

Human Rights Consortium Scotland

Our Rights. Your Move!

Briefing to inform the development of party manifestos for the
Scottish Election in May 2026

Where, after all, do universal human rights begin? In small places, close to home
- so close and so small that they cannot be seen on any maps of the world ...
Such are the places where every man, woman and child seek equal justice,
equal opportunity, equal dignity without discrimination. Unless these rights have
meaning there, they have little meaning anywhere.

Eleanor Roosevelt, 1948

Introduction

Human Rights Consortium Scotland (HRCS) has prepared this briefing to inform prospective parliamentary candidates and everyone directly engaged in – or influencing – the development of political party manifestos.

HRCS believes that human rights are an essential cornerstone to the delivery of a robust, progressive democracy. They are required to deliver a fair and equitable society for everyone. Effectively mainstreaming human rights throughout policy, legislation, budgeting and practice (taking a human rights first approach) would significantly enhance everyone's quality of life.

However, we know that some do not agree, and regression and erosion of human rights is a real and present danger in Scotland. Human rights are increasingly misunderstood and/or used as a political football to highlight the perceived risks to the majority if our society focusses too much on those who are most marginalised and at risk. Or they are too often seen as an 'add on,' a distraction, or even 'too expensive' to meaningfully deliver change.

HRCS, our members and stakeholders are committed to challenging this narrative. We believe that political parties, politicians and public sector leaders have the power to recognise the granular nature of human rights, their day-to-day relevance and their ability to deliver real and lasting positive change for everyone in Scotland.

The Scottish Election in May 2026 could be one of our country's most important in the last 50 years as we are at a critical juncture in the

realisation of human rights in Scotland due to a number of factors. This includes the proposed development of a Scottish Human Rights Bill, growing socio-economic inequality, and the need to resist rising populism. HRCS believes both the international and domestic human rights framework have a significant contribution to make in ensuring the development of fair and equitable policies and practice at this critical juncture across the Scottish public, private and voluntary sectors.

Our Priorities and Asks

Human Rights must deliver tangible changes in people's day-to-day lives if they are to be made 'real' for people. However, despite significant rhetoric and ambitious plans and commitments, these tangible changes can feel further away for individuals than ever before. Without a robust, mainstreamed human rights framework to anchor policies at all levels, progressive ambitions and commitments often fall short. This can lead to criticism of human rights themselves, rather than the lack of effective implementation.

Given the increasing sense of disconnect between people and human rights realisation, the priorities and calls for action we highlight in this document focus on opportunities to deliver bold and progressive change. We have outlined a number of calls for action under each priority area. These calls for action are evidenced-based and focus on areas we believe need immediate action and/or further work to ensure that people in Scotland are able to live well and have their human rights respected, protected and fulfilled. Our asks are not ranked in order of importance but are underpinned by a belief in the intersectionality of human experience and human rights realisation.

Civil society organisations believe that the status quo has failed to deliver the transformational change that is required to enable people in Scotland to live free from discrimination and inequality. Change is urgently needed. We stand ready to work with the new Scottish Parliament and Government to build a Scotland that delivers on its reputation as a rights respecting nation and a leader in embedding international human rights standards into law, policy and practice.

HRCS believes that the next Scottish Parliament election presents a critical opportunity to strengthen human rights realisation in Scotland, tackle the inequalities that hold too many people back and deliver sustainable change.

Please read on to see how you can make human rights central to everything you do.

Incorporate International Human Rights Standards into UK and Scottish Legal Landscape

HRCS and our members urge all political parties to place human rights at the core of their vision for a more equal and thriving Scotland by committing to the introduction of a Scottish Human Rights Bill¹ and develop of robust mechanisms to make all human rights enforceable and hold duty bearers accountable.

This Bill would provide a clear statement of brave leadership in addressing the root causes of poverty, inequality, and discrimination for everyone.

Learning from and building on Scotland's incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into the UNCRC

(Incorporation) (Scotland) Act 2024², the proposed approach to the development of the Human Rights Bill must embody a continued commitment to social justice and equality whilst focussing on the experiences and requirements of those whose rights are most at risk.

We believe that the Scottish Human Rights Bill should incorporate four existing international human rights treaties:

-  International Convention on Economic, Social and Cultural Rights (ICESCR)³
-  Convention on the Rights of Persons with Disabilities (CRPD)⁴
-  Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁵,
-  Convention on the Elimination of All Forms of Racial Discrimination (CERD)⁶

Furthermore, a Right to a Healthy Environment is also required, as well as extra equality protections for vulnerable groups. By embedding these conventions and other rights in constitutional law, the Bill would ensure that fairness, justice, and equality become guiding principles in all spheres of governance in Scotland, protecting the country's values long into the future⁷.

In order to deliver a truly comprehensive Scottish Human Rights Bill⁸, the incoming Scottish Government will need to address the limitations placed on the Scottish Parliament's ability to develop such legislation following the Supreme Court's ruling⁹ on the UNCRC (Incorporation) (Scotland) Act 2024.

HRCS and our partners believe this possible through a technical amendment to the Scotland Act using a Section 30 Order.¹⁰ This would then enable a truly comprehensive and inclusive Scottish Human Rights Bill to be developed.

HRCS views collaboration between political parties and civil society as central to advancing human rights and would welcome the opportunity to work together to achieve this shared vision, in partnership with our network of over 230 organisations, to ensure the voices of those most affected by inequality are central to the policy-making process.

HRCS is calling on all political parties and candidates to commit to:

- Introduce a Scottish Human Rights Bill as soon as possible in the new parliamentary term.
- Ensure that the Human Rights Bill reflects peoples lived experience by engaging meaningfully with marginalised individuals and communities throughout its development.
- Reform the Scotland Act (specifically Section 28(7)) to restore Holyrood's ability to legislate broadly on human rights and make the devolution settlement and enabler of human rights realisation rather than a barrier.
- Develop, if necessary, other practical solutions to overcome the legal constraints under the Scotland Act 1998, such as phased implementation of human rights legislation or "carve-out" provisions for devolved matters.
- Ensure that any amendments to the Human Rights Act 1998 reinforce the status of international human rights instruments, including ICESCR provisions in Scotland.

Embed Human Rights

Embedding a ‘human rights first’ approach in the development of policy, the allocation of public finances and decision-making in order to shape strategic choices and priorities across all spheres of government is essential if we are to enhance individual quality of life and ensure human rights are central to the way Scotland is governed.

Whilst we await the development of a Scottish Human Rights Bill, the Scottish Government and the wider public sector have a range of existing human rights duties and obligations which require to be addressed.

For example, the United Nations recently reviewed the UK (and, as part of this, Scotland’s) compliance with the International Covenant on Economic, Social and Cultural Rights. The Committee considered a wide range of evidence provided by the Government and NHRIs, and a number of civil society/non-governmental organisations including HRCS¹¹.

Following the Review process, the ICESCR Committee’s Concluding Observations¹² detailed 94 recommendations and actions. The Committee is clear about the need to prioritise delivery of its recommendations in Scotland and noted that its recommendations were to be implemented by all spheres of Government.

HRCS is therefore urging all political parties to prioritise taking action to implement these and all other relevant concluding observations from international monitoring mechanisms.

In addition to this, the development of a robust and sustainable Human Rights and Equalities Mainstreaming Strategy¹³ presents an important

opportunity for progress as both can help significantly in addressing current human rights infringements and abuses and systemic inequalities.

A bold human rights and equalities mainstreaming approach must reflect the lived realities and prioritise actions that address the hardwired inequalities that Scotland has struggled to address in recent years.

Scotland remains the only country within the United Kingdom to have a National Action Plan for Human Rights (SNAP2)¹⁴ and, whilst awaiting the development of a Human Rights Bill, the renewed focus on SNAP2 could be used to significant advantage if properly resourced to further embed human rights across the Scottish Government and wider public sector.

It is also critical that we embed a human rights-based budgeting approach in order to align public sector finances to human rights principles, obligations and duties¹⁵. Failure to implement human rights budgeting will result in the gap between policy intent and lived reality persisting, leaving people in marginalised communities even less supported.

HRCS is calling on all political parties and candidates to commit to:

- Take action to implement the recommendations from the international human rights monitoring processes Scotland is party to. Within this, prioritise action to address the ICESCR Concluding Observations in order to make economic, social and cultural rights central to the work of the next Scottish Government and Parliament.
- Develop and implement a comprehensive Human Rights Tracker tool for Scotland similar to the approach and tool developed in New Zealand¹⁶. This must include all international treaties and review processes on an ongoing basis.

- Provide sufficient resources and capacity to ensure the full implementation of the UN Convention on the Rights of the Child (Incorporation) (Scotland) ACT 2024.
- Ensure sufficient resources are made available to sustain SNAP2 as independent of Government, supporting it to further development and review the impact and measurement of delivery of the plan's actions.
- Allocate sufficient resources to continue to develop and integrate the Scottish Government's Human Rights and Equalities Mainstreaming Strategy.
- Embed a human rights-first approach and human rights-based budgeting into Scottish Government fiscal processes including taxation to ensure the maximum resources possible to secure economic, social and cultural rights.
- Champion the critical role of civil society and the voluntary sector in promoting human rights mainstreaming in Scotland and in shaping and delivering SNAP2, the mainstreaming strategy and other human rights-focussed policy and implementation work.

Tackle Inequality and Discrimination

Human rights are a key tool to further develop our democracy, promote equality and equity and challenge the status quo in order to deliver transformational change for those whose rights are most at risk. It is imperative that all commitments made, and work done within the human rights context must focus on the need to address the inequalities and discrimination faced by marginalised communities across Scotland.

The International human rights framework and standards provide comprehensive guidelines for addressing and evaluating equality outcomes across diverse demographic groups, ensuring that

measurements are not only robust but also inclusive and equitable. These obligations and duties strengthen and complement requirements of the Equality Act 2010.

Success in tackling inequalities and discrimination will also require the systematic and routine collection of disaggregated data for everyone by all protected characteristics in order to fully understand the barriers and their impacts on peoples' outcomes. Without this granular approach to data collection, systemic inequalities will continue to be easily overlooked and remain unaddressed.

The experiences of those facing intersectional discrimination¹⁷ provide an essential lens through which systemic injustice can be both understood and addressed, and their experience must be included in this data collection.

Policy and practice development to address equality/equity outcomes must be participatory and grounded in the experience of individuals and communities. A focus on people's actual experiences can be achieved by establishing co-production and participation models such as citizens juries, lived experience panels and collaborating with community organisations to design and evaluate government and public sector programmes. Community-led reporting and engagement with grassroots groups are particularly powerful ways to hold public bodies to account and ensure policies are genuinely advancing equality and equity.

Furthermore, we must develop clear and transparent mechanisms for assessing progress towards realising human rights whilst tackling inequality and discrimination. This could include measurable human rights indicators of improvements such as income, health, education, and employment whilst also accounting for the ways intersectionality creates compounded disadvantage. Regular publicly available progress reports

would further enhance transparency and accountability, enabling Parliament and civil society to hold the Government accountable for delivery.

Mainstreaming non-discrimination into wider national planning and policy systems is also essential. Human Rights and Equality Impact Assessments should be mandatory in the development of all law, policy and practice and existing frameworks like Programme for Government, Scotland's National Performance Framework (NPF) and the Sustainable Development Goals must be leveraged to set measurable human rights and equality indicators.

HRCS believes it is essential that tackling inequality and discrimination is prioritised by all spheres of government.

HRCS is calling on all political parties and candidates to commit to:

- Ensure that robust disaggregated human rights and equality data is systematically gathered and analysed across all spheres of government to enable effective prioritisation and measurement of impact.
- Deliver a capacity building programme focussing on co-production, other methods of participation and human rights across government, the public and private sectors, civil society and the general public to ensure marginalised and excluded people and communities are engaged in developing law, policy and practice.
- Increase the provision of individual and collective advocacy across Scotland to ensure people who are marginalised are better supported to access their human rights and entitlements.
- Develop and implement a human rights capacity building programme for disabled people and people from other marginalised communities.

- Ensure the views of children and young people are respected in all decisions that affect them in line with the right set out in Article 12 of the UNCRC.
- Enhance the powers of the Scottish Human Rights Commission, including greater powers of investigation and the ability to raise legal proceedings, backed by adequate and sustainable resource.

Health Inequalities

The right to the highest attainable standard of physical and mental health is detailed in many international Covenants and conventions including the Universal Declaration of Human Rights and ICESCR and has been a major focus of both UK and Scottish policy delivery for many successive governments since 1940's which saw the establishment of the National Health Service. The Scottish National Action Plan for Human Rights (SNAP 2) prioritises the right to health and states:

‘Many people do not fully enjoy their right to the highest attainable standard of physical and mental health, or the right to a healthy environment, and the rights of some people are particularly at risk. For each action, delivery stakeholders should ensure that the people whose rights are most at risk are identified and prioritised before activity begins.’

Despite this, research shows some increasingly worry trends with regard to the right to health, including:

‘A comprehensive independent review¹⁸ of health and health inequalities in Scotland led by the Health Foundation shows that the health of Scots living in the most deprived local areas is being left behind the rest of society. Analysis carried out for the review shows that in 2019, there was a 24-year gap in the time spent in good health

between people living in the most and least deprived 10% of local areas in Scotland’.

Worryingly, this review found that trends in the socioeconomic factors that influence health provide little indication that health inequalities will improve in future, underlined by increasing rates of extreme poverty and alarming trends with regard to the impact of austerity on life expectancy^{19, 20}.

For example, there is a well-evidenced link between socioeconomic status and alcohol-related harm. The international human rights framework can be used to help in pushing for stronger preventative action by the Scottish Government and other public sector bodies. For instance:

- ✚ UN human rights treaty bodies, including the Committee on Economic, Social and Cultural Rights, have emphasised that states have a duty to protect people’s right to health from infringement by third parties - including corporations - and should take steps to discourage the marketing and consumption of harmful substances such as alcohol.
- ✚ In General Comment No. 14, the Committee notes that this obligation “sometimes necessitates direct regulation and intervention.”
- ✚ The UN Committee on the Rights of the Child, in General Comment No. 15, also highlights the importance of protecting children from alcohol, calling for regulation of marketing and sales in spaces and platforms accessible to children.

People affected by alcohol and substance use also face entrenched inequalities including limited access to mental health services, discrimination against women who disclose substance use, and inequitable resource allocation in areas of deprivation.

The Charter of Rights for People Affected by Substance Use²¹ (the first of its kind in the world) has been welcomed by the United Nations High

Commissioner for Human Rights and aims to improve the experience of anyone needing support and ensure they are treated with dignity and respect.

Comprehensive reform of Scotland's existing mental health legislative framework is long overdue. This needs to include updating three existing pieces of legislation – the Adults with Incapacity Act 2000, the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adult Support and Protection Act 2007 and embedding a clear focus on human rights, prevention and community-based support.

Both the Rome Review (2020) and the Scott Review (2022) outlined a range of ways in which the current legislative framework does not comply with human rights duties and obligations. Both reviews also detailed recommendations for action to address this. However, nothing has changed to date. Urgent action is required.

Scotland's population is ageing and there are specific health inequalities which face older people in Scotland²². Health services and health promotion services must be accessible to all including older people and address their specific needs.

In addition to this, the COVID-19 pandemic severely disrupted access to healthcare and social services²³, particularly for disabled people and those with long-term conditions. The pandemic also resulted in a further reduction in the provision of preventative and community-based supports, reductions in the provision of person-centred care, communication challenges, postponed treatments, and widened health inequalities. Scotland's estimated 620,000 to 800,000 unpaid carers faced additional burdens without sufficient support. In many areas, the supports and

interventions lost during the COVID-19 pandemic have never been re-instated.

Women were similarly disadvantaged during the pandemic. A 2023 report revealed that public health restrictions disrupted pregnancy and maternity services, affecting antenatal care, fertility treatments, and postnatal support²⁴.

Furthermore, the challenges faced by trans and non-binary people in accessing appropriate healthcare services is well documented²⁵ and was noted as a specific point of action for Scotland by the CESC in March 2025²⁶.

HRCS believes commitments to tackle health inequalities and realise people's right to the highest attainable standard of physical and mental health are a national priority.

HRCS is calling on all political parties and candidates to commit to:

- Develop and promote a human rights first approach to all public health promotion and prevention policy developments and planning, including the Population Health Framework, which embeds international human rights standards.
- Establish and deliver a Mental Health and Capacity Law Reform Programme using the recommendations of both the Rome and Scott Reviews and embeds human rights to ensure compliance with Scotland's international human rights duties and obligations including UNCRPD within the lifetime of the next parliament.
- Implement and complete a comprehensive human rights-based reform of social care in Scotland building from the recommendations of the Feeley Review²⁷ and including key actions on workforce planning and support for unpaid carers.

- Allocate long term, sustainable funding for activity that promotes and supports the good mental health and wellbeing of people living with long term conditions and addresses the mental health inequalities they experience.
- Expedite the creation of a new Scottish Institute for Women's Health to drive the systemic change needed to policy, guidance, and medical training.
- Carry out a robust review of women's pregnancy and maternity services during the COVID-19 pandemic and use the learning from this to co-produce human rights-based services and emergency guidance rooted in intersectional gender analysis and existing standards.
- Increase and improve the provision of gender identity healthcare for trans and non-binary people across Scotland, to ensure it is equitable, easily accessible, timely and high quality, and informed by the needs of service users.
- Continue the human rights first approach of the National Mission on drugs and the Charter of Rights for People Affected by Substance Use.
- Extend the free COVID-19 booster vaccination programme to unpaid carers.
- Create a central Long Covid hub within NHS Scotland to holistically manage specialists and services across Scotland.

The Immediate Reduction of Poverty and Tackling the Cost-of-Living Crisis in Scotland

HRCS and our members believe that immediate actions rooted in human rights principles are required to reduce poverty and tackle the cost-of-living crisis if we are to effectively address the cause of significant levels of discrimination, inequality, ill-health and early mortality.

By focussing on the realisation of economic rights, the new government and MSPs can ensure actions meet recommendations from the international human rights framework including ICESCR and deliver tangible improvements in people's lives on a wide range of outcomes.

HRCS is calling on all political parties and candidates to commit to:

- Directly tackle poverty for those most in need by undertaking a human rights-based review of Scotland's public debt processes and, working in partnership with local authorities and other stakeholders, reform these processes to ensure full compliance with existing human rights standards including ICESCR.
- Immediately increase the Scottish Child Payment to support those families struggling most with rising costs.
- Work to influence the UK Government to immediately remove the benefit cap and two-child limit, which disproportionately harm women, children, and larger families.
- Simplify the process for accessing devolved benefits to remove barriers for those most in need, ensuring everyone can claim their rights to financial support.
- 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.
- Use public procurement and devolved powers to promote the real living wage, eliminate insecure contracts and enforce fair work principles for everyone including disabled people.
- 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.
- Reform the 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 further anti-poverty measures and access to social care.
- Protect and increase investment in affordable, accessible social housing to reduce cost pressures on low-income families,
- Ensure housing support and accessibility standards include private tenants.
- Develop a comprehensive national strategy for the right to adequate food.

Disabled People's Rights

HRCS shares the concerns of the three main Disabled People's Organisations that disabled people are 'experiencing unprecedented hardship, deepening poverty, increasing social isolation and inadequate services at a time of rising need.' All too often disabled people are not included in decision making.

We are also significantly concerned about the likely impacts of the welfare benefits cuts which the Westminster Government propose. These pay little attention to the discrimination and human rights abuses faced by disabled people and how their situation has significantly worsened in the last five years with the unequal impact of the COVID-19 Pandemic and the ongoing cost of living crisis. The rhetoric used to promote these proposed cuts was both ill-judged and stigmatising.

In Scotland, HRCS welcomes the recently published Disability Equality Plan²⁸, and share its vision, which states:

“Scotland should be a place where all disabled people can live the lives they choose; with the support they need to do so. It should be a place where everybody is enabled to participate in society, access their rights, take advantage of opportunities, and thrive in their communities.”

HRCS and our members fully support the plan’s intentions to drive forward real and significant improvements for disabled people focussing as it does on co-production, accountability within the context of the UNCRPD, and cross-government mainstreaming and capacity building. We are also fully supportive of its three priority areas:

-  Providing financial support for disabled households.
-  Supporting disabled people’s full inclusion and participation in their lives, communities, and Scotland.
-  Improving Mental Health.

In addition, people with learning disabilities have experienced serious human rights abuses, which have become hard-wired into in the fabric of our society and public services. This is a systemic failure that must be urgently addressed²⁹.

As already noted, mental health and capacity law reform is long overdue in Scotland and must ensure compliance with the UNCRPD. People with learning disabilities have also long campaigned for a specific, human rights-focussed law in Scotland.

The UN Committee on Economic, Social and Cultural Rights recognised this and proposed a specific recommendation focussing on the urgent need for the Scottish Government to address the ongoing use of detention in hospital settings, inappropriate institutionalisation and out-of-area

placements as accepted strategies to address the health and social care requirements of people with learning disabilities.

The incorporation of specific rights has also been amplified by the passing of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 and it is essential that work ongoing to address a number of anomalies and risk areas are addressed urgently. For children with learning disabilities this includes the misuse of restraint and restrictive practices in schools and other health and social care settings both against children and adults. HRCS commends the work of Restraint Reduction Scotland and the Restraint Reduction Network UK in this area and is keen to see how this could be enhanced.

HRCS is calling on all political parties and candidates to commit to:

- Develop and implement a human rights capacity building programme focussed on disability rights for all spheres of Government and the public sector.
- Develop, resource and implement an Accessible Information Standard for all spheres of government and the public sector.
- Strengthen the accessibility of the social security system in Scotland for disabled people.
- Continue to fund the Social Security Independent Advocacy Service and conduct an evaluation of the Service to ensure it is reaching its maximum potential.
- Ensure that 'Connecting Scotland' and other digital access strategies and approaches, including digital financial inclusion, are fully human rights impact assessed and evaluated with specific regard to the human rights of disabled people and older people and is informed by their engagement.

- Ensure that all government digital systems and process are human rights impact assessed, fully accessible and provide non-digital access to those who require it.
- Re-engage with the significant development work done with regard to a Learning Disabilities, Autism and Neurodiversity Bill and bring this forward to Parliament early in the next parliamentary term.
- Ensure robust accountability, national scrutiny and joint working to promote and provide access to adequate accessible housing for, people with learning disabilities, mental health problems and/or autistic people enabling those residing in inpatient units or inappropriate out-of-area placements to be discharged and preventing their institutionalisation.
- Pass legislation (the Restraint and Seclusion in Schools (Scotland) Bill or similar) as an opportunity to provide a positive, proactive and statutory approach to the elimination of misuse of restraint and seclusion in schools.

Racial Discrimination

HRCS and our members continue to be extremely concerned about people's experience of racism in Scotland and support all work ongoing to eliminate racial discrimination. As an organisation, we are fully committed to implementing an anti-racist and human rights-based approach and have been working with our partner organisations including CEMVO and BEMIS (two of Scotland's leading intermediary organisations) to fully understand the experiences of people from black and minority ethnic communities across Scotland.

We are also supportive of the work of CEMVO's Race for Human Rights Programme, which aims to help public service providers increasingly embed race equality and human rights in their strategic planning and day-

to-day functions. Part of this programme includes community engagement to empower rights holders to be heard and support policy makers to be better connected with ethnic minority communities. We are keen to see this work continue and expand as people still experience many barriers to accessing public services such as health and education.

The Scottish Human Rights Commission (SHRC), CEMVO and BEMIS took part in an interactive dialogue as part of the periodic review of the UK's compliance with the Convention on the Elimination of All Forms of Racial Discrimination (UN CERD) in August 2024. Both SHRC³⁰ and CEMVO³¹ submitted detailed reports to the Committee as part of this process. Four themes were highlighted - Hate Crime, Education, Social-Economic Status and Health. The SHRC noted in its report that racial discrimination and racism persist in Scotland despite our population becoming more diverse (as detailed in the census from 2011 and 2022). The SHRC stated:

“Although we recognise that there are good intentions, we look at the example of the second Scottish National Action Plan for Human Rights, known as ‘SNAP 2’, to show that there are often big gaps between what the Scottish Government says it wants to do and what life is like for people and how easily we can check how well things are actually progressing.”

Significant gaps are noted in areas, including those listed above, as well as in data collection, the strength of the legal framework, protections against racism, human trafficking and sexual exploitation, the experiences of the Gypsy/Traveller community, the role of social media in hate crime, and the impacts of institutional racism - all of which are highlighted as major areas of concern.

From all of the evidence gathered and submitted to the United Nations in 2024, it is clear that Scotland has so much still to do to eliminate racial discrimination and racism.

HRCS is calling on all political parties and candidates to commit to:

- Support and effectively resource a Hate Crime Delivery Plan which aims to develop the capacity of those who experience racial hate crime to identify it and know what to do if it happens.
- Design and implement a robust and effective complaints policy for public health and other public services that captures covert and overt racism experiences from both service users and staff.
- Improve national data collection processes and infrastructure to focus on the disaggregation of all data and the intersectionality of people's lives, specifically with regard to race and racial discrimination.
- Develop a measurable, time-limited and resourced national action plan to address racial discrimination in employment including recruitment, retention, zero hours contracts, low pay and insecure working conditions.
- Develop a measurable, time-limited and resourced national action plan to promote and implement effective approaches to tackling racism in education. This should include clear systems for monitoring and evaluating how education establishments record and handle racism and racist incidents, along with mandatory reporting of such incidents across all education establishments.

Migrant Rights

A fair and humane migration system is essential to uphold the UK's commitment to international human rights standards. However, the

narrative surrounding migrants' rights in the United Kingdom feels increasingly negative and punitive. The UK's asylum system often fails to provide the dignity, safety, and opportunity that people seeking refuge deserve and are entitled to. Prolonged waiting times, limited access to work, and fragmented support systems leave many asylum seekers in uncertainty and hardship as noted in the UN CESCR Concluding Observations.

HRCS believes that a different approach is needed. Successful initiatives like the Scottish Government's New Scots Integration Strategy³² show how targeted support can build inclusive communities and unlock potential. This work must continue and be enhanced, recognising Scotland's need for inward migration to build our economy in the short, medium and long term.

HRCS understands that many rights in relation to migrants, refugees and asylum seekers are reserved to Westminster, however, we believe there is much more that can be done in Scotland, within devolved competency, to amplify the case for change and ensure that all migrant communities are included and valued as part of Scottish society.

Recognising refugees and asylum seekers as rights-holders is essential, with policies designed to meet their specific needs while promoting community cohesion. For example, support for asylum seekers and refugees could be increased by ensuring that local services are inclusive of all; increasing funding for local authorities and charities to enhance integration programmes; addressing barriers to accessing housing, healthcare, education, and community services; and engaging more businesses to champion the economic and social benefits of lifting the ban on the right to work for asylum seekers.

Healthcare access poses real barriers for migrant communities including refugees and asylum seekers, particularly for women, LGBT+ people, and disabled individuals. The NHS in Scotland 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 for migrant communities. Local councils should be encouraged to continue to 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 Just Right Scotland. Free transport enables participation in language classes, community activities, and employment opportunities, fostering integration and improving well-being.

HRCS is calling on all political parties and candidates to commit to:

- Work with the Westminster Government to ensure that all refugee and asylum-seeking children and young people have the right to reunite with their families in the UK, expand support for family reunification and provide adequate funding to local authorities for this.
- Increase investment in integration programmes, which address the barriers to accessing housing, physical and mental health services, and further development of community-led initiatives that welcome refugees and asylum seekers.
- Commit to the provision of free public transport for refugees and asylum seekers.
- Collaborate with civil society organisations and all spheres of government to ensure refugee and asylum seekers' voices are central to policy development on a wide range of issues including housing, education and employment.

- Work with the Westminster Government and colleagues to change the ‘no recourse to public funds’ rule and to enable employment for asylum seekers.
- Demonstrate strong leadership on atrocity crimes and genocide prevention and recognition and support for affected communities.

Access to Justice

For too many people in Scotland, it is incredibly difficult to access a legal remedy for human rights violations. HRCS believes this has to change. Access to a legal remedy must be affordable, accessible, effective, timely and person-centred in line with the internationally recognised AATA Framework³³ and Article 13 of the European Convention on Human Rights.

HRCS has identified several key themes and barriers that hinder access to justice in Scotland through its Making Human Rights Justice a Reality³⁴ campaign and report. Change requires collaborative efforts between policymakers, legal professionals, community organisations, and people affected by these barriers. It is important to remember that although individuals and communities face these problems, they are representative of wider systemic failures.

The importance of civil legal aid reform³⁵ in order to enable the realisation of human rights in Scotland cannot be overstated. It is a cornerstone of access to justice, making sure that everyone, regardless of their financial situation, can seek legal help when faced with injustice.

In July 2024, we published a briefing in partnership with Just Rights Scotland and the Environmental Rights Centre for Scotland³⁶, highlighting the lived experiences of those who have struggled to find legal representation and offering concrete proposals for change.

HRCS and our partners believe that Scotland needs 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.

HRCS is also involved in a number of other justice related areas of work, each with specific human rights concerns and potential human rights violations. This includes Police Scotland's plans for introduce the widespread use of facial recognition technology, the UK Government's Prevent Strategy, the new NPCC Abortion Investigation Guidelines, and the use of Stop and Search Powers by Police Scotland.

In addition, criminalised populations face structural rights violations and apparent political apathy to change this. Scotland continues to have one of the highest incarceration rates in Europe.³⁷ High numbers of remand prisoners contribute significantly to overcrowding. While community-based alternatives to custody have been developed in Scotland for over 35 years and 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.

Alternatives to custody offer a vital pathway to easing pressures on Scotland's prison and criminal justice system and their success will depend on systemic reform, better resourcing, and a broader cultural shift towards prioritising rehabilitation over punishment.

SHRC recently also highlighted concerns regarding failures in prison complaint's procedures³⁸ to uphold individual human rights.

HRCS is calling on all political parties and candidates to commit to:

- Develop and implement new legislation focussed on structural and funding reforms to the legal aid system in Scotland building on the work

already completed by the Scottish Parliament Equalities, Human Rights and Civil Justice Committee and the Law Society of Scotland.

- Commit to widening the scope of civil legal aid to include preventive legal advice and increasing the financial eligibility thresholds for legal aid to reduce the overall demand for crisis-driven legal interventions.
- Ensure Police Scotland undertake detailed Human Rights Impact Assessments where new criminal justice policies and procedures are being considered.
- Commit to providing adequate funding for criminal justice social work and community justice services and to promote evidence of their effectiveness in addressing offending behaviour.
- Develop and deliver a strategic national plan to reduce court backlogs in order to lower the remand population by ensuring cases are processed more swiftly.
- Reform sentencing guidelines to support more tailored, rehabilitative approaches, and increase investment in preventative services such as diversion programmes.
- Reform the Prisoner Complaint's procedures in line with the recommendations of the SHRC's recent report.
- Develop and implement a national human rights-based action plan to address the rights of families and children affected by imprisonment.

Environmental Rights

HRCS believes that the Scottish Human Rights Framework must incorporate all international conventions as well as the outcomes of the ongoing international monitoring process and the rulings of the European Court of Human Rights. This will require both time and resources to succeed and is essential to rooting our progressive democracy in the rule of law.

However, the Climate Crisis provides a deeply concerning backdrop to political activity at every level – globally, across the United Kingdom, and within Scotland - both nationally and locally. The ongoing development of a Scottish Human Rights framework must be grounded in the realities of the climate emergency³⁹.

Indeed, the world's highest court recently delivered a landmark Advisory Opinion on the obligations of States in the face of the climate emergency. The International Court of Justice (ICJ) decision delivers historic protections that strengthen the responsibilities of States under international law beyond the Paris Agreement, with several key additional obligations including the duty of all countries to prevent significant harm to the environment and the duty to cooperate⁴⁰.

The climate crisis, including the human impacts of climate change, are a real and present danger to the long-term sustainability of our country and world. The clock is ticking, and this must be addressed immediately.

Given this urgency and understanding, there is increasing pressure in Scotland to incorporate a right to a healthy environment into Scots law, ensuring it is enforceable and aligned with international conventions such as the Aarhus Convention.

HRCS works with the Environmental Rights Centre for Scotland (ECRS) and their partners to further our understanding and commitment to tackling the climate emergency through a human rights focus. In April 2025, we jointly called for a human rights-based approach to environmental policy, arguing that this is critical to addressing the compounding harms of poor environmental quality and poverty which contribute to health inequalities and systemic discrimination in Scotland.⁴¹

HRCS believes the incoming Scottish Government and all future MSPs must prioritise action to address the climate emergency and monitor this, environmental loss and the human impacts of climate change by incorporating the right to a healthy environment into Scots law. This legislation must ensure accountability for public bodies and polluters in order to address the climate emergency and the disproportionate impacts of environmental degradation on marginalised communities.

Recognising that climate change and environmental harm undermine economic, social, and cultural rights requires environmental justice to be placed at the heart of the incoming government's policy agenda.

Finally, strong environmental protections must be supported by robust monitoring mechanisms.

HRCS is calling on all political parties and candidates to commit to:

- Incorporate the right to a healthy environment into Scots law, ensuring accountability for public bodies and polluters.
- 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.
- Establish measurable indicators for environmental quality and inequality, publishing annual progress reports.
- Engage stakeholders, including civil society organisations, trade unions, and local communities, in this work to ensure transparency and accountability.

About HRCS

HRCS is Scotland's civil society human rights network and has 230 civil society/NGO members and 250 individual members. HRCS is independent of Government and is dedicated to promoting and protecting human rights.

Our mission is to bring together organisations and campaigners to work for the incorporation of international human rights standards into Scottish law and policy, to ensure delivery of human rights and accountability and develop accessible and informative resources.

HRCS plays a vital role in amplifying marginalised voices and ensuring human rights are at the core of decision-making.

www.hrcscotland.org

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