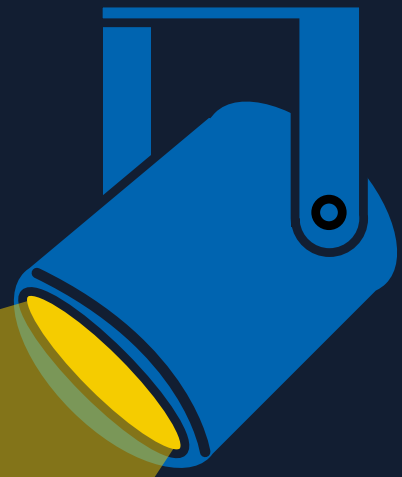


SHRC

Scottish
Human Rights
Commission



Economic, Social and Cultural Rights in the Highlands and Islands

November 2024

EXECUTIVE SUMMARY

Executive Summary

In March 2023, the Commission delivered a report to the United Nations on how economic, social and cultural rights are being experienced in Scotland. Our evidence gathering and engagement to inform this highlighted the following issues as examples of particular human rights concern in rural areas of Scotland:

- Lack of affordable and quality housing
- Limited access to sufficient and nutritious food
- Inaccessible health care services
- Fuel poverty
- Access to technology or poor internet connectivity
- Poverty related attainment gap in education
- Transport connectivity to essential public services and supplies

In April 2023, the Commission took the decision to take a deeper look at these potential human rights denials to understand more about how economic, social and cultural rights are being experienced in the Highlands and Islands.

We have progressed this work under section 3(c) of the Scottish Commission for Human Rights Act 2006, and offer our recommendations under section 4(1)(b) of the Scottish Commission for Human Rights Act 2006.

Our Approach

The Commission undertook a targeted programme of work to assess the realisation of economic, social and cultural rights for people living across the Highlands and Islands, which concluded in early 2024.

The project involved four stages:














































1. Desk based research and literature review of existing published evidence.
2. Community visits across the region to speak directly to people and learn about their experiences using structured feedback mechanisms.
3. Accessing information on trends of complaints made to MSPs and the Scottish Public Services Ombudsman.
4. Analysing all the information under human rights obligations and issuing a final report with recommendations to the relevant authorities.

Further detail on our methodologies is provided as an Appendix.

This report provides an indicative assessment, filled with testimonies of rights-holders, on the current enjoyment of the rights to work, social security, food, clothing, housing, health, social care, education, and culture in the Highlands and Islands.

Our findings

Based on the evidence received and analysed by the Commission, there are significant challenges in the current enjoyment of economic, social, and cultural rights for people in the Highlands and Islands. While this does not constitute an absolute or definitive assessment, it highlights areas where rights holders have expressed concern or frustration regarding their rights. The evidence from rights-holders is consistent with some of the information the Commission has previously reported to the UN Committee on Economic, Social, and Cultural Rights.

Right	Minimum Core Obligations	Progressive realisation	Non-Retrogression	Adequacy
 Work				
 Social security				
 Food				
 Clothing				
 Housing				
 Health				
 Social Care				
 Education				
 Culture				



Meets all obligations



Partially meets obligations



Does not meet obligations



Not possible to determine at this stage

Some of the most critical issues that the report identifies are the apparent failure to meet the most basic international obligations related to the right to food, the right to housing, the right to health, and the right to cultural life.

Another area of concern is the apparent regression or deterioration of rights across the Highlands and Islands, as reported by rights-holders. This is exacerbated by decisions on budget reductions or indeed the complete elimination of previously existing services, without sufficient mitigating measures.

Across all rights examined, there is not a single human right that meets all the conditions of adequacy under international law. This means that there are significant failures in how policies and services are being designed and/or delivered. In general terms, this means that services across the Highlands and Islands are not fully accessible, affordable, available, acceptable, or of sufficient quality (among other conditions).

Our recommendations

From the evidence and testimonies gathered through this monitoring work, the Commission makes eight recommendations to all relevant duty-bearers, in order to ensure full compliance with Scotland's international human rights obligations:



Strengthen Human Rights Laws and Access to Justice

Economic, social, and cultural rights need legal protection. A strong legal framework is required, which the Scottish Government's proposed Scottish Human Rights Bill may address if introduced. Complaint mechanisms must also be improved to ensure they are accessible, affordable, timely, and effective.



Meet Minimum Core Obligations

Urgent action is needed to eradicate rooflessness and hunger in the Highlands and Islands. Universal access to affordable, acceptable, and quality sexual and reproductive health services must also be prioritised, with resources allocated accordingly.



Improve Service Adequacy

Duty-bearers must enhance the accessibility, availability, acceptability, and quality of services. Strategies should be developed to guide improvements. The monitoring framework in this report can help ensure services meet human rights obligations.



Listen to Communities and Adopt a Human Rights-Based Approach

Duty-bearers should engage with the voices and lived experiences of communities, especially the most vulnerable. A human rights-based approach (HRBA) focused on transparency, collaboration, and people-centred services is essential. Policies must consider real-life experiences, not just data.



Flexible and Localised Policies

Policies should be adaptable to the specific needs of remote and rural areas. Learning from Nordic countries' success in realising economic, social, and cultural rights in rural settings could offer valuable insights, especially in housing, health, and education. Programmes should be tailored to address local challenges.



Assess Policy Impact on Highlands and Islands

Mechanisms like the Island Impact Assessment should be expanded to include non-island communities. Human rights considerations must be embedded in all policy assessments, with parliamentary scrutiny to ensure laws and policies take into account the needs of the Highlands and Islands.



Create Specific Targets for Human Rights

Concrete, targeted objectives should be developed to progressively improve human rights, with well-thought-out plans covering short, medium, and long-term goals.



Human Rights Budgeting

Given limited resources, duty-bearers should adopt human rights budgeting to allocate resources more effectively and fulfil human rights obligations. This will ensure the best use of available resources to achieve maximum impact.

Overall, we expect that this monitoring review and framework will be seriously considered, and adopted, by the Scottish Parliament, Scottish Government, local authorities, NHS Boards, and other duty-bearers, as a mechanism to support a human rights based approach to the design, planning, funding and monitoring of public services.

We intend to now take this model, and build on it over the next three years in other regions of Scotland, building a baseline picture of economic social and cultural rights realisation across Scotland over the period of our 2024-28 Strategic Plan. This will inform the Commission's ongoing monitoring of human rights in Scotland.

Ultimately, we hope this report contributes to the improvement of economic, social, and cultural rights in the Highlands and Islands, ensuring that no one in Scotland is left behind.

Find out more

For more information, read the full report on our website at www.scottishhumanrights.com.

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