workforce, where low fees and insufficient funding have led to shortages of legal aid lawyers. Increased funding would attract and retain skilled practitioners, ensuring high-quality legal advice and representation for those who rely on civil legal aid. Simplifying the application process is also crucial. Measures such as digital solutions, accessible guidance, and support for those struggling with forms or documentation would make the system less intimidating and easier to navigate. Local legal aid hubs or outreach services could further enhance access.

Preventative legal services should form part of this reform to reduce the demand for crisis-driven legal aid. Providing timely advice and support would enable individuals to resolve issues before they escalate into costly legal disputes, easing pressure on the courts and improving outcomes for individuals. Collaboration with key stakeholders, including legal aid providers, the Law Society of Scotland, and civil society organisations, will be essential to co-develop a civil legal aid system that meets diverse needs. Ongoing consultation would ensure that reforms are practical, effective, and responsive to emerging challenges. Embedding civil legal aid reforms within a rights-based framework, aligned with Scotland's human rights commitments such as the incorporation of ICESCR, would reinforce the principle that access to justice is a fundamental right, not a privilege.

Scottish Labour should also launch a public awareness campaign to ensure people understand their rights and how to access legal aid services, overcoming barriers of stigma, misinformation, and lack of knowledge. These reforms would deliver a fair, equitable, and effective civil legal aid system, ensuring access to justice for those in need while strengthening public confidence in Scotland's legal framework.

How can 'advice deserts', in which people in Scotland are unable to access legal advice due to where they live, be avoided to ensure access to justice stretches across all areas of Scotland?

Addressing "advice deserts" in Scotland requires a multifaceted approach to ensure that access to justice is available to people regardless of where they live. Geographic inequalities in legal advice provision, particularly in rural and remote areas, leave many unable to secure timely and affordable legal support. A comprehensive strategy is essential to tackle these disparities and uphold the principle of equal access to justice.

A key priority should be increasing funding for legal aid services, with targeted investment in areas where there is a lack of provision. Low fees and limited funding have contributed to a shortage of legal aid practitioners in less densely populated regions. Introducing financial incentives, such as higher legal aid fees or grants, could attract and retain lawyers willing to work in these areas. Supporting legal traineeships and apprenticeships in rural and underserved areas would also help to build a sustainable pipeline of future practitioners.

Expanding access to digital legal services and embracing technology could be transformative in addressing advice deserts. Investing in high-speed broadband and digital infrastructure would allow people in remote locations to access legal advice through video consultations and online platforms. However, this approach must also ensure that those facing digital exclusion, such as individuals without reliable internet access or digital literacy, are supported with alternative methods, such as in-person advice sessions or outreach services.

Developing local legal advice hubs or partnerships with community organisations could provide accessible entry points for those in need of legal help. These hubs could offer free or low-cost advice on common legal issues such as housing, debt, and family law while signposting clients to specialist support where needed. Mobile legal clinics could also serve remote areas, providing scheduled visits from legal professionals to deliver advice and representation.

Collaboration between the Scottish Government, local authorities, and civil society organisations will be crucial in mapping areas of unmet need and designing targeted interventions. Regular monitoring of geographic access to legal services can ensure that resources are allocated effectively and gaps in provision are promptly addressed. Encouraging pro bono work by solicitors and partnerships between urban and rural legal practices could also play a role in ensuring widespread coverage.

To sustain long-term change, structural reforms to the legal aid system are essential. Broadening the scope of legal aid to include preventive legal advice and increasing the financial eligibility thresholds would reduce the overall demand for crisis-driven legal interventions. This would ease pressure on services and create greater capacity for those in remote areas. Additionally, incorporating access to justice as a statutory requirement for public bodies would ensure that tackling advice deserts remains a priority in policymaking.

Is the current criteria for those able to access legal aid suitable and fair?

The current criteria for accessing civil legal aid in Scotland raise significant concerns about fairness and suitability, particularly in how they impact vulnerable individuals seeking justice in non-criminal matters. Civil legal aid is intended to provide access to justice for those who cannot afford legal representation; however, restrictive eligibility criteria and systemic barriers mean that many fall through the cracks.

A key issue lies in the financial eligibility thresholds for civil legal aid. The income limits are set so low that many individuals on modest incomes are excluded, even though they cannot realistically afford the costs of legal representation. Those who do qualify are often required to pay unaffordable contributions, creating a further obstacle to accessing justice. This is particularly problematic in areas like family law, housing disputes, and social welfare cases, which disproportionately affect people already facing financial hardship.

The assessment of financial eligibility also fails to take full account of the economic pressures people face. Housing costs, childcare expenses, and debt burdens are insufficiently considered, meaning individuals in precarious financial situations may be excluded. This rigid approach undermines the principle of fairness and excludes many who desperately need legal assistance.

Certain groups face additional barriers. Survivors of domestic abuse, for example, may be discouraged from seeking legal aid due to the intrusive and often intimidating application process, which requires disclosure of detailed financial information. Similarly, individuals experiencing housing insecurity or facing eviction may not be able to navigate the complex system in time to secure legal representation, leaving them at a distinct disadvantage.

Another major issue is the limited scope of civil legal aid. Many areas of law critical to upholding people's rights, such as housing, debt recovery, and employment disputes, are underfunded or not fully covered. This limits the ability of people to challenge injustices or access remedies in cases that significantly impact their lives.

To improve fairness and accessibility in civil legal aid, several changes are necessary. First, the income thresholds must be raised to ensure that people on modest incomes are not excluded. Second, contribution requirements should be reduced or waived for those experiencing significant financial hardship.

Third, the system must expand the scope of civil legal aid to cover areas of law that disproportionately affect vulnerable groups, particularly housing and social welfare cases. Finally, the application process should be simplified and made more user-friendly, with a trauma-informed approach to support survivors of abuse or those in crisis.

How should a future Scottish Labour government prioritise and monitor the environment better?

A potential future Scottish Labour government should prioritise and monitor the environment by embedding the right to a healthy environment into Scots law, ensuring accountability for public bodies and polluters. This would align Scotland's environmental commitments with international human rights frameworks, such as the Aarhus Convention, and address the disproportionate impacts of environmental degradation on marginalised communities. Recognising that climate change and environmental harm undermine economic, social, and cultural rights, Scottish Labour should place environmental justice at the heart of its policy agenda.

To achieve this, environmental justice must be reformed to make legal remedies accessible and affordable. Current barriers, such as the "loser pays" rule and prohibitive legal costs, prevent individuals and organisations from seeking justice in environmental cases. Scottish Labour should replace the Protective Expenses Orders regime with qualified one-way costs shifting, expand legal aid, and establish a dedicated Scottish Environment Court. These measures would ensure compliance with the Aarhus Convention and address Scotland's longstanding breach of its access-to-justice requirements, as recommended in Decision VII/8s.

Scottish Labour should also take targeted action to reduce environmental inequalities that disproportionately affect deprived communities. Policies must focus on improving environmental quality in these areas, reducing pollution, and increasing access to green spaces. Empowering marginalised groups to participate in decision-making on environmental matters is equally important and would reflect a commitment to procedural environmental rights. By providing communities with access to information and a meaningful voice in environmental governance, Scottish Labour can create a more inclusive and equitable approach to tackling climate change.

Finally, strong environmental protections must be supported by robust monitoring mechanisms. A potential Scottish Labour government should establish measurable indicators for environmental quality and inequality, publishing annual progress reports. Engaging stakeholders, including civil society organisations, trade unions, and local communities, will be essential to ensure transparency and accountability.

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