

Equalities, Human Rights and Civil Justice Committee
Tuesday 18 November 2025
26th Meeting, 2025 (Session 6)

Human rights, equalities and access to services in rural areas of Scotland – Note by the Clerk

Introduction

1. At its meeting on 13 May 2025, the Committee agreed to hold a short inquiry into rurality.
2. A common thread running through much of the Committee's work has been rurality. That is to say, the extent to which cross-cutting policy objectives are looked at with a view to equalities impacts in a rural setting. For example, do people with disabilities living in remote or rural areas have the same access as other citizens as may be the case in urban areas?
3. The [SHRC's Report on Economic Social and Cultural Rights in the Highlands and Islands](#), published in late 2024, details threats to human rights in rural Scotland, particularly in the Highlands and Islands, where insufficient access to healthcare, housing, and food, along with fuel poverty and poor transport, hinders economic, social, and cultural rights. Today's session will focus on these issues in rural Scotland.

Evidence

4. The Committee will take evidence via a roundtable discussion with—
 - Dr Luis F. Yanes, Legal Policy Development Officer, (Economic, Social and Cultural Rights Lead), Scottish Human Rights Commission
 - Artemis Pana, National Coordinator, Scottish Rural Action
 - Megan MacInnes, Board Member, Community Land Scotland
 - Sheena Stewart, Chief Officer, Uist Council of Voluntary Organisations
 - Kirsty Harding, Senior Development Officer, Highland Third Sector Interface
 - Wendy Hand, Deputy and Facilities Manager, Voluntary Action Shetland
 - Juliana Amaral, Chief Executive Officer, Borders Community Action/Borders Third Sector Interface
 - Alan Webb, Chief Executive Officer, Third Sector Dumfries and Galloway

- Alasdair Ross, Policy and Consultations Officer, Aberdeenshire Voluntary Action

5. See Annexe A for written submissions from:

- Community Land Scotland

Action

6. Members are invited to discuss the evidence heard at the roundtable today.

Clerks to the Committee
November 2025

Annexe A – written submissions

Community Land Scotland

Community Land Scotland welcomes the opportunity to provide evidence to the hearing of the Equalities, Human Rights and Civil Justice Committee on the topic of “Human Rights in Rural Scotland” on 18th November 2025.

Community Land Scotland (CLS) was formed by Highlands and Islands based organisation in 2010 to advance the cause of land reform in recognition of its implications for social and economic development. Since then, it has expanded its reach and now is the representative organisation for 140 community land owning organisations across rural and urban areas.

In advance of the hearing, we are submitting the following paper which includes the following:

- A summary of key issues
- Appendix 1: Submission from Community Land Scotland to the United Nations Committee on Economic, Social and Cultural Rights on the Draft General Comment on Land and Economic, Social and Cultural Rights (2021)
- Appendix 2: Extracts from Community Land Scotland’s submission to Scottish Government Human Rights Bill Consultation (2023)

Summary of Key Issues

As noted in UN General Comment No. 26 (2022), land plays an essential role in the realization of a range of rights under the International Covenant on Economic, Social and Cultural Rights (ICESCR). General Comment (26) (on land and economic, social and cultural rights) was adopted at the end of December 2022 and articulates this relationship further <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/000/35/PDF/G2300035.pdf?OpenElement>

Therefore, to understand and address the challenges relating to the realisation of economic, social, and cultural rights in the Highlands and Islands and other rural areas, it is essential to understand the nature of land ownership.

Scotland is internationally renowned for having perhaps the most concentrated private land ownership patterns anywhere in the world. 67% of Scotland’s private rural land is owned by only 0.025% of Scotland’s population. This has profound implications for the realisation of economic, social, and cultural rights and is the basis of our submissions to the UN and Scottish Government attached below.

CLS welcomes the publication of the Scottish Human Rights Commission’s report on Economic, Social and Cultural Rights in the Highlands and Islands. It highlights critical areas where the realization of these rights are not accessible to communities across these areas and in fact, where access to those rights has deteriorated. It is notable that even the most basic core obligations of the economic, social and cultural rights most closely linked to land (the right to housing and food) are not currently being met.

It is CLS' position that any consideration of the recommendations highlighted in the Commission's report and further legislative and policy actions need to consider wide-ranging and interconnected underlying causes of the issues raised.

This needs to include:

- Overcoming the immediate challenges around accessing land for community development and public interest purposes
- Tackling the continued concentration of land ownership and stagnation of long-term and ambitious human-rights focused land reforms
- Responding to the current financial and resource challenges being faced by community land owners, community development trusts and other local bodies on the front line of improving the realization of these human rights

One significant change in the Highlands and Islands, initially in the Outer Hebrides, but extending also to the likes of the islands of Eigg and Gigha, and remote peninsula as witnessed in Knoydart, has been the increase in community ownership since 2003.

CLS' analysis of the maturing of the community land sector is that where community ownership occurs, it is the economic, social, and cultural dimensions to life that come to the fore. In such areas there are examples of long-term trends such as the population decline that still plagues much of the Highlands and Islands being slowed and reversed in quite dramatic ways. Employment has expanded, with developing housing key to this, with the community leading efforts in partnership with others to deliver new housing. Notable examples exist in the case of Eigg and Knoydart, but also in West Harris, for example.

Appendix 1

Submission to the United Nations Committee on Economic, Social and Cultural Rights on the Draft General Comment on Land and Economic, Social and Cultural Rights.

Submitted by Community Land Scotland¹

Introduction

Community Land Scotland welcomes the opportunity of input to the Draft General Comment and commends the Committee on taking the initiative to provide further important interpretation. We are of the view that the substance of the Draft General Comment will be supportive and helpful to our work in Scotland, and the following observations are designed to further strengthen the Comment.

Community Land Scotland is the representative body for the growing number of community land owning interests in Scotland and has over 100 members owning in aggregate over 500,000 acres of land.

Scotland is experiencing significant growth in interest in communities taking collective action to own land and built assets to further their economic, social and cultural life. Communities being able to own land and other assets in the interests of their sustainable futures and as a means of social inclusion and citizenship face many challenges because of Scotland's land tenure systems.

Scotland's experience is that land rights issues are as relevant to communities in urban as in rural settings. Recent independent research commissioned by Community Land Scotland captures examples of communities now leading actions in both urban and rural settings in response to climate change and the potential to do significantly more is only limited by access to land across Scotland².

Scotland has one of the most concentrated patterns of land ownerships anywhere, with some 0.025% private owners owning 67% of Scotland's private rural land³.

A number of those owners are foreign nationals or otherwise do not mainly live on the land they own. Such owners will generally have little social or cultural connection to the land, holding it principally for investment or pleasure reasons. Scotland's land market is largely unregulated.

In effect, local land **monopolies** exist by virtue of the **scale** of the holding or **concentration** of ownership over smaller landholdings, for example island communities where an entire island may be privately owned by a single individual. The heavily concentrated nature of ownership patterns results in unequal access to

¹ www.communitylandscotland.org.uk

² https://www.communitylandscotland.org.uk/wp-content/uploads/2021/03/Community-Landowners-the-Climate-Emergency_Report.pdf

³ Charles Warren, *Managing Scotland's Environment*, (Edinburgh University Press), Edinburgh, 2009, pp 48-49

land as an economic, social and cultural asset. Demand for land by small-scale agriculturalists or urban communities is not able to be met.

An emerging negative feature of the land market is acting against local communities furthering their economic, social and cultural rights with large expanses of land in Scotland being marketed⁴ for its carbon storage (carbon offsetting) potential and for the access land ownership brings for state subsidy for such purposes.

What Scotland is experiencing is the **commodification/financialization of the climate emergency through the acquisition of land**. The motivation for land transactions in this market might embrace, *inter alia*: mainstream environmental and climate action; enhancing marketing and branding to build market share among climate conscious customers; forest and peatland assets being purchased in order to offset continuing carbon emissions elsewhere within an enterprise as a contribution to or in place of ending corporate emissions; speculative action to reduce future potential carbon tax liabilities; and accessing lucrative state subsidies for climate mitigation and adaptation measures.

The way land markets in Scotland operate principally serves the interests of wealthy private individuals⁵ or corporations and this developing dimension is fuelling an acceleration of long-standing land price inflation⁶ show significant increase in forestry sales. . The beneficial owners in private ownerships are not always known to local communities with ***transparency arrangements*** requiring to develop further. Private or corporate ownerships for climate purposes ***act against achieving a just transition⁷ through the climate emergency***, one which would deliver more equal outcomes. The circumstances emerging are analogous to those described in the Draft General Comment at paragraph 2 in relation to the ‘grabbing’ of land for housing and agriculture, but in this case for climate reasons.

⁴ <https://www.savills.co.uk/insight-and-opinion/savills-news/312011-0/a--new-era-for-the-scottish-estate---with-a-surge-in-green-buyers>
<https://www.savills.co.uk/blog/article/300694/rural-property/woodland-carbon--the-answer-to-green-growth-post-pandemic-.aspx>
<https://www.galbraithgroup.com/blog/scottish-estatethe-changing-face-of-the-modern-estate-buyer>
https://www.savills.co.uk/research_articles/229130/309215-0
<https://www.pressandjournal.co.uk/fp/opinion/columnists/david-ross/3014725/fairness-key-amid-surge-of-green-lairds/>

⁵ <https://crm.theferret.scot/Prod/link-tracker?redirectUrl=aHR0cCUzQSUyRiUyRmZlZWwcm94eS5nb29nbGUuY29tJTJGJTdFcjUyRnRoZWZlcnlldCUyRnJzcjUyRiU3RTMIMkZzZUpIMGxRS3JMdyUyRiUzRnV0bV9zb3VyY2UIOM0RBY3RpdmVDYW1wYWlnbiUyNnV0bV9tZWwmdW0IM0RIbWFpbCUyNnV0bV9jb250ZW50JTNEUjNTJTlTM0FJVEVNJTlTM0FUSVRMRSUyQiUyQlUyNTdTdjTJCjTI1RTIIMjU4MCUyNThCRGFpbHkiMkJBbGVydHMIMkjlbfWpCUyQmZyb20IMkluUaGUIMkJKZXJyZXQIMkjmjb3IIIMklMjVFMiUyNTgwJTlTOEIMkJUT0RBWSUyNnV0bV9jYW1wYWlnbiUzRE5ldyUyQkRhaWx5JTJCQWxlcnRz&a=609970336&account=theferret%2Eactivehosted%2Ecom&email=DAG%2F6DP1DJJUB8dmuOT5P6yPUFd7JHyq9acdSgULWaM%3D&s=9c418d404b39c9c942d1c5191ccbfd6c&i=g>

⁶ <https://www.ros.gov.uk/about/news/2021/property-market-report-2020-21> Pages 42 and 43

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2021/03/transition-commission-national-mission-fairer-greener-scotland/documents/transition-commission-national-mission-fairer-greener-scotland/transition-commission-national-mission-fairer-greener-scotland/govscot%3Adocument/transition-commission-national-mission-fairer-greener-scotland.pdf> Pages 32 to 35

Scotland is unlikely to be unique but may be at the leading edge of this developing market trend internationally. The carbon sequestering capacity of the land is being acquired by wealthy individuals or corporates and acting against local communities accessing this potential as a means to advance their economic, social and cultural rights. Additionally, there is no framework for **benefit sharing with communities**. As a result, local communities which do not have the financial means to compete in the market are effectively excluded from accessing the land and thus also denied access to state investment available for climate management and other purposes which would be retained locally and help build more sustainable places. The operation of the largely unregulated land market in these respects if effect **discriminates against local communities** being able to fully pursue the progressive realisation of their economic, social and cultural rights.

It is the experience of Community Land Scotland that the benefits that come with community land ownership are superior to any sort of tenure rights and there is strong evidence that where communities in rural and urban settings in Scotland own their land and built assets it represents the greatest advantage in furthering ESC rights, and embraces managing land for climate mitigation and adaptation purposes⁸.

In this context the interpretive comment being currently developed by the CESCR is of vital importance in giving greater clarity for State parties policy makers on their obligations under the ICESCR and helps provide confidence to State parties to act across a range of domestic fronts to strengthen the rights of communities to progressively realise their economic, social and cultural rights under the Convention. **Specific suggestions to develop and strengthen the general comment.**

Community Land Scotland would urge the Committee to consider the following specific matters to further strengthen the development of the general comment:

- To explicitly recognise the threat to local community ESC rights through the commodification/financialization of the climate emergency and the legitimacy of State parties including climate mitigation and adaptation as among the matters where protective measures including legislation can be legitimately taken.
- To strengthen the references that ceilings on land holdings is warranted when concentration of ownership can act to limit a more equal distribution of land assets and the progressive realisation of economic, social and cultural rights of local communities.
- To make clear it is legitimate for State parties to take legislative and other actions to address the effects of currently existing land ownership monopolies in order to help develop a more equal distribution of land assets to further ESC rights; and that it is legitimate that land ownership can be considered within the range of existing States' arrangements to protect against the effects of monopolies.

⁸ https://www.communitylandscotland.org.uk/wp-content/uploads/2021/03/Community-Landowners-the-Climate-Emergency_Report.pdf

- To make clear that State parties can legitimately consider adopting specific measures including legislation to regulate land market operations in ways that act against *de facto* discrimination in local communities attaining ownership of
- land and that requiring large scale land coming to market to be lotted into smaller units.
- To include specific reference to the legitimacy of States intervening in land markets including legislating to protect or secure land for local community use in fulfilling their ESC rights.
- To reference that it would be legitimate for State parties to take action including legislation to secure benefit sharing arrangements for local communities from activities generating economic benefits from a natural resource asset base (eg carbon sequestration, wind and water energy potential) where private ownership dominates a locality and confers economic benefits not otherwise available to a local community.
- To emphasise that complete transparency around the beneficial owners of land is an essential pre-requisite for balanced governance arrangements around land and State parties requiring full transparency is a legitimate area for action.

Community Land Scotland
July 2021

Appendix 2

Extracts from CLS submission to Scottish Government Human Rights Bill Consultation.

There should be flexible provision for the evolution of international law, materials and mechanisms, as there are key land rights emerging which will be relevant to Scotland.

As noted in UN General Comment No. 26 (2022), land plays an essential role in the realization of a range of rights under the International Covenant on Economic, Social and Cultural Rights (ICESCR). Due to Scotland's unequal land pattern, local land **monopolies** exist by virtue of the **scale** of the holding or **concentration** of ownership over smaller landholdings, for example island communities where an entire island may be privately owned by a single individual. The heavily concentrated nature of ownership patterns results in unequal access to land as an economic, social and cultural asset. This can impinge on communities' economic, social, and cultural rights.

Scotland also benefits from community landownership which communities can use to self-determine their rights -- there is strong evidence that where communities own their land and built assets it represents the greatest advantage in furthering ICESCR, and embraces managing land for climate mitigation and adaptation purposes. Due to Scottish circumstances, as well as international evolving practice on land rights, there is a changing legal context for ICESCR, so the interpretive provisions would need to include flexibility to allow emerging considerations and practice to be incorporated into Scots law.

Attention needs to be paid to the intersections of the rights, and substantive elements underpinning that intersection. Land is a key intersecting aspect, as it provides the fundamental basis of many of the equality rights, and as such there is a need to consider land rights as an intersectional issue.

It should be noted that in addition to human rights there are further community rights related to land under Scots law. For example, communities have a right-to-buy for the purposes of sustainable development under Part 5 of the Land Reform (Scotland) Act 2016, or request asset transfer from public sector bodies.

The Human Rights Task force stated that land reform is a critical area for implementation of the Human Rights Bill (2021). As the Land Reform Review Group (2014) set out, land reform plays a crucial role in enabling the Scottish Government to meet human rights obligations. The centrality of land on the realisation of ICESCR is noted in UN General Comment No. 26 (2022). Disappointingly, there is no reference to land in the consultation.

We note also the approach of removing anything reserved to the UK parliament from this Human Rights Bill – land rights, as the basis of the Scottish land reform, can be advanced within devolved powers, as they have been since devolution.

With Scotland's highly concentrated land ownership patterns, particular responsibility falls on those owners to honour obligations to wider society and the realisation of citizens' economic, social, cultural, and environmental rights in addition to the private enjoyment of their property. In Scotland landowners have both rights and responsibilities, as set out in the Part 1 Section 1 of the 2016 Land Reform Act. This includes reference to "relevant human rights" in Part 1 Section 1 (3) (a). The Scottish Government's 2022 Land Rights and Responsibilities Statement (LRRS) states "The holders of land rights should exercise these rights in ways that take account of their responsibilities to meet high standards of land ownership, management and use" (article 4), and human rights considerations are provided in Annex A which note the importance of land for the ICESCR.

The Scottish Government must, under the Land Reform (Scotland) Act 2016, promote the principles in the LRRS when exercising its functions, so far as this is reasonably practicable. The Human Rights Bill must build on the basis of the LRRS to provide a framework which sets out both land rights and responsibilities as a substantive intersectional aspect of the Bill.

We welcome the incorporation of ICESCR into Scots law and note that one of the principal practical effects will be that the ICESCR rights will be enforceable in Scots law.

We believe that given the need for ambitious land reform, the Human Rights Bill should go farther. We propose a substantive new right: citizens would have the right to expect landowners not to stand between citizens and the realisation of their economic, social, cultural and environmental rights; and to honour responsibilities set out in relevant guidance (LRRS).

There would be procedural elements to this right, such as:

- Scottish Ministers would be under a duty to produce guidance on land and the realisation of human rights which would have to be had regard to by Ministers and by the SLC in the LRRS and supporting guidance and by other public bodies.
- Failure to honour responsibilities, or a claim of such, would give citizens access to redress provisions and mechanisms envisaged in the Bill.