



Karen Adam MSP
Convener
Equalities, Human Rights and Civil Justice Committee
The Scottish Parliament
Edinburgh
EH99 1SP

15th May 2025

Dear Convenor

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Evidence Session 29 April 2025 and Next Steps

We are writing to express our thanks to you and the members of the Equality, Human Rights and Civil Justice Committee for the opportunity to discuss the Scotland-specific issues raised in the Concluding Observations and recommendations to the UK and Scottish governments of the United Nations Committee on Economic, Social and Cultural Rights following its periodic review of compliance with the International Covenant on Economic, Social and Cultural Rights.

We understand that this was the first evidence session the Committee had convened to consider the impact of a set of Concluding Observations from the United Nations, and we would ask that it become a standard part of the human rights monitoring and accountability role of the Committee in the future.

Given the periodic nature of treaty-based and other UN reviews (e.g. UPR), we would also suggest that the Committee hold an annual international human rights monitoring and accountability session.

During our evidence session on 29 April 2025 (and we very much appreciate the additional time the Committee was able to afford us to hear our evidence), we highlighted a broad range of issues which we believe are critically important to the realisation of human rights in Scotland including:

- The importance of fully incorporating economic, social and cultural rights into Scots law
- The challenges and opportunities of the proposed human rights bill
- Mandatory human rights due diligence for public bodies and businesses

- Civil society engagement in the development of UK and Scottish national action plans on business and human rights
- Rights of Gypsy/Traveller Community
- Community engagement
- Social security
- Proposed cuts to disability social security
- Poverty
- Digital only systems and processes
- Gender-responsive budgeting and intersectional approaches
- Housing and homelessness
- De-institutionalisation and the right to independent living for people with learning disabilities
- Human rights measurement
- Mental health services
- Mental health law reform
- National food strategy/sustainable food programme
- Culturally appropriate and inclusive education
- Monitoring and data gathering

Despite the length of this list and the time we spent with the Committee, there were some areas where it would have been helpful to have more time to discuss the human rights issues at stake, and

other human rights that we did not manage to discuss at all, for example the highest attainable standard of physical health, human rights budgeting and the Human Rights Act 1998 in relation to the devolution settlement.

We are also aware that the human rights framework is both evolving and regressing all the time, with decisions made by the Scottish Parliament and both UK and Scottish governments impacting ICESCR rights on an ongoing basis.

For example, last week, the Minister for Mental Health and Social Care informed the Committee of a further delay (until the next parliamentary term) to the much needed reform of the Adult's with Incapacity (Scotland) Act 2000, stating that 'further work had to be prioritised ahead of bringing forward a bill due to risks of European Convention on Human Rights (ECHR) non-compliance in relation to deprivation of liberty cases.' Given the length of time this reform has been ongoing it is difficult for us to understand why these issues have not been considered already and solutions found.

In addition to this, the recently announced Programme for Government 2025/26 (PfG) also highlighted three explicit human-rights based commitments:

- "Creating safe spaces for the LGBTQI+ community - funding work that tackles discrimination and upholds the human rights of this group, including through the Equality and Human Rights Fund, and progressing actions within the Non-Binary Equality Action Plan."

- “Developing legislation to incorporate certain international human rights treaties into Scots law, working with stakeholders to refine proposals, and laying the groundwork for effective implementation.”
- “Continuing our commitment to embed equality and human rights across the Scottish Government and the wider public sector we will publish our mainstreaming framework which will include an action plan and toolkit, setting out practical steps to achieve this ambition. This will be complemented by enhancing the effectiveness of the Public Sector Equality Duty as it operates in Scotland.”

Whilst we would argue that the PfG could have gone much further in committing the Government to working on a wide range of human rights-based policy areas, each of the three explicitly human rights-based commitments the PfG does make will directly impact on the rights detailed in ICESCR and the Concluding Observations.

We would therefore be very keen to enter into further dialogue with the Committee to consider how it can hold the Government to account for delivery in these areas over the coming months to ensure that there are no further unexpected delays to rights realisation in Scotland. This discussion is also important as it sets a context for the Committee’s ongoing engagement in human rights accountability with reference to international monitoring as the Scottish Government develop the Human Rights Tracker.

Furthermore, we are aware of the fact that it is now less than one year to the next Scottish Parliament election. We believe this election will be one of the most important since Devolution. We also believe that human rights, including those detailed in ICESCR and the Concluding Observations, are central to the creation of a modern, progressive democracy.

We would again appreciate further opportunities to work with the Committee to consider how we can maximise the awareness of human rights realisation and regression in Scotland over the coming months and raise the profile of the work done across civil society to promote the human rights and wellbeing of all people in Scotland.

Thank you again for the opportunity to meet with the Committee last week. We look forward to hearing from you.

Yours sincerely

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Making Rights Real

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