



Human Rights Consortium Scotland

Submission to Scottish Parliament Equalities, Human Rights and Civil Justice Committee regarding the United Nations' Committee on Economic, Social and Cultural Rights: 7th Review of the United Kingdom

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1. Introduction to Human Rights Consortium Scotland

The [Human Rights Consortium Scotland](#) (HRCS) is at the heart of efforts to strengthen and secure the progressive realisation of human rights in Scotland, particularly through influencing policy, legislative change and pushing for greater public accountability.

HRCS is committed to the mainstreaming of human rights across all policy and legislative areas in Scotland. Given Scotland's role as a state party and the obligations that flow from this, HRCS believes the existing international and domestic human rights framework has a significant contribution to make to ensure the development of fair and equitable policies and legislation.

HRCS is a civil society network (with 230 civil society/NGO members and 190 individual members) dedicated to promoting and protecting human rights. HRCS brings together organisations and campaigners to influence law and policy at Scottish, UK and International levels.

HRCS plays a vital role in amplifying marginalised voices and ensuring human rights are at the core of decision-making. HRCS works to highlight gaps in implementation, calling for urgent progress on complying with existing UK human rights legislative requirements and incorporating international human rights standards like the International Covenant on Economic, Social and Cultural Rights (ICESCR) into domestic law.

2. Background to the International Covenant on Economic, Social and Cultural Rights and the Review Process

The [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) was adopted and opened for signature, ratification and accession by General Assembly Resolution 2200 A (XXI) of 16 December 1966. It came into force on 3 January 1976 and was ratified by the UK in the same year¹.

¹ [United Nations treaties ratified by the UK - gov.scot](#)

The Covenant contains some of the most significant international legal provisions establishing economic, social and cultural rights relating to:

- work in just and favourable conditions
- social protections
- an adequate standard of living including housing, food and clothing
- the highest attainable standard of physical and mental health
- education
- enjoyment of the benefits of cultural freedom and scientific progress

As in all ratified human rights treaties, the Covenant is underpinned by the principle of progressive realisation: ‘states must take measures to the maximum of their available resources with the aim of achieving, progressively, the full realisation of economic, social, and cultural rights.’²

Everyone in Great Britain and Northern Ireland are entitled to the human rights noted in each Covenant and Convention and they require that the ‘state’ (all spheres of government – the UK, Scottish, local government and public bodies) must take positive steps to make sure all people in the territory are able to enjoy the human rights listed. The state has an obligation to fulfil this requirement.

2.1 ICESCR Review Cycle

The United Kingdom’s progress in realising the human rights detailed in ICESCR is reviewed every five years or so. This review process is led by the United Nations Committee on Economic, Social and Cultural Rights (CESCR)³ and follows publication of a ‘List of Issues’⁴ which details those issues the Committee wishes to focus on.

The most recent review of the UK (the 7th) was completed in February 2025 following an exhaustive process which started in 2021. This included detailed consideration of rights realisation in the United Kingdom, Scotland, Wales and Northern Ireland. All

² [Setting the scene Economic, social, and cultural rights in the UK. A companion guide](#)

³ [Committee on Economic, Social and Cultural Rights | OHCHR](#)

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tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGBR%2FQ%2F7&Lang=en

reports and papers relating to the most recent review process are available on the United Nations Website⁵.

With regard to the realisation of ICESCR rights in Scotland, the Committee considered evidence provided by the United Kingdom Government (led by the Ministry of Justice), representatives from the devolved nations, the Equality and Human Rights Commission, the Scottish Human Rights Commission (the NHRIs), as well as from a number of civil society/non-governmental organisations including HRCS⁶.

The HRCS Report was counter-signed by 70 of our member organisations and was written following an extensive engagement process with our members and other stakeholders.

Further background information on ICESCR and the review process is available on the HRCS website⁷ (including an infographic developed by HRCS)⁸.

HRCS identified the ICESCR review process as a priority for its workplan in 2022, coming as it did at a critical time for human rights realisation in Scotland including learning from the COVID 19 Pandemic and the Scottish Government's plans to develop a Scottish Human Rights Bill, which ran in parallel to the CESCR review process.

2.2 Scottish Context

The decision by the Government not to proceed with the development of the Bill came at the same point as most organisations were finalising their collation of evidence for CESCR. The review therefore offered a chance to reflect on the state of economic, social, and cultural rights realisation across the country in this context.

HRCS also wanted to address many of the long-standing human rights abuses our members had highlighted during our work to gather evidence for the review. We wanted to use this work to push for stronger human rights protections, particularly for those most impacted by poverty and inequality and despite the Scottish Government's

⁵ tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2761&Lang=en

⁶ [HRCS ICESCR designed report - January 2025](#)

⁷ [Our Everyday Rights – ICESCR | Human Rights Consortium Scotland](#)

⁸ [ICESCR](#)

ultimate decision not to proceed with the Scottish Human Rights Bill before the next Scottish Election.

In addition to this, HRCS believed that the CESCR review process would ensure that rights were more than just aspirations, that they became enforceable guarantees, as Scotland continues to face significant political and economic challenges. HRCS's advocacy throughout the CESCR review process focused on ensuring that civil society voices were central to the process and that the recommendations submitted were required to drive real change for people across Scotland.

2.3 ICESCR In Person Evidence Session

Having collected significant written documentation to inform the CESCR review process, the Committee held in person evidence sessions at the United Nations on 13th and 14th February 2025 at which the UK Government, Scottish Government, NHRIs and civil society organisations were able to provide further evidence in relation to the state of ICESCR rights realisation in Scotland and the UK.

Shortly after the evidence sessions, the Committee published its 'Concluding Observations'⁹. This detailed report noted the Committee's thanks to the State Party (United Kingdom Government) in providing all of the evidence considered in response to the List of Issues and its constructive dialogue during the evidence sessions. The report then went on to note continuing areas of concern and made ninety-four recommendations for action over the next 5-year period (to 2030).

3. Content of HRCS Submission to CESCR

As noted earlier, the HRCS submission to CESCR¹⁰ was based on an extensive engagement process with our membership and other stakeholders. Our report was co-designed and endorsed by over 70 Scottish civil society organisations, and aimed to provide the CESCR with robust, factual, and comprehensive evidence of the successes, challenges, and priorities facing the people of Scotland with regard to the realisation and protection of their ICESCR rights for the civil society perspective.

⁹ ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=HRC/2025/L.12&lang=en

¹⁰ Op cit [HRCS ICESCR designed report - January 2025](#)

Whilst developing the HRCS report a number of key themes emerged:

- **Poverty and Inequality** – HRCS urged that immediate action was taken by both the Scottish and UK Governments to tackle rising child poverty, housing affordability issues, and the harmful impact of policies such as the two-child limit and benefit cap.
- **Healthcare for All** - The report called for systemic improvements in healthcare, focusing on mental health services, maternity care, and comprehensive support for those suffering from long COVID.
- **Environmental Justice** – We emphasised the right to a healthy environment and advocated for legal measures to ensure all communities, particularly marginalised groups, have access to clean air, green spaces, and sustainable futures.
- **Strengthening Human Rights Laws** - The report proposed legal solutions to address the recently imposed legislative restrictions on Scottish law makers by the Scotland Act 1998, including options that could restore Scotland's legislative autonomy on human rights matters.

Within these themes, the HRCS report included recommendations for action from both the Scottish and United Kingdom Governments which focussed on the following areas and the relevant rights detailed in ICESCR:

- Advancing Human Rights protections in Scotland amid legislative constraints
- Reforming the UK's Asylum System to uphold Human Rights with regard to the right to work, protection of the family and right to adequate standard of living
- Tackling Employment Disparities for BAME Communities in Scotland with regard to zero hours contracts and their wider implications
- Achieving racial equality in employment and public services
- Addressing the gender pay gap and structural inequalities in Scotland
- Reforming social security and welfare
- Tackling child poverty and national poverty rates in Scotland

- Monitoring and regulation of residential childcare with regard to the use of restraint
- Addressing food insecurity
- Assessing the impact of COVID 19 on vulnerable groups and healthcare systems in Scotland
- Embedding the right to a healthy environment in Scots' law

HRCS was also given the opportunity to speak directly to CESCR alongside several other civil society organisations during a lunchtime briefing at the in-person evidence sessions in February 2025.

4. Summary of CESCR's Concluding Observations

4.1 Rights Realisation in Devolved Nations

As noted earlier in this briefing, CESCR provided a detailed 'Concluding Observations' report. This highlighted all of the recommendations and areas for action the Committee believed the United Kingdom and devolved nations needed to address during the next 5-year period.

The Committee took this opportunity to detail its understanding of the governance structures within the United Kingdom and stated that it:

'Is concerned about geographical disparities in the enjoyment of economic, social and cultural rights owing to the varying levels in the financial and administrative capacities of the devolved governments, and the limited availability of information on the enjoyment of economic, social and cultural rights in the Overseas Territories and the Crown Dependencies.'

And continued that:

'The Committee calls upon the State party to ensure that the recommendations contained herein are effectively implemented by the Government of the United Kingdom, the governments of Northern Ireland, Scotland and Wales, including

at the local authority level, and by the relevant authorities of the Overseas Territories and the Crown Dependencies.’¹¹

Furthermore, the Committee made the following recommendations regarding domestic application of ICESCR:

- (a) Ensure that any amendments to the Human Rights Act 1998 reinforce the status of international human rights instruments and the Covenant provisions in all jurisdictions;
- (b) Make progress on the legislative framework to incorporate economic, social and cultural rights in Scotland and Wales, including through the adoption of a Human Rights Bill, and expedite the adoption of a bill of rights for Northern Ireland.¹²

These statements are important in highlighting the imperative of ongoing rights realisation by the different spheres of government within the UK and devolved nations. HRCS believes this is especially important given the devolution context in Scotland, following the Supreme Court’s ruling on the UN CRC Bill which outlined the limits of the devolution settlement as detailed in Section 28(7) of the Scotland Act 1998¹³. HRCS has provided a separate briefing on this issue given its centrality to ongoing rights realisation within Scotland.

4.2 Maximum Available Resources

Another key driver for the delivery of economic, social and cultural rights is the requirement to apply ‘maximum available resources’ (Article 2.1). The concluding observations are set within this context, and the Committee highlighted its concerns regarding this within the UK and Devolved Nations as follows:

‘The Committee is concerned that, despite measures in the 2024 Autumn Budget, the State party’s fiscal policy is not effectively addressing income inequality or reducing poverty, while also hindering the mobilization of the maximum available resources for the implementation of Covenant rights. It is further concerned that insufficient social spending, particularly in a context of

¹¹ Economic and Social Council, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, United Nations, (see 9 above) Paragraphs 3 and 4.

¹² Ibid, paragraphs 7 (a) and (b)

¹³ <https://www.legislation.gov.uk/ukpga/1998/46/contents>

rapidly rising inflation, hampers the progressive realization of economic, social and cultural rights (art. 2 (1))'.¹⁴

Indeed, this point - and the need for action to address the long-term impacts of austerity (Article 2.1) and poverty (Articles 7, 9 & 11) as limiting factors to the realisation of economic, social and cultural rights - is further highlighted through the Committee identifying these three areas (austerity, poverty, maximum available resources) as priorities to be addressed through the provision of additional evidence with a two-year timeframe.

Given the Committee's clarity on the need to progress human rights realisation in the devolved nations as well as at the UK level, this concern regarding fiscal policy and the need to move forward with the maximum available resources is as relevant in Scotland as it is within the UK. Scotland must ensure that human rights are embedded in into fiscal policy.

4.3 Non-Discrimination

Article 2.2 of CESCRR states that all of the rights detailed in Covenant will be realised without discrimination of any kind. The Committee noted work done in some areas to ensure the CESCRR rights are enjoyed without discrimination, however, it then went on to state that 'several provisions of the Equality Act 2010 remain unenforced, and that equality legislation is inconsistently applied across jurisdictions, while socio-economic, racial, and gender inequalities, along with discrimination against disadvantaged groups, persist (art. 2(2))'.¹⁵

The Committee then noted specific recommendations with regard to non-discrimination including enacting the outstanding provisions of the Equality Act 2010 and preventing and combating discrimination by implementing targeted awareness raising campaigns and affirmative action measures.¹⁶

4.4 Other Treaty Rights highlighted by CESCRR

¹⁴ Op. cit. Concluding Observations, paragraph 18

¹⁵ Ibid, CESCRR Concluding Observations Report, paragraph 24

¹⁶ Ibid, CESCRR Concluding Observations Report, paragraph 25 (b) + (c)

CESCR also made recommendations in relation to a significant number of specific treaty rights including: poverty; climate change; food; housing (including independent living for people with learning disabilities); non-discrimination; migrants, refugees and asylum seekers; equality between men and women; overseas development; protection of the family and children; sexual and reproductive health; physical and mental health; education; cultural rights and scientific progress.

In relation to the four themes identified by HRCS the following specific recommendations are worthy of note:

Poverty and Inequality¹⁷:

- Broaden the tax base and fiscal space for realising economic, social and cultural rights (Article 2.1)
- Assess the impact of fiscal policy on economic, social and cultural rights and its distributional effects on disadvantaged groups (Article 2.1)
- Increase the budget allocated for food programmes (Article 2.1)
- Actions on assessing and reversing the impact of austerity and reversing these (2.1)
- Guaranteed access to asylum procedures and enhanced integration strategies for migrants focussing on social security, healthcare, education, language courses, employment and family unity (Articles 2.2 & 9)
- A review of the “no recourse to public funds” rule for migrants and asylum-seekers (Articles 2.2 & 9)
- Equality between women and men combatting negative stereotypes and promote attitudinal change, ensuring women’s access to justice, strengthen response to gender-based violence and enhancing gender-responsive budgeting (Articles 3 and 9)
- Implement targeted public sector employment schemes for women, disabled people, young people, people for ethnic minority communities and migrants (Article 6)
- Actions to address precarious working conditions including zero-hours contracts, ensure migrants enjoy equal rights as other workers, strengthen enforcement of

¹⁷ Ibid, CESCR Concluding Observations Report, ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=HRC/OC/2012/12&lang=en

labour rights and enhance protections against discrimination in employment (Article 7)

- Strengthening the minimum wage, equal pay rights for women, disabled people and people from ethnic minority communities (Article 7)
- Assess impacts and take further actions re welfare reforms including, scale, scope, impact eligibility criteria and accessibility including increasing budget and ensuring that disability benefits adequately cover additional disability-related costs (Articles 9 & 11)
- Reverse the two-child limit, the benefit cap and the five-week delay for first payment (Articles 9 & 11)
- Ensure disability benefits adequately cover additional disability related costs (Articles 9 & 11)
- Increase the provision of affordable childcare, establish a comprehensive care and support system, strengthen measures to tackle sexual exploitation and violence against children (Article 10)
- Develop measures to address the multidimensional determinants of poverty, end child poverty, additional support for low-income families and access to affordable utilities and clothing (Article 11)
- Increase provision of affordable social housing, improve security of tenure, address the root causes of homelessness and appropriate stopping sites for gypsy-travellers (Article 11)
- Take action to prevent institutionalisation of people with learning disabilities and increase access to appropriate housing (Article 11)
- Develop a comprehensive national strategy for the right to adequate food (Article 11)
- Mitigate early childhood opportunity loss in the context of the COVID 19 Pandemic assess impact of programmes on the improvement of the educational attainment gaps and ensure children from disadvantaged and marginalised backgrounds are able to access quality education that is culturally appropriate and adopted to their needs (Article 13 & 14)
- Take effective measures to eliminate discriminatory attitudes and stereotypes in educational materials school environments (Article 13 & 14)

Healthcare for All

- Strengthen measures to ensure universal health coverage including access for those who are most marginalised (Article 12)
- Strengthen mental health services and support systems (Article 12)
- Ensure equal access to maternal health services for migrant women and women from an ethnic minority background (Article 12)
- Strengthen access and availability of appropriate, good quality sexual and reproductive health care services including safe abortion services especially in remote and rural areas (Article 12)
- Adopt a human rights-based approach to drugs use including conducting preventative awareness-raising and ensuring a range of interventions for people who used drugs as alternatives to punitive approaches (Article 12)

Environmental Justice

- As discussed earlier in this briefing, the State party to take an all-government approach to ensure meeting its nationally determined contribution under the Paris Agreement, implementing net zero strategy particularly in the energy, transport, land use, agriculture and building sectors and continue with decarbonisation policy on dwelling stock

Strengthening Human Rights Laws

- As discussed earlier in this briefing, human rights realisation to be progressed by all spheres of government throughout the UK and devolved nations
- Any amendments to the Human Rights Act 1998 to reinforce the status of all international human rights instruments in all jurisdictions
- Make progress on the legislative framework to incorporate ICESCR rights including through the adoption of a Human Rights Bill

This is not an exhaustive list of the recommendations and actions called for by the Committee, but it does show the critical nature of economic, social and cultural rights, their breadth and scope and the need for concerted action to address these issues by all spheres of government in Scotland and the UK.

4.4 CESCR Concluding Remarks

In the conclusion to its report, CESCR states:

‘The Committee requests that the State party, along with the devolved governments in Northern Ireland, Scotland and Wales, the Crown Dependencies and the Overseas Territories, disseminate the present concluding observations widely at all levels of society, including, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that Parliament plays in implementing the present concluding observations and encourages the State party to ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State party to continue to engage with the Equality and Human Rights Commission, the Northern Ireland Human Rights Commission, the Scottish Human Rights Commission, and other national human rights institutions in the Crown Dependencies and the Overseas Territories, as well as with non-governmental organizations and other members of civil society, in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.’¹⁸

HRCS believes this gives a clear and important mandate to the Scottish Parliament and other stakeholders, to take forward the work of the Committee and their Concluding Remarks as a priority to deliver the transformational change necessary to ensure that everyone in Scotland has their economic, social and cultural rights respected, protected and fulfilled.

5 Next Steps from HRCS regarding the 7th UK ICESCR Review

HRCS was encouraged by its participation in the CESCR Review process. The process was detailed, robust and the Committee impressed as being very well informed of the human rights realities in the Scotland and the United Kingdom.

Given that the recommendations address so many areas of life and the fundamental nature of economic, social and cultural rights for people, HRCS will continue to focus on its four key themes and the recommendations relating to these in the coming

¹⁸ Ibid, paragraph, paragraph 69

months and years. We are currently finalising our work plan for 2025/26 and the CESCR themes and recommendations will be central to this plan.

We have commenced a series of meetings and discussions with stakeholders including other civil society organisations, the Scottish Government, individual politicians, the Scottish Human Rights Commission and the Scottish National Action Plan for Human Rights (SNAP 2) Leadership Panel, as well as with our members and to ensure that everyone is sighted on the recommendations and encouraged to consider how these can be used to further develop the human rights framework and human rights realisation in Scotland.

At the same time, HRCS is also part of the Scottish Government's work to develop a human rights 'tracker' for Scotland. This work was a recommendation of the First Minister's National Taskforce on Human Rights and SNAP 2 and is now central to the Scottish Government's delivery plan for human rights.

The development of a tracker tool is considered essential if we are to be able to successfully monitor and evaluate the impact of work done to address the recommendations of human rights treaty bodies (such as CESCR) between review cycles; the implementation of the SNAP2 recommendations; and other work across the spheres of government and the wider public sector to mainstream human rights in Scotland.

The development of the tracker is similar to work done in New Zealand¹⁹ and other countries including Samoa, Finland and Norway. HRCS believes it will also add considerably in creating the conditions for further human rights developments including the long-awaited Scottish Human Rights Bill.

Even in the short time since the publication of the Concluding Observations, the political landscape within the United Kingdom and Scotland has changed significantly regarding recent announcements by the UK Government on welfare benefits reform regarding disability benefits and the review of the use of Article 8 (the right to private and family life) in asylum claims.

These announcements and subsequent policy decisions and plans must be considered in relation to the potential impact on disabled people and migrants, who are already amongst the most marginalised in the country. In relation to the concluding

¹⁹<https://humanrightsmasurement.org/impact-story-aotearoa-new-zealand/>

observations already highlighted including paragraphs 27 (b) guaranteed access to asylum procedures and enhance integration strategies; 41(d) ensuring disability benefits adequately reflect additional disability related costs; and, 42(c) establishing a comprehensive care and support system.

HRCS is also committed to ensuring that it continues to highlight the CESCR Concluding Observations and their potential critical impact on the lives of those who are most marginalised to all political parties as they work towards the development of their party manifestos and campaigns for the upcoming Scottish Election in 2026.

6 Conclusion

In conclusion, HRCS would like to take this opportunity to highlight that the UN Committee noted significant concerns regarding the apparent human rights regressions in Scotland and the United Kingdom, with specific but not exclusive regard to poverty and discrimination. These concerns were amplified and detailed by the Country rapporteur in reference to the significant number of reports the Committee had received (over 70).

As can be seen by the comprehensive list of recommendations within the Concluding Observations, so much more needs to be done to ensure people are able to enjoy their economic, social and cultural rights throughout Scotland and the UK.

HRCS will continue to press for action on these recommendations and would welcome the Committee for Equalities, Human Rights, and Civil Justice endorsement and support of this work and in disseminating the Concluding Observations across Parliament and beyond.

Human Rights Consortium Scotland

April 2025