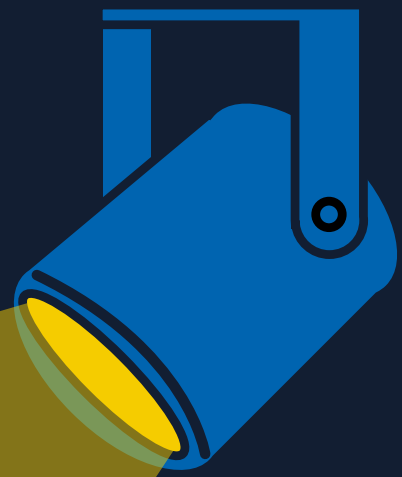


SHRC

Scottish
Human Rights
Commission



Economic, Social and Cultural Rights in the Highlands and Islands

November 2024

The Scottish Human Rights Commission was established by the Scottish Commission for Human Rights Act 2006, and formed in 2008. The Commission is the National Human Rights Institution for Scotland and is independent of the Scottish Government and Parliament in the exercise of its functions. The Commission has a general duty to promote human rights and a series of specific powers to protect human rights for everyone in Scotland.

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With this work, we have piloted a new way of monitoring, one that brings the Commission closer to communities and enhances their voices and struggles in accessing their human rights. We are very grateful to local human rights defenders who spoke to us, and to the many people who offered evidence to the Commission. While we continue to develop this way of working, we hope that all duty-bearers can reflect carefully on the testimonies and experiences found in this report.

Monitoring report issued under section 4(1)(b) of the Scottish Commission for Human Rights Act 2006.

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1. Foreword

“We are losing the soul of the country when basic human rights of rural communities are not being met.”

Human rights defender

The Highlands and Islands holds some of Scotland’s most beautiful places. The region is filled with history, landmarks, vast natural resources and rich cultural traditions. The human rights of its people, however, are not all being fulfilled, with big challenges to the full enjoyment of their economic, social, and cultural rights.

In this report, we aim to amplify the voices of those living in the Highlands and Islands, demonstrating their experiences. Many feel unheard, disenfranchised, abandoned and forgotten, with their concerns discarded or minimised.

Our findings demonstrate that many of these concerns are directly related to people’s human rights. Whilst some of the communities we visited were remote, their

access to human rights should not be. The 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.

The report also aims to provide clarity on all the obligations attached to each right, with indicators of how people are experiencing their rights. Taking into account the evidence that was available to the Commission, while also carefully listening to communities across the Highlands and Islands, we hope that this indicative assessment can be used by all duty bearers to evaluate their own work and reflect on how to improve people’s human rights.

We present information on both the progress made and the existing challenges in relation to these rights. To ensure that duty bearers can plan and improve the delivery of their services and responsibilities, we have created a monitoring human rights framework that can provide guidance in their own work.

“There isn’t a rural housing crisis. There’s a whole series of different crises. And where you are in particular, you may have several of those crises all operating together, or you may just have one.”

Human Rights Defender

Based on the evidence received, and the international human rights obligations applicable to Scotland, the Commission makes eight general recommendations, summarised at the end of this report. Critically, urgent action is needed to eradicate rooflessness and hunger, and ensure universal access to sexual and reproductive health services. This must be prioritised, with resources allocated accordingly.

We expect the Scottish Parliament, the Scottish Government and other public authorities to take serious and careful consideration of all the evidence and the recommendations made. We will also be submitting this evidence to the United Nations Committee on Economic, Social and Cultural Rights in its examination of the UK's progress in compliance with these rights in early 2025.

When this programme of work started, it was anticipated that the Scottish Government would be introducing its Human Rights Bill to the Scottish Parliament, which would have, amongst other things, incorporated the International Covenant on Economic, Social and Cultural Rights into Scots Law for the first time, giving greater protections in law and access to justice where things might go wrong. At the time of publication, this Bill has been delayed until the 2026 session of the Scottish Parliament. It is perhaps more important than ever to shine a spotlight into what economic, social and cultural rights mean in the lives of Scots, and to keep the focus on them.

The Commission is committed to continue to support the communities it worked with. Therefore, between February and March 2025, we will be traveling again to the Highlands and Islands to share our findings and enable community members to use this report to defend their rights. We will also be offering to meet with duty-bearers, to provide support and capacity-building on how to take a human rights based approach. The Commission will continue to monitor the enjoyment of rights in the Highlands and Islands, and will repeat this monitoring work in the future.




2. 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.

3. About this report

3.1. Who we are

The Scottish Human Rights Commission (the Commission) is Scotland's human rights watchdog.

We are an independent, expert body that works with and for the people of Scotland; we monitor, listen, and speak up for all our rights and respond when things go wrong. We are a public body created by the Scottish Commission for Human Rights Act 2006 to protect and promote the human rights of all people in Scotland. We have carried out this work under sections 3 and 4 of our Act, which empower us to conduct research and to review laws, policies and practices in any area.

The Commission is also part of the international human rights system. It is accredited by the United Nations as its trusted organisation to provide impartial evidence on the enjoyment of human rights in Scotland (a National Human Rights Institution). The Commission is independent of Government and any other public authority. We are accountable to the people of Scotland via the Scottish Parliament.

3.2. Why we did this work

In March 2023, the Commission delivered a report to the United Nations in Geneva on how economic, social, and cultural rights are being experienced in Scotland. During the evidence-gathering process to produce that report, it became clear that while we have a robust understanding of issues affecting the central belt, there was significantly less knowledge about the specific challenges facing remotes and rural communities, particularly those in the Highlands and Islands. See Appendix 1: Literature Review for further details.

Key human rights concerns identified in rural areas included:

- 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 decided to take a deeper look at these potential human rights issues across the Highlands and Islands to better understand how economic, social, and cultural rights are being realised in these remote and rural regions. This work was carried out under section 4(1)(b) of the Scottish Commission for Human Rights Act 2006, which mandates the monitoring of laws, policies, and practices affecting human rights in Scotland.

3.3. How we carried out this work

The Commission also wanted to pilot a new model of human rights monitoring, which would allow us to directly bear witness to human rights concerns on the ground. The aim was to test this model for potential expansion, with the hope that it could be used nationwide on a permanent and annual basis to monitor human rights across Scotland.

This new model, designed to capture the lived experiences of those in rural communities, aims to be scalable for future use across Scotland. The approach combined desk-based research, community visits, semi-structured interviews, and a review of complaints data from the Scottish Public Services Ombudsman (SPSO) and a survey about complaints received by MSPs.

The research was conducted in four key stages:

1. Desk-based research and literature review: To inform our baseline understanding ahead of the community visits, a comprehensive review of existing published evidence and reports from a variety of sources was conducted, focusing on economic, social, and cultural rights in rural Scotland. This review identified gaps in knowledge and informed the development of primary data collection tools.

The review concluded that the literature on economic, social, and cultural rights in rural and remote Scotland, particularly in the Highlands and Islands, is sparse. While some existing reports acknowledged the potential for unique impacts in

these areas, they often failed to provide comprehensive data or detailed analysis. The information that was identified in the review was broadly related to:

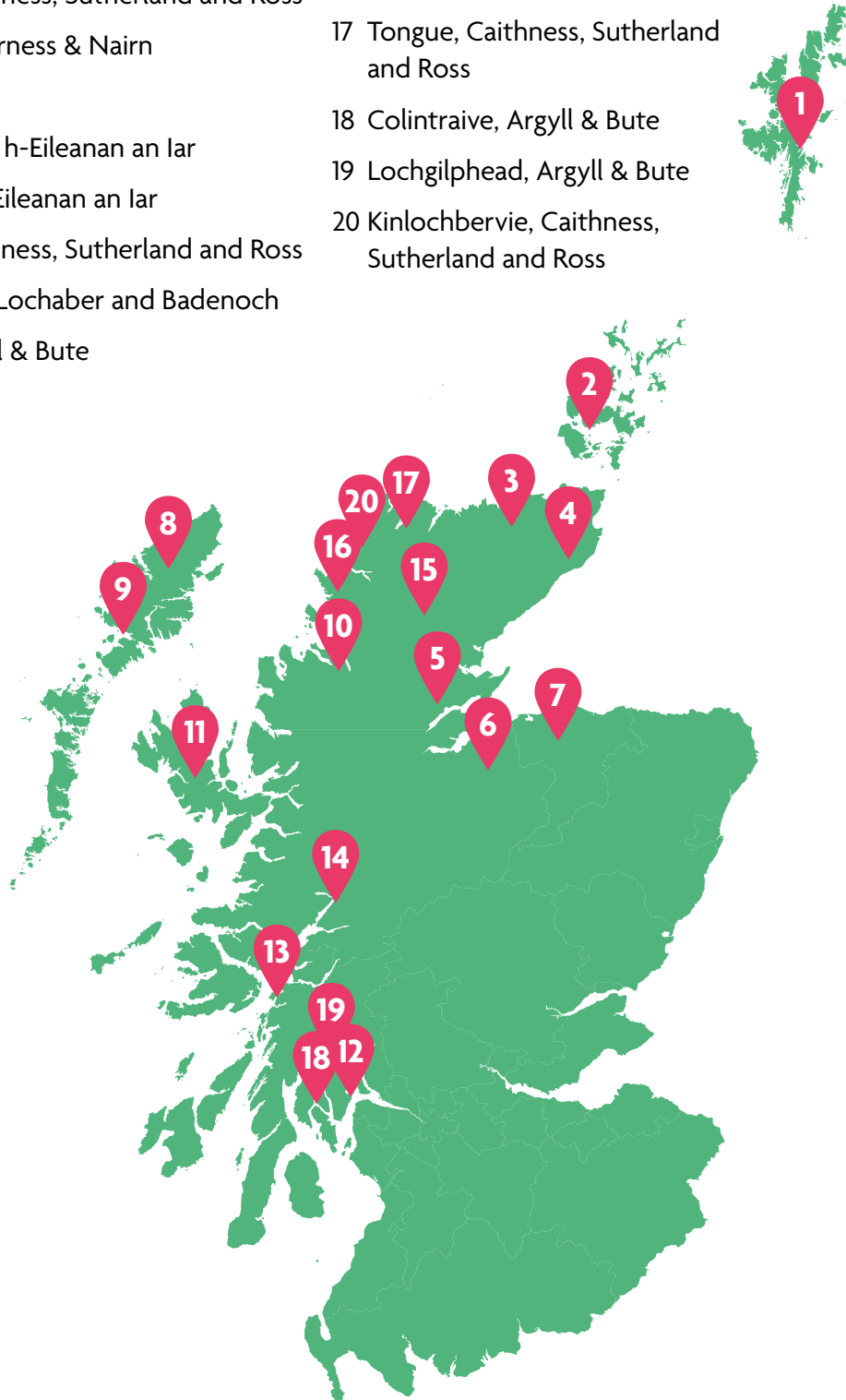
- Fuel Poverty in Remote Rural Areas
- Digital Inequality and Access to Services
- Economic Inequality and Employment Challenges
- Health and Social Care Inequalities
- Cultural Rights and Marginalised Communities
- Lack of Comprehensive Data and Research Gaps

From the Commission's own previous international reports, out of 301 combined references on economic, social and cultural rights issues, only 10 explicitly address rural or remote issues. Detailed information on the literature review can be found in Appendix 1.

2. Community visits and semi-structured interviews: Between October and November 2023, the Commission visited 20 communities across the Highlands and Islands (see map on page 12), conducting interviews with a diverse group of individuals. Interviewees included human rights defenders, community representatives, MSPs and their caseworkers, third sector staff, advice givers, representatives of community development trusts, teachers, crofters, lawyers, health workers, housing professionals, and carers. A total of 146 people were interviewed. These semi-structured interviews explored participants' experiences with accessing essential services such as housing, healthcare, education, and food.

Locations visited during the research

- | | |
|---|--|
| 1 Lerwick, Shetland | 13 Oban, Argyll & Bute |
| 2 Kirkwall, Orkney | 14 Fort William, Lochaber and Badenoch |
| 3 Thurso, Caithness, Sutherland and Ross | 15 Lairg, Caithness, Sutherland and Ross |
| 4 Wick, Caithness, Sutherland and Ross | 16 Lochinver, Caithness, Sutherland and Ross |
| 5 Dingwall, Caithness, Sutherland and Ross | 17 Tongue, Caithness, Sutherland and Ross |
| 6 Inverness, Inverness & Nairn | 18 Colintraive, Argyll & Bute |
| 7 Elgin, Moray | 19 Lochgilphead, Argyll & Bute |
| 8 Stornoway, Na h-Eileanan an Iar | 20 Kinlochbervie, Caithness, Sutherland and Ross |
| 9 Tarbert, Na h-Eileanan an Iar | |
| 10 Ullapool, Caithness, Sutherland and Ross | |
| 11 Portree, Skye, Lochaber and Badenoch | |
| 12 Dunoon, Argyll & Bute | |



3. Review of complaints data:

The Commission analysed trends in complaints raised with MSPs and the Scottish Public Services Ombudsman (SPSO). Anonymised survey data was collected from 11 out of 15 MSPs contacted, alongside a review of 79 cases decided by the SPSO between February 2021 and July 2024, focusing on complaints related to housing, healthcare, and social services.

4. Data analysis and reporting:

The information collected from interviews, complaints data, and the literature review was analysed using a human rights framework. The Commission employed thematic analysis to identify recurring issues and themes across the data, ensuring a comprehensive understanding of the rights challenges facing people across the Highlands and Islands.

All the desk-based data sources that were used are listed in Appendix 2: Data Sources. The Commission also used the direct testimonies of all those who it interviewed during this work. The summary of evidence reflected in this report is based on information from independent testimonies where the same concerns were raised at least three different times.

For a detailed explanation of the data collection methods and analysis, refer to the Appendix 3: Methodology and Methods.

3.4. How we assessed the current situation

The Commission created a new and innovative framework based on international human rights obligations to assess the compliance of economic, social, and cultural rights in the Highlands and Islands.

Using the international standards developed by the UN Committee on Economic, Social, and Cultural Rights, the framework assess compliance with each aspect of the obligations of: Minimum Core Obligations, Progressive Realisation, Non-Retrogression, and Adequacy (normative content).

Each obligation in international human rights law has different components. The obligation of non-retrogression, for example, includes: 1) making sure that the enjoyment of a right is not deteriorated; 2) that any deterioration is mitigated, 3) that duty-bearers do not make decisions that directly cause a service or a policy to deteriorate or disappear; among other aspects. Further details can be found in Section 4 and Appendix 3.

The framework uses a traffic light system to indicate the level of compliance **with each aspect of the obligations**:



Meets all obligations



Partially meets obligations



Does not meet obligations



Not possible to determine at this stage

Certain obligations might have any mix of the above indications of compliance, as the assessment is done in relation to each aspect withing the international obligations. E.g. While the enjoyment of a right might have deteriorated without any mitigation (red: does not meet the obligation), it is also possible that no deliberate measures were done to reduce the level of enjoyment of a right (green: meets obligation).

This assessment covered key areas such as housing, healthcare, food, and education, and was designed to help both rights-holders and duty-bearers identify gaps in service provision and policy.

The indicative assessment has been completed in relation to the **whole** of the Highlands and Islands region, and therefore a more comprehensive analysis for each area of the region could arrive at a different indication. The framework we have developed is also intended to be used by duty bearers to provide a more detailed assessment of a specific region or service. It can also guide decision-making frameworks to ensure the progressive realisation of the rights of everyone in Scotland.

3.5. Limitations

This monitoring report is not intended to be a definitive assessment of the enjoyment of economic, social, and cultural rights in the Highlands and Islands. Due to the Commission's limited resources and lack of certain powers (such as the authority to compel information), the findings provide an indicative overview based on the direct experiences of rights-holders rather than an exhaustive analysis.

The evidence collected relies primarily on testimonies from individuals regarding their lived experiences, meaning duty-bearers should consider any gaps between these reported experiences and their own data or policies.

Additionally, the Commission was unable to scrutinise the budgets of all relevant authorities, meaning the assessment of whether the maximum available resources are being used to fulfil human rights obligations was not included. Applying a human rights budget analysis approach would reveal the extent to which resources are allocated and spent to respect, protect, and fulfil human rights. The Commission strongly encourages public bodies to apply a human rights budgeting approach.

While efforts were made to ensure a broad geographic and thematic spread, the Commission was not able to engage with everyone who expressed interest in participating, given the limitations of resources and capacity. We are very grateful for the interest in this project, the willingness of so many people to engage with our researchers, and acknowledge that for some human rights defenders this engagement presents a risk to their own professional or social relationships.

For further details on the research limitations and methodology, please refer to Appendix 3: Methodology and Methods.

3.6. The Highlands and Islands

For the purposes of this monitoring work, the Highlands and Islands are defined according to the Scottish Parliament's regional constituency boundaries. This region includes the following constituencies:

- Shetland
- Orkney
- Caithness, Sutherland, and Ross
- Inverness & Nairn
- Moray
- Skye, Lochaber, and Badenoch
- Argyll & Bute
- Na h-Eileanan an Iar

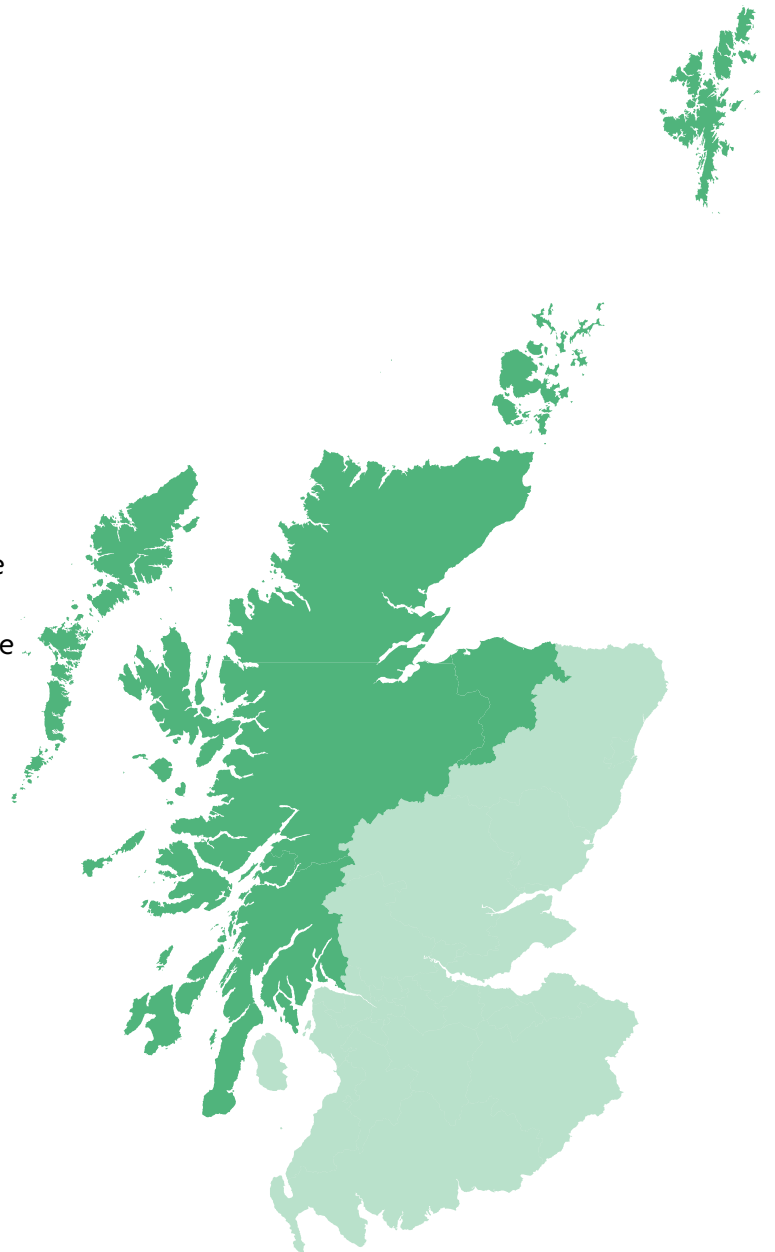
The region consists of six local authorities, with the following populations:

- Highland Council: 235,400
- Shetland Council: 22,900
- Orkney Council: 22,000
- Argyll and Bute Council: 86,000
- Moray Council: 93,400
- Na h-Eileanan Siar: 26,200

Although the Highlands and Islands cover nearly half of Scotland's land mass, only 7.5 per cent of Scotland's population lives in the region. According to 2022 Scottish Census, some areas, such as Na h-Eileanan an Iar, have experienced population decline, with a 5.5 per cent decrease over the past decade.

According to previous Commission research, views on human rights in the Highlands and Islands are varied. Attitudes toward human rights in the region are as follows:

- 43 per cent are supportive of human rights (compared to 48 per cent in the rest of Scotland)
- 29 per cent are conflicted (compared to 30 per cent)
- 19 per cent are disengaged (compared to 13 per cent)
- 10 per cent are opposed (same as the national average).



4. The Human Rights Framework

Economic, Social, and Cultural (ESC) rights are protected under international law. The UK has ratified several binding instruments that enshrine these rights, including the International Covenant on Economic, Social and Cultural Rights and the European Social Charter. Economic rights are also safeguarded through various International Labour Organisation (ILO) conventions, which the UK has committed to.

ESC rights are essential for living a dignified life, free from fear and want. These include economic rights (e.g., social security and workers' rights), social rights (e.g., healthcare, education, housing, food), and cultural rights (e.g., the right to participate in cultural life and benefit from scientific progress). ESC rights come with unique obligations: 1) Progressive Realisation; 2) Maximum Available Resources; 3) Non-Retrogression; 4) Minimum Core Obligations; and 5) Conditions of Adequacy.

ESC rights are not explicitly protected by the Human Rights Act and have yet to be incorporated into UK or Scots law as fundamental rights. Some limited protections are provided through the interpretation of rights under the European Convention on Human Rights. Since the full incorporation of the UNCRC, most ESC rights in Scotland are protected for children under the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. The Scottish Government has repeatedly committed to incorporating the International Covenant on Economic, Social, and Cultural Rights into Scots law, in line with the

recommendations of the National Taskforce for Human Rights Leadership, of which the Commission was an active member. However, the Commission was deeply disappointed that First Minister John Swinney failed to honour their commitment to deliver the new Human Rights Bill for Scotland within his recent Programme for Government (2024-25).

4.1. Minimum Core Obligations

Minimum Core Obligations (MCOs) refer to the basic obligations related to ESC rights that a country must meet at all times, regardless of its resources or circumstances. MCOs represent the minimum essential requirements for survival and dignity. Examples include the obligation to provide shelter for the homeless or basic food for those in need.

As fundamental obligations, MCOs are not subject to progressive realisation and must be met immediately. They are non-negotiable, and duty-bearers must always comply with these obligations. There is little to no justification for failing to meet Minimum Core Obligations.

4.2. Progressive Realisation

ESC rights must be progressively realised, meaning the legal and practical enjoyment of these rights should improve over time. This obligation requires:

- Duty-bearers to act as swiftly and effectively as possible to ensure the realisation of ESC rights.
- Duty-bearers to take continuous, proactive steps to realise these rights. They cannot remain passive; they must take action to ensure rights are enjoyed by all. This includes improving services over time to benefit everyone as fully as possible.
- Steps taken by duty-bearers must be deliberate, concrete, and targeted. Progressive realisation is not achieved by chance or through natural developments over time; there must be deliberate actions that lead to better or wider enjoyment of rights.

4.3. Maximum Available Resources

Closely linked to progressive realisation is the obligation to use the maximum available resources. This is an immediate obligation, meaning duty-bearers must comply with it at all times. Duty-bearers must:

- Mobilise resources effectively, such as raising funds through taxation or other means to fulfil ESC rights.
- Allocate resources in a way that prioritises disadvantaged groups and ensures cost-effective service delivery, maximising the impact of available resources.
- Ensure resources are not wasted and that expenditures provide value for money, advancing the realisation of rights as much as possible.

4.4. Non-retrogression

As part of the obligation for progressive realisation, states must avoid taking deliberate retrogressive steps that would reduce the existing levels of rights enjoyment. Retrogressive measures might include budget cuts to programmes supporting rights, withdrawal of funding for essential services, or policies that diminish the protection of certain rights.

In principle, retrogressive measures are prohibited. If taken, duty-bearers must demonstrate that the decision was the result of the most careful consideration of all alternatives. They must consult those affected, explore alternatives to ensure the right is still realised, and prioritise the most vulnerable groups.














































4.5. Adequacy

For ESC rights to be fully realised, services, goods, practices, and policies must meet certain standards, referred to in international law as the “normative content” of ESC rights. These standards guide duty-bearers in ensuring human rights are realised in a way that is fully adequate and provide a framework for assessing compliance with human rights norms.

As outlined in the indicators of compliance, each right has specific criteria of adequacy, with common features such as the need to ensure services are accessible and affordable for all.

5. General findings

Table 1: Overall Rights Compliance Assessment

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

Based on the evidence received 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 reported to the UN Committee on Economic, Social, and Cultural Rights.

Of particular concern are apparent failures to comply with the Minimum Core Obligations related to the right to food and the right to housing. Similarly, there appear to be failures in meeting the full range of Minimum Core Obligations concerning the right to health and the right to participate in cultural life. As Minimum Core Obligations must be met at all times and under all circumstances, efforts should be focused on addressing these shortcomings.

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 to reduce budgets or indeed the complete elimination of previously existing services, without sufficient mitigating measures or consideration of the impact on human rights.

While positive steps have been taken to improve human rights in Scotland, many policies and regulations do not appear to have been sufficiently tailored to the unique needs of the Highlands and Islands. Based on the testimonies received and the Commission's monitoring work, it seems that the region requires tailored measures to ensure all economic, social, and cultural rights can be progressively realised. The use of a 'one-size-fits-all' approach should be avoided when seeking to progressively realise rights in the region.

Overall, the evidence indicates that there does not seem to be a cohesive or coherent strategy to realise the full range of economic, social, and cultural rights in the Highlands and Islands. While there are strategies addressing specific rights—such as education, housing, and health—these do not account for the interconnectedness and interdependence of rights. For example, fully guaranteeing the right to housing requires consideration of the rights to education, health, food, and culture. The current strategies do not seem to adopt this holistic approach. A Human Rights Bill, with a requirement for the Scottish Government to produce a Human Rights Scheme, could be an important first step in addressing these issues, and reinforcing existing requirements in international law that public bodies should be complying with. This should be prioritised urgently.

6. Economic rights

Economic rights are essential to ensuring people have the financial resources to access services, goods, and other basic needs, enabling them to live a dignified life. These rights can be divided into two main categories: 1) workers' rights and 2) social security rights.



6.1. Right to Work & Fair Treatment at Work

The right to work and to a fair treatment at work are protected under various international treaties. In general terms, the right protects everyone's ability to freely choose their own work, and for working conditions that are good and dignified. Most

of the protections of these rights are found in the UK within our employment laws. The majority of these protections are areas reserved to the Westminster Parliament. In only a few exceptions the Scottish Parliament has authority to legislate and intervene.

While many of the concerns raised through this work are related to reserved issues, many of these are intrinsically related to the protection and enjoyment of other ESC rights. Several of these issues are raised in this report.

Based on the information received through this monitoring work, the current assessment on the right to work in the Highlands and Islands is as follows:

Table 2 Minimum Core Obligations for the Right to Work and Fair Treatment at Work

Elements under Examination	Summary of Evidence	Assessment of Compliance
Ensure the right of access to employment, especially for disadvantaged and marginalised individuals and groups, permitting them to live a life of dignity.	While in practice there are many challenges, the right to access is guaranteed through employment law protections and the Equality Act.	
Avoid any measures that result in discrimination and unequal treatment in the private and public sectors of disadvantaged and marginalised individuals, or that weaken mechanisms protecting such individuals and groups.	No concerns raised by rights-holders	
Adopt and implement a national employment strategy and plan of action based on and addressing the concerns of all workers, using a participatory and transparent process that includes employers' and workers' organisations.	The Scottish Government's strategy " <i>Supporting and Enabling Sustainable Communities: An Action Plan to Address Depopulation</i> " is a step forward, particularly for employment strategies in the Highlands and Islands.	
Ensure the right of access to employment, especially for disadvantaged and marginalised individuals and groups, permitting them to live a life of dignity.	While in practice there are many challenges, the right to access is guaranteed through employment law protections and the Equality Act.	
Guarantee through law the exercise of the right to work without discrimination of any kind.	No concerns raised by rights-holders	
Put in place a comprehensive system to combat gender discrimination at work, including with regard to remuneration.	No concerns raised by rights-holders	
Establish legislation on minimum wages that are non-discriminatory and non-derogable.	No concerns raised by rights-holders	
Adopt and implement a comprehensive national policy on occupational safety and health.	No concerns raised by rights-holders	
Define and prohibit harassment, including sexual harassment, at work through law, ensure appropriate complaints procedures and mechanisms, and establish criminal sanctions for sexual harassment.	No concerns raised by rights-holders	
Introduce and enforce minimum standards in relation to rest, leisure, reasonable limitation of working hours, paid leave, and public holidays.	No concerns raised by rights-holders	

Table 3 Progressive realisation for the Right to Work and Fair Treatment at Work




Elements under Examination	Summary of Evidence	Assessment of Compliance
Have there been targeted and concrete steps to improve?	While most of the responsibility for the right to work lies with the UK Government, the 2024 Scottish Government's strategy " <i>Supporting and Enabling Sustainable Communities: An Action Plan to Address Depopulation</i> " is an important step in addressing employment issues in the Highlands and Islands.	
Have there been effective and expeditious efforts?	Not possible to determine at this stage.	
Is there evidence of improvement?	At this stage, there is insufficient evidence to conclude that recent efforts have significantly improved the enjoyment of the right to work in the Highlands and Islands.	

Table 4 Non-retrogression for the Right to Work and Fair Treatment at Work






Elements under Examination	Summary of Evidence	Assessment of Compliance
Has the enjoyment of the right deteriorated?	The evidence gathered does not demonstrate a significant deterioration of the right to work.	
If there has been deterioration, has there been sufficient government action to mitigate impacts?	N/A	N/A
Has there been a deliberate measure that has reduced the enjoyment of the right?	None found at this stage.	
Is there evidence that the deliberate measure(s) complied with all exceptions of non-retrogression?	N/A	N/A

Table 5 Adequacy for the Right to Work and Fair Treatment at Work

Elements under Examination	Summary of Evidence	Assessment of Compliance
Availability: Are there sufficient employment opportunities and programmes?	There is a wide range of available employment across the Highlands and Islands. The difficulties, however, lie in recruiting key jobs given lack of available housing.	
Accessibility: Are employment opportunities, services and programmes accessible for all?	Concerns have been raised over the lack of sufficient digital access, which limits accessibility to jobs and further opportunities in the region. The lack of childcare was also identified as a significant barrier for many women in accessing employment.	
Acceptability and quality: Are there good quality jobs that provide a dignified life?	While there are many job opportunities, concerns persist over the lack of high-quality and well-paid jobs in the region.	

6.1.1. Evidence received from rights-holders

Availability

Across the Highlands and Islands, there are many sectors where job vacancies are plentiful, but filling them with qualified people is extremely challenging. Recruitment concerns were raised across the region, particularly for health professionals such as doctors, consultants, carers, and teachers. Difficulties were also highlighted in recruiting for the tourism and hospitality industry.

In Na h-Eileanan an Iar, concerns were raised about the growing number of job vacancies over the past 30 years, as more young people leave the area and do not return. On Orkney, the biggest recruitment challenge is the lack of affordable housing, with many incidents

of people rescinding job offers due to the inability to find suitable homes.

The development of second homes for the tourist market was a significant issue across all areas. As noted in the right to housing section, the increase in short-term lets and tourist accommodation has created housing accessibility and affordability issues for many local residents. While tourism is acknowledged as a major source of income, there is a real tension between supporting a thriving local tourism industry and pricing local residents (and professionals who would otherwise move to the area) out of the housing market. Many people expressed that the biggest barrier to filling key worker and professional roles across all areas is the lack of affordable housing.

Another key recruitment barrier, particularly impacting the building trades (housebuilding), health and care sectors, and hospitality, has arisen from the changes following Brexit. One example from Shetland involved housebuilding projects that had to stop, with contracts and sites shut down, because European contractors and workers, who were readily available in the past, are no longer accessible.

In Na h-Eileanan an Iar, the care sector has been hit hard post-Brexit, with a significantly reduced staff pool. Low wages in care work offer little incentive for recruitment, especially when supermarket work, for example, offer better pay rates. Similar issues were seen on Skye, where recruitment problems in the hospitality sector led to wage increases, causing key workers (such as carer workers) to leave their jobs for better-paying hospitality roles.

The availability of tradespeople, including electricians and plumbers, was a key concern across the region. However, apprenticeship opportunities to fill these gaps are also lacking, particularly on islands and in remote or rural areas, as the businesses needed to employ apprentices are missing.

Many areas throughout the Highlands and Islands rely heavily on tourism for their local economies. As a result of Brexit, there are now more hospitality jobs available, but most are seasonal. Those working in hospitality during the summer often have no income during the winter months, relying instead on social security entitlements and increasing the risk of hidden poverty.

In Argyll and Bute, there is a recognised lack of quality employment opportunities to retain young people in the area. Families with the resources often encourage their children to seek better opportunities elsewhere. The employment opportunities that remain are

largely in hospitality. However, a graduate apprenticeship model has been developed by the University of the Highlands and Islands, to help retain young people and provide them with education.

The focus on home working, brought about by the COVID-19 pandemic, has opened up opportunities that were previously unavailable. In some areas, this has attracted people to remote and rural areas to work from home. However, many have been frustrated by poor digital access. The potential for home working to support repopulation in rural areas of working-age people highlights the critical need for improved rural internet access at speeds that can support home working.

In a few areas, discussions focused on the potential for new industries and the benefits they could bring to remote and rural areas (e.g., the Space Port in Moray and the development of Greenports). However, there were concerns that jobs in these industries would not be offered to the local population, given the lack of educational and training programs needed to provide the required skills.

Accessibility

There was widespread recognition that the way we work is changing, and the next generation of workers has different needs. There is an increasing necessity to be IT literate and have adequate internet access to facilitate agile working patterns. IT literacy and internet access are also essential for applying for jobs. However, many jobs that do not require IT skills still demand access to the internet to apply.

In some areas, community learning teams are working to address knowledge gaps and support IT literacy and skills development to improve access to employment. A positive move in Argyll and Bute was the integration

of the Community Learning Team (CLT) into the local library hub—a space already well-used by the community.

A further key barrier to accessing employment, particularly for women, is the lack of sufficient childcare in the region. While the national policy initiative to increase childcare hours is welcome, the physical lack of accessible provision in many remote areas means this support is not always helpful in practice.

Additionally, the centralisation of services has sometimes made it difficult for people to live and work where they want. Concerns were expressed about the centralisation of certain jobs, particularly in service provision or the public sector. For example, various jobs offered by the Highland Council are centralised in Inverness, meaning people have to leave their communities to access these roles, which removes professional talent from local areas.

Adaptability and Quality

Many people described the challenges in offering high-level services comparable to non-rural areas, which require significantly more effort and resources.

In several areas, there was felt to be a reliance on modality of employment that provided low wages or unreliable work. This issue is exemplified by seasonal or shift work, where early or late shifts often do not align with available public transport.



6.2. Social security

Social security is a human right protected by a range of international human rights laws, which provide detailed standards and commentary on the State's obligations to respect, protect, and fulfil this right. Scotland's new social security system recognises social security as a human right and aims to treat people with dignity and respect. However, many areas of

social security rights are reserved to the Westminster Parliament, with certain areas devolved to the Scottish Parliament.

The following general assessment and indicators of compliance are based solely on issues that are devolved to the Scottish Parliament and the Scottish Government. Based on the information received through this monitoring work, the assessment is as follows:

Table 6 Minimum Core Obligations for Social Security







Elements under Examination	Summary of Evidence	Assessment of Compliance
Ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families, enabling them to acquire at least essential healthcare, basic shelter and housing, water and sanitation, food, and basic education.	No concerns raised by rights-holders in relation to devolved social security schemes. Current schemes currently provide for the most basic essential care, shelter, water, food, and education.	
Ensure the right of access to social security systems or schemes on a non-discriminatory basis.	No concerns raised by rights-holders in relation to devolved social security schemes.	
Respect existing social security schemes and protect them from unreasonable interference.	No concerns raised by rights-holders in relation to devolved social security schemes.	
Adopt and implement a national social security strategy and plan of action.	No concerns raised in relation to devolved social security schemes. There are various strategies and implementation plans by Social Security Scotland.	
Take targeted steps to implement social security schemes, particularly those that protect disadvantaged and marginalised individuals and groups.	No concerns raised by rights-holders in relation to devolved social security schemes.	
Monitor the extent of the realisation of the right to social security	No concerns raised by rights-holders in relation to devolved social security schemes.	

Table 7 Progressive realisation for Social Security




Elements under Examination	Summary of Evidence	Assessment of Compliance
Have there been targeted and concrete steps to improve?	Important steps have been taken to ensure the realisation of the right to social security. This includes, among others, the recognition and protection of social security as a human right in the Social Security (Scotland) Act 2018.	
Have there been effective and expeditious efforts?	Various social security schemes in Scotland have been established in recent years, with available evidence indicating that these efforts have been effective.	
Is there evidence of improvement?	Current evidence indicates that there have been improvements in the overall enjoyment of [devolved] social security rights.	

Table 8 Non-retrogression for Social Security







Elements under Examination	Summary of Evidence	Assessment of Compliance
Has the enjoyment of the right deteriorated?	No concerns raised by rights-holders	
If there has been deterioration, has there been sufficient government action to mitigate impacts?	N/A	N/A
Has there been a deliberate measure that has reduced the enjoyment of the right?	No concerns raised by rights-holders	
Is there evidence that the deliberate measure(s) complied with all exceptions of non-retrogression?	N/A	N/A

Table 9 Adequacy for Social Security

Elements under Examination	Summary of Evidence	Assessment of Compliance
Availability: Is there an existing social security system?	No concerns raised by rights-holders	
Social risks and contingencies: Does social security cover all key principles required in international law?	No concerns raised by rights-holders	
Adequacy: Is current social security sufficient in amount and time to realise an adequate standard of living?	In relation to devolved areas, no concerns were raised. While several concerns were raised about the insufficiency of reserved social security benefits (such as Universal Credit), an assessment of this would be outwith the mandate of the Commission.	
Accessibility: Do people have sufficient physical access and support to receive social security?	Concerns were raised about the complexity of the application process for Scottish social security benefits, particularly for disabled people.	

6.2.1. Evidence received from rights-holders

Adequacy

Although this relates to reserved matters, concerns were raised in several areas about the insufficient levels of social security, particularly regarding Universal Credit. Advice givers indicated there was increasing evidence of people experiencing “negative budgets,” where essential living costs exceed available income.

Several support services also highlighted council tax debt and insufficient housing allowances as key concerns, particularly given their impact on accessing housing.

Accessibility

The requirement for internet access to apply for certain social security benefits presents problems in many areas across the Highlands and Islands. This is due to both a lack of

digital literacy among some in the population (particularly older people) and limited access to quality internet, which prevents people from completing necessary forms. For many, it is challenging to complete regular job searches, which are required to avoid sanctions on their social security support.

Additionally, many rights-holders noted that the Scottish social security application process is highly complex, particularly for disabled people. While a physical form is available for those unable to apply online, the form itself often requires assistance from an adviser or independent advocate due to its length and complexity.

Some human rights defenders also reported that significant stigma still exists around claiming social security, and that more could be done by duty-bearers to reduce this stigma.

“There's no value in [Universal Credit], it has not kept up with the cost of living/inflation. And that's really powerful. We have been focusing in very much on what you call the increasing impact of negative budgets. It is quite a powerful thing.”

Advice giver

7. Social Rights

Social rights are those that society as a whole is concerned with ensuring for everyone. They are essential to guaranteeing that everyone feels like a full member of society. Social rights include the right to an adequate standard of living (covering food, housing, and clothing), the right to health, the right to social care, and the right to education.

Currently, the right to education is the only social right expressly protected under UK law, through the Human Rights Act 1998. However, the scope of this right is narrower than the one found in some international human rights instruments, including the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

In particular, while the Human Rights Act enshrines that “no person shall be denied the right to education,” ICESCR provides that “everyone” has a right to education, which must be “directed to the full development of the human personality and the sense of its dignity [and] shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.” ICESCR also provides that primary education shall be

compulsory and available free to all, and that secondary and higher education must be available for all.

In addition, elements of social rights are also protected through various domestic legislation in the UK, such as laws covering food, homelessness, and social care. These laws, however, do not protect these areas of social policy as fundamental human rights.



7.1. Right to Food

Food is critical to each and every one of us, both as individuals and as a society. It is an essential component of the human right to an adequate standard of living and is therefore protected under international human rights law.

The right to food was initially intended to be included in the Good Food Nation Act but was removed, as the Scottish Government indicated that it would be incorporated into the, now delayed, Scottish Human Rights Bill.

Based on the information received through this monitoring work, the current assessment of the right to food in the Highlands and Islands is as follows:

Table 10 Minimum Core Obligations for the Right to Food




Elements under Examination	Summary of Evidence	Assessment of Compliance
Take the necessary action to mitigate and alleviate hunger, even in times of natural or other disasters.	While some action has been taken, testimonies indicate that this has been insufficient to fully mitigate and alleviate hunger in the Highlands and Islands.	
Ensure access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger.	Access to essential food has mostly been provided through private initiatives (food banks and others), with only minimal support from duty-bearers. Cash-first approaches have not yet proven sufficient.	
Ensure that no significant number of individuals are deprived of essential foodstuff.	Available evidence and testimonies demonstrate that a significant number of people in the Highlands and Islands are currently deprived of sufficient food due to high costs and general poverty conditions.	

Table 11 Progressive realisation for the Right to Food




Elements under Examination	Summary of Evidence	Assessment of Compliance
Have there been targeted and concrete steps to improve?	The Scottish Government's "Cash-First: Towards Ending the Need for Food Banks in Scotland" strategy is an important targeted step to ensure the enjoyment of the right to food. The passing of the Good Food Nation (Scotland) Act 2022 was also an important step forward.	
Have there been effective and expeditious efforts?	Given the complexity and degree of food insecurity, current efforts do not appear to be sufficiently effective in progressively realising the right to food in the Highlands and Islands.	
Is there evidence of improvement?	While there are anecdotal cases of supportive measures, overall, current policies and strategies do not seem sufficient to progressively realise the right to food in the Highlands and Islands.	

Table 12 Non-retrogression for the Right to Food










Elements under Examination	Summary of Evidence	Assessment of Compliance
Has the enjoyment of the right deteriorated?	The evidence suggests that food affordability has significantly deteriorated, with an increasing number of people experiencing hunger due to difficulties accessing food. As a result, reliance on food support initiatives (such as food banks) has increased dramatically.	
If there has been deterioration, has there been sufficient government action to mitigate impacts?	Measures implemented so far have not been sufficient to effectively reduce hunger or address the deterioration of the right to food.	
Has there been a deliberate measure that has reduced the enjoyment of the right?	No concerns raised by rights-holders.	
Is there evidence that the deliberate measure(s) complied with all exceptions of non-retrogression?	N/A	N/A

Table 13 Adequacy for the Right to Food

Elements under Examination	Summary of Evidence	Assessment of Compliance
Availability: Do people have the ability to find food to feed themselves?	The availability of sufficient quality food varies across the region. In some parts of the Highlands and Islands, there is insufficient nutritious food, with further impacts when adverse weather affects the area (with little or no mitigating measures in place).	
Accessibility (financial): Is food affordable?	Food affordability is a critical issue in the Highlands and Islands, with many people relying on food support initiatives due to high costs.	
Accessibility (physical): Is food available at an adequate distance?	For those in more remote areas, physical access to food is a significant challenge. Private initiatives have been implemented to reduce this burden, but more public efforts are needed.	
Acceptability: Is food acceptable from a cultural and consumer perspective?	High levels of stigma continue to be associated with seeking and receiving support to access food, particularly through food banks. Positive initiatives have mainly come from the third sector, with some involvement from local authorities.	
Quality: Is food good and nutritious?	In certain areas, especially more remote ones, there are limited options for healthy and nutritious food, negatively impacting people's health and wellbeing.	
Sustainability: Is food production sustainable for present and future generations?	The current carbon footprint of food collection, packaging, and distribution in the Highlands and Islands has been raised as a critical concern. Scottish Government incentives do not appear to fully consider the societal or environmental benefits (or consequences) of each farm or croft.	

7.1.1. Evidence received from rights-holders

Availability

The availability of food in some areas of the Highlands and Islands is a significant challenge. Unstocked shops, particularly on the islands, continue to be problematic, especially when ferries are halted due to weather conditions or breakdowns, preventing deliveries. This issue is exacerbated by climate change, with more frequent and severe storms impacting food deliveries. For example, during the four days of Storm Baber, just before the Commission's fact-finding visits, there was little fresh produce available on Shetland.

Similar issues were noted in mainland regions such as Sutherland and Caithness, where adverse weather cut off communities from the rest of the country, with road closures preventing food deliveries. While unpredictable conditions may not always be avoidable, there seems to be a lack of readiness or measures in place to prevent food shortages during such events.

Tourism also impacts food availability during high season. For example, areas like Skye often experience shortages of basic foodstuffs due to the influx of tourists staying in self-catering accommodations or campervans.

Concerns were also raised about how supermarkets in remote and rural areas are stocked. Many feel there is a lack of understanding of what a remote supermarket should look like, with the type of food stocked often not meeting the community's needs. The small size of these shops, often limited to "convenience stores," exacerbates shortages during adverse weather.

Foodbanks in the Highlands and Islands, particularly in Na h-Eileanan an Iar and Inverness, have also experienced shortages, with some centres running out of food. A particular concern was the lack of access to specific food items, such as baby formula, which foodbanks are not permitted to provide due to health and safety regulations.

Accessibility (financial)

The affordability of food is a critical issue affecting many people across the region, particularly as poverty forces individuals to prioritise fuel over food. This is a direct consequence of the need to travel for work and healthcare, as well as the high cost of heating homes.

Foodbanks in Shetland, Orkney, Na h-Eileanan an Iar, Sutherland, Caithness, Skye, Lochaber, and Moray have reported an increase in referrals, demand, and usage. They indicated that 40 per cent of working families now rely on food support services due to the high cost of food. Demand for foodbanks typically increases during the winter months, as household resources are diverted to fuel and heating.

Some foodbanks suggested that more governmental efforts could be made to improve individual' budgeting skills.

The cost of food is further impacted by the size and type of shops available in remote areas. Convenience stores are often the only option, and they tend to be significantly more expensive than larger supermarkets, reducing

“Their systems are always set as convenience stores, as if they were in the middle of a city. They don't know what a rural supermarket should look like.”



Food bank staff

access to affordable food. The lack of public transport further compounds the problem, making it difficult for people to travel to find cheaper alternatives without incurring substantial costs.

Food delivery services provided by some supermarket chains have improved access in certain areas. While not available throughout the Highlands and Islands, these initiatives have had a positive, if limited, impact, particularly for disabled and older people who are unable to travel to access affordable, nutritious food.

Accessibility (physical)

Many issues related to the physical accessibility of food in the Highlands and Islands are interconnected with affordability and availability. For those living in more remote areas, accessing food can be a significant challenge. For example, residents in Tongue must travel considerable distances to reach the nearest supermarkets in Ullapool, Thurso, or Tain, with little to no public transport available.

Human rights defenders expressed that for disabled people, the long distances required to access food are particularly challenging, often making it impossible to procure food without assistance from carers, family, or friends. While food deliveries have helped alleviate some of these issues, they are not widely available and often need to be booked weeks in advance.

Given these constraints, health visitors reported going the ‘extra mile’ to deliver food parcels to those too far from affordable food sources, often with the support of foodbanks.

Acceptability

The most significant concern raised regarding the acceptability of food was the stigma associated with seeking or receiving support, particularly through foodbanks. Those

working in foodbanks noted that this stigma is deeply entrenched, with many people going days without food before seeking help. In small rural communities, the stigma is often intensified, as people feel particularly visible when accessing foodbanks.

Several organisations have worked hard to reduce this stigma by making food access more discreet. For example:

In Oban, a community kitchen discreetly incorporates a food bank, enabling those in need to access quality meals alongside others who can afford to pay for the same meals. This initiative also helps combat social isolation by providing a shared space.

On Orkney, a partnership with Greener Orkney has established a community fridge in a central location, which is not identified as a food bank. This service is not means-tested and is considered less stigmatising. It is accessed 3-20 times during the day and around 20 times in the evenings.

One positive initiative developed by a local authority is the Flexible Food Fund, created by Argyll and Bute Council in partnership with the Community Food Forum, Bute Advice Centre, and ALLenergy. This service offers financial support and confidential professional help to those in hardship, and interviewees described it as a dignified way to receive assistance.

Quality (safe and nutritious)

The primary issue regarding the quality of food raised by rights-holders was the limited availability of healthy and nutritious options in some areas. In particular, concerns were raised that convenience stores—often the only shops available—do not stock a full range of food items, limiting access to healthier options. This lack of nutritious food has a negative impact on people’s health and wellbeing.

Sustainability

A significant issue raised was the carbon footprint of food collection, packaging, and distribution in supermarkets and convenience stores across the Highlands and Islands. Crofters explained to the Commission that some food produced locally in the Highlands undergoes a journey of over 1,140 miles—being washed in Lincoln, bagged in Bedford, and then distributed from Bellshill. This lengthy process means that produce, such as carrots, labelled as local, hides the extensive journey involved. As a result, one of the key advantages of local produce—its freshness and quality—is compromised by the time it spends in transit.

“It’s very concerning. It highlights really that sort of complexity that people probably don’t understand well around ensuring that people are getting actual nutritious food and not rubbish.”

Crofter

Another issue relates to the incentives provided by the Scottish Government, which are based on the size of productive land, without consideration of the societal benefits or environmental impact of each farm. A farm producing fresh organic vegetables for the local population, with a smaller carbon footprint, receives no greater incentive than a farm producing barley for whisky. Crofters highlighted that the system tends to reward large farms, regardless of whether their production benefits local communities or has a positive environmental impact.

Crofters questioned what the outcome would be if contingent valuation of outputs were considered in subsidies. For example, how would subsidies differ for an organic vegetable farm compared to a whisky barley producer? They urged the Scottish

Government to better support those contributing positively to the right to food by promoting healthy diets, improving health outcomes, and creating meaningful jobs in the Highlands and Islands.

“The government give lots of lip service to stuff, but they’re not actually creating a better nutrition or a more stable system or one that’s got more resilient climate change. They are producing high value products, processed, highly processed foods to get shipped around the world to whoever will buy it. Branding is more important in that process than nutrition.”

Crofter

Whilst outwith the scope of this report, this points to a lack of coherence at national policy making level on poverty, agriculture and environmental matters.

The Commission also noted some positive initiatives led by third-sector organisations and community development trusts aimed at improving the sustainability of food production and consumption. On Orkney, funding was secured to provide households with energy-efficient cooking appliances, such as slow cookers, which not only reduce environmental impact but also help lower energy costs. Several community development trusts have also introduced grants to support local vegetable farming and food production initiatives. However, these efforts are still seen as supplementary and not yet a reliable solution for ensuring accessible food.



7.2. Right to Clothing

Clothing is an essential component of the right to an adequate standard of living. While often overlooked and not fully understood as a human right, countries such as the UK have a responsibility to ensure that people can access sufficient, quality clothing to meet their needs.

Although there has not been significant development in international law to define

the conditions of adequacy for the right to clothing, for this monitoring work, the Commission assessed whether accessible, available, and quality clothing is currently provided for people in the Highlands and Islands.

Based on the information gathered through this monitoring work, the current assessment of the right to clothing in the Highlands and Islands is as follows:

Table 14 Minimum Core Obligations for the Right to Clothing

Elements under Examination	Summary of Evidence	Assessment of Compliance
None have been determined so far within international law	N/A	N/A

Table 15 Progressive realisation for the Right to Clothing

Elements under Examination	Summary of Evidence	Assessment of Compliance
Have there been targeted and concrete steps to improve?	Testimonies and evidence indicate there have been no efforts or steps to ensure the full realisation of the right to clothing.	
Have there been effective and expeditious efforts?	The available evidence has not identified any targeted efforts to progressively realise the right to clothing in the region.	
Is there evidence of improvement?	The Commission found no evidence of improvement in the right to clothing for people in the Highlands and Islands.	

Table 16 Non-retrogression for the Right to Clothing







Elements under Examination	Summary of Evidence	Assessment of Compliance
Has the enjoyment of the right deteriorated?	The evidence suggests that the affordability of clothing has become an increasing problem in the Highlands and Islands, deteriorating the overall enjoyment of the right.	
If there has been deterioration, has there been sufficient government action to mitigate impacts?	There is no evidence of sufficient action taken by local or national government.	
Has there been a deliberate measure that has reduced the enjoyment of the right?	None found.	
Is there evidence that the deliberate measure(s) complied with all exceptions of non-retrogression?	N/A	N/A

Table 17 Adequacy for the Right to Clothing

Elements under Examination	Summary of Evidence	Assessment of Compliance
Availability: Are there sufficient services, programmes or institutions to access adequate clothing?	In some areas, there are no shops available to buy clothes, requiring long journeys to access clothing, with little or no public transport available.	
Accessibility: Are clothing services or facilities in safe physical distance? Is adequate clothing affordable?	Many families face great difficulties accessing clothing, especially for children, due to high costs and long distances. This issue is exacerbated by a lack of delivery services.	
Quality: Are current services or goods of good quality?	No concerns raised by rights-holders.	

7.2.1. Evidence received from rights-holders

Accessibility

Concerns were raised about the lack of shops available to buy clothes in certain areas, with some people needing to undertake return journeys of up to six hours to access stores. This issue is compounded by the difficulties many people across the Highlands and Islands face with online shopping and delivery services.

Affordability

The need for clothing support was highlighted in areas such as Argyll and Bute, Orkney, Shetland, Sutherland, Caithness, and Skye. The most common issues relate to children's clothing, particularly school uniforms and PE kits. However, in some areas, there is also a need for support for homeless adults and refugee families.

Community initiatives, such as swap shops and recycling schemes, have been developed to lower stigma and provide opportunities for exchanging clothing for new sizes or obtaining discounted clothing. In some regions, foodbanks have also stepped in to help people access clothing, particularly in cases of homelessness.

In Caithness, it was noted that widespread poverty has limited people's capacity to donate clothing for charity purposes. In contrast, Orkney has seen generous donations from those who can afford to contribute, which has allowed charities to support those in need of adequate clothing, whenever necessary.



7.3. Right to Housing

The right to housing implies the right to live somewhere in security, peace, and dignity. The human right to adequate housing, which is derived from the right to an adequate standard of living, is crucial for the enjoyment of all economic, social, and cultural rights. While this right is protected

under international human rights law, housing is not explicitly recognised as a human right in Scotland, though some legislation protects certain aspects of what the right entails.

Based on the information gathered through this monitoring work, the current assessment of the right to housing in the Highlands and Islands is as follows:

Table 18 Minimum Core Obligations for the Right to Housing

Elements under Examination	Summary of Evidence	Assessment of Compliance
Ensure that no significant number of individuals are deprived of basic shelter and housing.	The Commission's evidence indicates that a significant number of people across the Highlands and Islands are living in conditions of rooflessness (with no temporary accommodation or shelter). This includes individuals in temporary caravans, camping pods, and those 'sofa-surfing'.	

Table 19 Progressive realisation for the Right to Housing

Elements under Examination	Summary of Evidence	Assessment of Compliance
Have there been targeted and concrete steps to improve?	Various strategies, policies, and regulations have been enacted in recent years aimed at improving the right to housing for all in Scotland, including the Highlands and Islands. The adoption of the " <i>Rural and Islands Housing: Action Plan</i> " is a particularly positive development.	
Have there been effective and expeditious efforts?	Given the scale of the current challenges and longstanding issues related to the right to housing in the Highlands and Islands, the measures and efforts have not been sufficiently expeditious.	
Is there evidence of improvement?	Available evidence suggests there have not been significant improvements in the enjoyment of the right to housing as a result of government action.	

Table 20 Non-retrogression for the Right to Housing




Elements under Examination	Summary of Evidence	Assessment of Compliance
Has the enjoyment of the right deteriorated?	Evidence suggests there has been a significant deterioration in the enjoyment of the right to housing for a large number of people in the Highlands and Islands.	
If there has been deterioration, has there been sufficient government action to mitigate impacts?	Government action, both local and national, does not appear to have been sufficient to mitigate the general challenges and regression in the right to housing.	
Has there been a deliberate measure that has reduced the enjoyment of the right?	None found.	
Is there evidence that the deliberate measure(s) complied with all exceptions of non-retrogression?	N/A	N/A

Table 21 Adequacy for the Right to Housing

Elements under Examination	Summary of Evidence	Assessment of Compliance
Legal security of tenure: Are there guarantees that people can remain where they live and not be made homeless at any time?	High levels of homelessness and an overall lack of sufficient adequate housing were reported.	
Availability of services: Are there sufficient facilities to ensure health, security, comfort, and nutrition needs?	Due to a lack of public transport, many people across the Highlands and Islands live in areas where housing does not provide access to sufficient services to meet other basic rights.	
Affordability: Are housing costs high and/or threatening people's ability to afford other essential goods and services?	The cost of renting, building, or purchasing a home in the Highlands and Islands is a significant barrier, particularly for young people. Quality affordable social housing is not available in sufficient quantities to meet the region's needs.	
Habitability: Are homes providing protection against cold, damp, heat, rain, wind, or other threats to health or structural hazards?	There are critical concerns about the ability of most people to heat their homes in the Highlands and Islands, exacerbated by high energy costs and the cost of retrofitting homes.	
Suitability of location: Does housing allow access to employment, healthcare services, schools, childcare, and other social facilities?	There are critical concerns about the lack of public transport in the region. Many housing options are too far from essential services, and some of the new housing developments are being planned without sufficient connectivity.	
Cultural adequacy	No concerns raised by rights-holders. However, the Commission is conducting further work regarding the cultural recognition of Gypsy and Traveller communities.	

7.3.1. Evidence received from rights-holders

Legal Security of Tenure

The biggest issues related to legal security of tenure across the region are homelessness and a lack of basic shelter. Further complications arose from changes in social housing policies, such as the removal of two-choice social housing to just one. According to community members, this effectively means that if someone turns down an offer of a property, they are removed from the homelessness list. However, no reasons are collected for why properties are rejected, which often includes concerns about distance from family, support networks and employment.

Large-scale infrastructure projects, which could positively impact local communities, are often negatively affecting housing availability. Testimonies indicate that big businesses were bringing into rural and islands communities significant workforce for large scale 3-5 year infrastructure projects, but rather than negotiating an investment in building housing for staff which could benefit the local communities post-projects. Projects seem to be approved without assessing their impact on local housing or requiring companies to build their own housing. In Shetland and Argyll and Bute, this has driven up prices on the limited rental market due to competition from higher-paid professionals, making it unaffordable for locals to rent. Measures to address this issue have not been part of project developments.

On Shetland, the combined effects of COVID-19 and Brexit have led to a shortage of tradespeople, slowing the construction of new social housing. Despite financial resources being available, the current building capacity is insufficient to meet the demand.

The issue of second homes, often used as holiday homes or short-term lets, is contentious across the Highlands and Islands. There is tension between recognising the importance of tourism for local economies and the reality that second homes contribute to a shortage of affordable housing for essential workers like medical staff, carers, tradespeople and teachers. It is not uncommon for key workers to advertise on local social media webpages, desperately seeking accommodation to live and work in the area, as seen in Argyll and Bute and Orkney.

There is also a shortage of smaller properties, particularly in Argyll and Bute. Some residents noted that 20 years ago, demographic trends, such as increasing numbers of single-person households and an aging population, were predictable, yet social housing development did not accommodate these changes. This issue is mirrored in Na h-Eileanan an Iar, where homes tend to be larger, leaving many residents unable to afford the running costs, but with no smaller alternatives available.

Affordable

In most areas of the Highlands and Islands, the lack of affordable housing was a central reason as to why young people were not able to return to their local areas after leaving, for example, for education; or, why young people left their communities in the first place – no available housing for them. In some areas, the lack of affordable housing was described as the single biggest issue contributing to depopulation, whereby the lack of housing meant that young people had no option but to leave.

Testimonies indicate that, given a combination of people retiring to the region, and purchases of homes as second homes/short-term lets, has pushed the prices of available properties in many areas. This has resulted in a lack of affordable

accommodation for local people and for key workers looking to move to the area to take up jobs – particularly problematic in health, care and education.

In a few areas, the cost of newly built social housing was also questioned – where people may not be able to afford the rent. Some also complained that instead of bringing older stock back up to standard there was a preference to build new social housing – which could receive a higher rent charge.

For those trying to build their own properties, many have found that land is very expensive, and often crofts are the only way to afford building a house. Building costs are very expensive, with self-build mortgages having a very high interest rate which only changes to a standard mortgage when the building is considered ‘completed’. It is also difficult to get building permission; and renewable energy is very expensive to install and solar panel grants are means tested.

Community Development Trusts also raised their concern over the cost of land, with many initiatives aimed at building new affordable land to the community frustrated given the high cost of land. Questions were raised in relation to land ownership and the need for land reform, with some arguing for duties to be placed on land-owners.

Communities raised the affordability of refurbishing or retrofitting old houses, versus building new homes. People indicated that while new homes get a VAT exemption, there is no incentives for older homes uninhabitable homes in need of repair. This has led to old cottages being left to ruin in certain parts of the region.

For people attempting make improvements to the quality of their own homes, many on Orkney and Na h-Eileanan an Iar, have found home improvement quotes ‘astronomical,’

for the most part due to a shortage of contractors and a lack of specialist contracting services training opportunities.

Habitable

A range of concerns were raised regarding the quality of available housing throughout the Highlands and Islands. Testimonies indicate that much of the housing stock—both social and privately rented accommodation—is old, poorly insulated, and therefore prone to damp, mould, and expensive heating costs. These issues contribute to fuel poverty, which is discussed in more detail below.

In Na h-Eileanan an Iar, there is very little suitable housing available for adults with special needs. As a result, many continue to live with their parents into older age until a place becomes available in a care home. This situation has caused significant worry for families, who are concerned about what will happen when parents are no longer able to care for their children. Similar concerns regarding disability-friendly accommodation were raised in Argyll and Bute and in Sutherland.

Many noted that councils are responsible for maintaining social housing, but with limited budgets and thousands of properties to manage—exacerbated by a significant backlog due to COVID-19—many homes are not in the state of repair they should be.

Some community development trusts expressed concerns to the Commission regarding the lack of planning for the future housing needs of an aging population. They highlighted that housing should be designed with accessibility in mind, particularly for people who may not be able to manage stairs. With advancing age comes an increased likelihood of disability, but housing is not being constructed to accommodate the specific needs of an aging population.

In areas where newer social housing has been constructed more recently, these properties tend to be of better quality, with councils upgrading stock as needed. However, newer social housing is often more expensive to rent compared to older properties.

In certain areas, such as Shetland, social housing is regarded as the best quality by members of the community. Homes there are built with thicker walls and better insulation. The Commission observed some of social housing on Shetland first hand, and suggests that it may be a model for other local authorities to replicate.

Difficulties in Heating

The lack of well-insulated homes was identified as the biggest concern in terms of habitability across the Highlands and Islands. This issue is widespread throughout the region, where poorly insulated houses and the high cost of energy have left many people in vulnerable situations. The absence of mains gas in certain areas, coupled with the lack of an equivalent electricity heating tariff, poses serious risks to the health and lives of residents.

According to Scottish Government data, fuel poverty in the Highlands and Islands is significantly higher than the rest of Scotland. In Na h-Eileanan an Iar, 40 per cent of households are in fuel poverty, while in Argyll and Bute, the figure stands at 32 per cent.

In Na h-Eileanan an Iar, concerns were raised about the overreliance on infrared heaters in some council housing stock. These heaters were considered both inappropriate for the climate and highly expensive, prompting tenants to lobby for their removal. Additionally, most social housing in the region is fitted with pre-payment meters, which many human rights defenders consider highly problematic.

In some areas, local community initiatives have emerged to help residents understand fuel and insulation options. Third-sector organisations have raised funds to support additional winter fuel payments, provided slow cookers and more efficient washing machines, and sought funding to upgrade single-glazed windows. These efforts aim to improve energy efficiency and help families sustain themselves through the colder months.

Located where it allows employment, healthcare and education

For older people in need of care, many are forced to move long distances from their communities and families due to the lack of local care provision or care home places. This often removes elderly individuals from familiar surroundings and social support networks in order to access the accommodation they need.

In Caithness, a significant issue is the presence of many empty homes that no one wants to live in. This is largely due to the centralisation of services, particularly health services, and the lack of social and material infrastructure, which has led to depopulation. Residents described feelings of hopelessness and abandonment, with some likening the situation to a second Highland Clearance.

Although more housing is being developed on Skye, much of it is being built in areas without adequate public transport links. One example from north Skye illustrates the challenges, where a father living in a newly developed housing area couldn't get his child to nursery due to the lack of bus services. The nursery was located in Portree, but neither his home nor workplace were near public transport routes. Additionally, the road infrastructure on Skye has remained unchanged for the last 20 years, despite a significant increase in the number of visitors using the roads.

“We are keen for more housing, but this will require improved infrastructure and transport links, which are poor at the best of times. This will require real investment in public transport. You can’t really hold down a nine-to-five job on public transport here.”

Community development trust representative

On Shetland, there have been calls for new projects and housing developments to be planned around existing transport links. Currently, remote communities are severely impacted if they are not located near the Spine Road. In some areas, such as Argyll and Bute, and Moray, people were offered social housing far from their communities, workplaces, or schools. Without sufficient bus routes, they were unable to accept these offers. Concerns were also raised about some new housing developments being constructed without the necessary infrastructure, including shops and transport, to support these homes.

“That’s something that if the government is actually serious about housing, they have to look at... because the infrastructure that goes with the housing is important.”

Third sector representative

Other issues of concern

Another issue raised during this monitoring work was the satisfaction of the Minimum Core Obligations attached to the right to housing. The most basic obligation related to the right to housing is that no significant number of people should live without shelter or a home.

The information received demonstrates that there are significant concerns over this obligation being met across the Highlands and Islands. The Commission heard of substantial cases of rooflessness (people living without any shelter or temporary accommodation provided). This includes where people who are living in caravans (often at high cost), camping pods, and sofa surfing. For many, temporary accommodation options are neither suitable nor adequate. Some areas raised concerns about the poor quality and high costs associated with emergency housing.

“There isn’t a rural housing crisis. There’s a whole series of different crises. And where you are in particular, you may have several of those crises all operating together, or you may just have one.”

Human Rights Defender

It was also highlighted that some people are staying in abusive relationships longer due to a lack of housing options. On Orkney, for example, survivors of incidents such as being attacked by someone nearby have struggled to be transferred to accommodation away from the alleged offender, with as many as 40-50 people applying for each property. Survivors with health conditions are at a disadvantage in completing applications, and there is no local authority support during the application process.

According to testimonies from many human rights defenders and community development trusts, the availability of social housing is a critical challenge across the Highlands and Islands, leaving many in precarious situations while they await social housing provision.

Many people believe that the lack of (re) investment in social housing stock since the introduction of the right to buy has contributed to the 'perfect storm' now being experienced across Scotland. In areas where building is taking place, it is not happening quickly enough or at sufficient levels, and the sizes of the new homes are not always suitable. In Highland, Inverness is rapidly developing, and those living outside Inverness feel that most housing development is being prioritised there, with growth occurring at the expense of more rural areas.

Third-sector organisations indicated that the true number of people on waiting lists for housing is actually unknown, as many people do not join the list knowing they will not have enough points to be allocated housing. This is particularly common among young people in their mid-to-late 20s, who are still living with their parents.

“There is a question over how artificial the [social housing] list is versus actual need, which is way worse.”

Human Rights Defender



7.4. Right to Health

Health is a fundamental human right, indispensable for the exercise of other human rights. The right to health is not a guarantee of being healthy, but rather the right to access all the conditions and services necessary to achieve the highest attainable standard of health. The right to health encompasses both physical and mental well-being and is realised not only through the provision of adequate healthcare, but also by addressing a wide range of socio-economic

factors that collectively create conditions for a healthy life.

These underlying determinants include access to adequate food and nutrition, housing, safe and potable water, adequate sanitation, safe and healthy working conditions, and a healthy environment.

Based on the information received through this monitoring work, the current assessment of the right to health in the Highlands and Islands is as follows:

Table 22 Minimum Core Obligations for the Right to Health

Elements under Examination	Summary of Evidence	Assessment of Compliance
Ensure that no significant number of individuals are deprived of essential primary health care.	Reports indicate difficulties in accessing primary care, particularly through GPs, in certain areas of the region.	
Ensure the right of access to health facilities, goods, and services on a non-discriminatory basis.	No concerns raised by rights-holders in relation to the legal right of access.	
Ensure access to minimum essential food that is nutritionally adequate and safe to ensure freedom from hunger.	Lack of accessible and affordable food has resulted in many people experiencing food insecurity and hunger.	
Ensure access to basic shelter	As detailed in the section on the right to housing, there are significant concerns over rooflessness and difficulties accessing temporary accommodation.	
Ensure access to safe and potable water	No concerns raised by rights-holders.	
Provide essential drugs (as defined by WHO)	No concerns raised by rights-holders.	











Elements under Examination	Summary of Evidence	Assessment of Compliance
Ensure equitable distribution of all health facilities	Many services have been centralised in certain areas, creating barriers for many in accessing health services.	
Adopt a national public health strategy and plan of action	No concerns raised by rights-holders.	
Repeal or eliminate laws, policies and practices that criminalise, obstruct or undermine access by individuals or a particular group to sexual and reproductive health facilities, services, goods and information	No concerns raised by rights-holders.	
Adopt and implement a national strategy and action plan, with adequate budget allocation, on sexual and reproductive health.	While strategies and action plans are in place, the adequacy of funding remains unclear.	
Guarantee universal and equitable access to affordable, acceptable, and quality sexual and reproductive health services.	Significant concerns raised about access to sexual and reproductive health services.	
Enact and enforce the legal prohibition of harmful practices and gender-based violence	No concerns raised by rights-holders.	
Take measures to prevent unsafe abortions and to provide post-abortion care and counselling for those in need.	No concerns raised by rights-holders.	
Ensure comprehensive education and information on sexual and reproductive health that are non-discriminatory, non-biased, evidence-based, and consider the evolving capacities of children and adolescents.	Concerns raised in some regions where the curriculum is not being taught, limiting access to full information on sexual and reproductive health.	
Provide medicines, equipment, and technologies essential to sexual and reproductive health.	No concerns raised by rights-holders.	
Ensure access to effective and transparent remedies and redress for violations of the right to sexual and reproductive health.	While routes to remedies exist, frustration has been expressed over the complexity, trauma, duration, and ineffectiveness of the process.	

Table 23 Progressive realisation for the Right to Health




Elements under Examination	Summary of Evidence	Assessment of Compliance
Have there been targeted and concrete steps to improve?	There has been various national and local strategies, policies and other plans to improve the current enjoyment of the right to the health. However, it is not clear how often these plans and strategies are centred in the requirements of adequacy of the human right to health.	
Have there been effective and expeditious efforts?	The evidence available indicates that there are some strategies, reviews and policies to which there has been very slow progress in their effective implementation.	
Is there evidence of improvement?	Evidence indicates that no significant improvements have been made to the enjoyment of the right to health in the last few years.	

Table 24 Non-retrogression for the Right to Health









Elements under Examination	Summary of Evidence	Assessment of Compliance
Has the enjoyment of the right deteriorated?	The available evidence suggests a significant deterioration in the enjoyment of the right to health across the Highlands and Islands.	
If there has been deterioration, has there been sufficient government action to mitigate impacts?	In general terms, current efforts do not seem to have been sufficient to mitigate the impacts of current failings in the provision and support of physical and mental health in the Highlands and Islands.	
Has there been a deliberate measure that has reduced the enjoyment of the right?	In certain areas, deliberate cuts to critical health services and programs have been made, negatively impacting the local population.	
Is there evidence that the deliberate measure(s) complied with all exceptions of non-retrogression?	Based on the evidence available, retrogressive measures were not taken having carefully consulted with those affected, having explored less impactful measures, and also ensured that those most at risk or marginalised were prioritised.	

Table 25 Adequacy for the Right to Health

Elements under Examination	Summary of Evidence	Assessment of Compliance
Accessibility: Are health facilities, goods, and services within safe physical reach for all? Are services affordable for all?	There are critical concerns about the lack of physical and financial accessibility for many services across the Highlands and Islands. Insufficient support is provided, with the severity of these concerns varying by area.	
Availability: Are there well-functioning public health and healthcare facilities, goods, and services available in sufficient quantity?	There are critical concerns about the insufficient availability of services related to general practitioners, sexual and reproductive health, dentistry, mental health, specialist care, and drug and alcohol support services.	
Acceptability: Are health services respectful of the culture and dignity of individuals and disadvantaged groups?	Many rights-holders feel frustrated by their voices and concerns not being heard. Cases have been reported where individuals do not feel well supported when receiving necessary medical care.	
Quality: Are services of good quality? Are they scientifically and medically appropriate?	Concerns have been raised about the quality of palliative care in some regions, as well as maternity and post-maternity care. Additionally, there are concerns that people are being discharged too early from hospitals due to capacity pressures.	

7.4.1. Evidence received from rights-holders

Availability

The information received by the Commission indicates critical concerns over the lack of locally available services in certain areas of the Highlands and Islands. This often results in people having to travel great distances to access both basic and more complex health services. Some of the services where there are concerns about sufficient availability include: general practitioners, dentistry, orthodontic services for children, sexual and reproductive health services, mental health services, out-of-hours services, ambulance services, opticians, and drug and alcohol support.

General practitioners

While this issue is not widespread across all of the Highlands and Islands, several areas have no GP practices available to serve the community. This is particularly impactful for disabled people, young people, and the elderly, who are unable to travel long distances on their own.

BB You've got areas that have been without their own GPs. They've just got locum GPs who are coming in, and it's one of the poorest areas in Highland, and they don't actually have a functioning GP practice, that's been for over a few years now. **GG**

Human rights defender

In areas where GP surgeries have closed, some reports indicate that people no longer bother to seek medical attention. Many described the difficulty of travelling long distances, which has resulted in people becoming ill and eventually requiring hospitalisation. This is seen as increasing the NHS's costs and, more importantly, taking a toll on people's health and lives.

In Moray, local human rights defenders have been fighting against the closure of satellite branches of a GP surgery. When a consultation on the issue was held, it focused on what to do next rather than whether to close the branches, as the decision had already been made. This has left a very elderly population dependent on unreliable public transport to access their GP, with many people anxious about missing their appointments and not being able to return home afterwards.

Human rights defenders also expressed concerns in some areas of the Highlands that when a GP retires, the practice closes down without any alternative support, making it even harder to access healthcare services.

Sexual and reproductive services

Sexual and reproductive health services were highlighted as a critical issue in areas such as Caithness, Sutherland, and Argyll and Bute. Of particular concern is the provision of

maternity care and gynaecological services in Caithness and Sutherland. In 2016, a decision was made to downgrade the maternity provision at Wick hospital, requiring women to travel to Inverness for care. This raised concerns about the centralisation of healthcare services to Inverness, meaning that more than 14,000 patients per year now have to travel there for routine, emergent, and acute cases, with no risk assessments for patient safety.

The current situation requires women in labour to travel up to four hours to Raigmore Hospital in Inverness, often relying on public transport if private transport is unavailable. For those in most areas of Sutherland, no public transport is available.

Women surveyed by human rights defenders reported feeling unsafe, terrified by the journey due to night-time travel, the possibility of giving birth en route, adverse weather conditions, and the presence of deer on the roads. As a result, some women are choosing not to have more children or are moving out of the area to avoid giving birth at Raigmore. Additionally, in cases of premature birth, mothers are sometimes sent to Aberdeen, Glasgow, or Edinburgh, as Inverness lacks sufficient beds.

“Women don't feel safe anymore. It's barbaric. We don't matter up here. That's what it feels like.”

Human rights defender

“The whole task of getting medical attention just seems too big, too much.”

Human rights defender

According to testimonies, some women have lost their fertility due to delays in accessing Raigmore Hospital in emergencies, with reported cases of ovarian torsion and haemorrhage. Human rights defenders in Caithness have pointed to the midwife-led maternity care model used on Orkney, where

80 per cent of patients give birth on the island with a midwife, and have questioned why NHS Highland cannot implement a similar model in their area.

Centralisation has also meant that babies requiring treatment for conditions like jaundice now have to travel to Inverness. Other services, including blood diagnostics, hip checks, and hearing tests for babies, are no longer provided in Wick and must be accessed in Inverness.

Human rights defenders also raised concerns about the lack of specialist services following sexual assaults in certain areas, particularly in Argyll and Bute. Currently, women who have been assaulted must travel to Glasgow to access services, often wearing the same clothes they were assaulted in, as delays or cancellations in ferries can exacerbate this lack of dignity and care. Duty-bearers have cited cost as a reason for not providing local services.

In contrast, Na h-Eileanan an Iar has implemented creative solutions. A pilot rape crisis model was tested in 2016, and forensic services are now available on Lewis for those aged 16 and over. Where necessary, children are accompanied off the islands for investigation with a paediatric-trained specialist.

Testimonies highlighted that sexual health clinics for young people are an important concern, particularly in Sutherland and Caithness. According to human rights defenders, there is only one clinic available in Wick, with appointments offered just once a month via phone, which is often not answered. In Sutherland, the lack of public transport makes it difficult for young people to access sexual health clinics in Inverness, leading many to avoid seeking services due to fear of family stigma or reprisal, which is especially challenging for LGBT+ youth.

Dentistry

The lack of dental services was noted, particularly within island communities. Existing services are often at full capacity, routine check-ups are on hold, and there is a shortage of staff. Funding agreements also pose challenges for providing treatments and recruiting new dentists.

In areas like north Sutherland, there are no dental services at all, with the nearest service located in Lairg. This has resulted in many people not visiting a dentist for 10-15 years.

Mental health

Mental health services across the Highlands and Islands face significant challenges, particularly in the aftermath of COVID-19. Increased isolation during the pandemic exacerbated mental health issues, particularly for older people, who struggled to access phone-based services like Mikeysline, which were mainly geared towards younger individuals.

“It's like hitting a brick wall trying to find support on mental health.”

Medical professional

For young people in Sutherland, face-to-face mental health services are virtually non-existent. Drop-in services are only available in Inverness, which is 2.5 to 3 hours away, and the waiting list for a mental health referral in Inverness is currently two years. In Tongue, the local school offers just three counselling appointments per week for a student population of 90 pupils, which is far from sufficient. Similarly, Wick has managed to secure funding for private counselling, providing two clinics a week for young people, but demand remains far higher than the supply.

According to testimonies received, new mothers in Caithness experiencing postpartum mental health issues, such as

postpartum psychosis, have been sent away from A&E with little more than diazepam and no follow-up care. Health visitors in the area feel they cannot provide the necessary mental health support to these mothers, further compounding the issue.

On Orkney, the community mental health team is overwhelmed, with psychiatric services only available on the mainland, limited by bed shortages. Transfer beds, when available, are in use for anywhere between 24 hours to several weeks. On Skye, mental health services are also critically lacking, with waiting lists for some services extending for years, which has left many people disheartened and without the care they need. Similarly, in Na h-Eileanan an Iar, the demand for mental health services far outweighs the available capacity, even with private therapists now fully booked.

On Shetland, long waiting lists for Child and Adolescent Mental Health Services (CAMHS), often extending beyond 12 months, have resulted in third-sector organisations stepping in to fill the gaps left by statutory services.

Despite these widespread challenges, the Scottish Government's mental health and wellbeing fund has been seen as a positive initiative, helping to prevent social isolation by supporting many groups across Scotland.

It's so good nationally; it supported over 1,400 community groups, all of them small scale and hyper-local.

Human rights defender

Specialist services

There was recognition that not all specialist services can be provided equally across the Highlands and Islands due to the challenges of maintaining up-to-date training, skills, and

practices in areas with sporadic demand. The cost of certain services further complicates this. However, there was a strong sentiment that people living in these remote regions should not be disadvantaged simply because of where they are. Many felt that if Scotland is committed to supporting rural life, there must be a national acceptance that some services will cost more to deliver in these areas, and funding should reflect this.

Communities expressed a desire for innovative solutions, drawing on the experiences of countries like Norway and Sweden, which face similar rural challenges. People weren't asking for services to be identical to those in urban areas, but they wanted to avoid being penalised for their location. The feeling of being left behind or ignored, reminiscent of the 'Highland Clearances,' was strongly voiced.

[We] recognise the implications of living rurally - the community don't want all bells and whistles; [but] the bare minimum is currently not being met and that is the issue.

Community development trust representative

Drug and alcohol support

Many communities across the Highlands and Islands described significant problems related to drugs and alcohol. On Orkney, the closure of the drug and alcohol support charity (OACAS) in 2019 left a major gap in services, with no replacement, despite ongoing substance abuse issues. Some professionals noted that access to harder drugs has increased, partly due to reduced availability of cannabis and the absence of general support services.

On Shetland, the NHS funds only the detox phase of treatment, which lasts six weeks, but people typically require months or even a year of residential care. Limited funding

has restricted where Shetland residents can access treatment, leading to growing waiting lists, now exceeding three months. Despite the island's significant drug problems, drug and alcohol support services on Shetland receive proportionally less financial support than in other parts of the Highlands and Islands.

Accessibility (physical)

As previously described, physical accessibility to healthcare services is a critical issue for many communities across the Highlands and Islands. Residents often have to travel long distances, with little to no public transportation, to access basic and specialised medical services. This is especially concerning for access to sexual and reproductive health services in areas like Caithness and Sutherland.

The risks endured by pregnant women during these journeys were highlighted by many. One example shared:

“Women suffering pregnancy loss driving themselves to Raigmore, not well equipped to support women in these situations – cases of individuals giving birth in cupboards in the hospital, some with no recollection of getting home, obviously deeply emotional and in pain – 120-mile journey with no support, risk to safety.”

Human rights defender

A common complaint from people across the Highlands and Islands is the scheduling of appointments that do not accommodate the realities of long journeys. For instance, appointments early in the morning are problematic for those who must travel for hours. Although there is supposed to be an understanding that remote patients should not be given early appointments, many are

unaware of this, both staff and patients alike. There were suggestions that better training could help staff provide more accessible appointment times.

“They should be trained to know, and they should ask you: where do you live? Okay, what's the transportation? And then see how they fit you, not the other way around.”

Human rights defender

Concerns were also raised about the lack of choice in the type of appointments offered. Some individuals shared experiences of travelling from islands for short appointments, such as receiving a bad diagnosis in person in the Central Belt. While health professionals may prefer to give difficult news face-to-face, patients are often not given the option to choose a video consultation. This is particularly problematic when individuals have to travel alone, with no NHS-funded support for family members, leaving them to face long journeys home, sometimes on a bus or ferry, without any support.

On Shetland, patients shared experiences of being told to travel to the mainland for appointments, only to have the transport fail to run the following morning, causing them to miss their appointments and return to the waiting list. There are no systems in place to prioritise rescheduling for those who face such disruptions. Some have travelled overnight only to be told their appointment was cancelled or did not exist.

There are also cases of appointments being cancelled mid-travel, with patients receiving cancellation calls when they are halfway there. This leaves people stranded, completing their journey with no option but to wait to return home.

Access to emergency health services on Skye was described as poor, particularly at Portree hospital, where patients must first phone NHS 24 to gain access. This has caused delays in treatment, leading many to travel to Broadford, where they can walk in for care.

Concerns about the closure of Portree hospital date back to 1992. A 2018 review led by Sir Lewis Ritchie, commissioned by NHS Highland, provided recommendations that NHS Highland agreed to implement. However, the community feels that progress has been slow. Shortly after the Commission visited Skye, a woman died after becoming ill near Portree hospital during the Skye Live festival, further fuelling local anger about healthcare centralisation.

“It had so many points of failure, it is pathetic. And there’s a lot of anger on the islands about that kind of centralisation to save costs, and it doesn’t make any sense.”

Human rights defender

Accessibility (financial)

Although most health services are free in Scotland, people across the Highlands and Islands still incur substantial costs when accessing healthcare, particularly for services that require frequent or repeated visits. Many shared their difficulties with the Commission, particularly regarding the high costs of travel. One example involved children needing to make a 6-hour round trip for a 10-minute orthodontic appointment every 4 to 6 weeks, often requiring a full day off school.

While reimbursement is available, it rarely covers the actual costs of travel and, where necessary, accommodation. Some testimonies revealed that people are choosing not to access healthcare because they simply cannot afford the travel costs. This issue is especially problematic for self-employed individuals,

who may need to forfeit a full day’s income to attend appointments, making healthcare unaffordable for many.

Reimbursement schemes are in place, but they are seen as outdated. Currently, patients receive 17p per mile for travel expenses, far below the 45p per mile rate reimbursed by other public bodies in Scotland. Furthermore, for those not receiving social security benefits, an additional £10 is deducted from the total reimbursement, creating a significant financial barrier for accessing healthcare in rural parts of the Highlands.

“If there’s one thing we could get changed that would help poverty in the Highlands & Islands hugely... travel for health care. There’s people who can’t afford to go to Inverness because they’re not going to get reimbursed enough and so they’re not accessing that health care. And that scares us, because they have every right to access that health care.”

Medical professional

Another financial obstacle is the inadequate support for accommodation in Inverness. In some cases, the reimbursement covers only 25 per cent of the cost for a hotel room, particularly during the summer season when prices are higher. As a result, some people are forced to sleep in their cars or travel in pain or unsafe conditions to avoid additional expenses.

Additionally, concerns were raised about the affordability of baby formula. This issue is exacerbated by the difficulties in accessing breastfeeding support which often requires long car journeys with high fuel costs to attend clinics with limited hours.

Acceptability

Many people expressed frustration to the Commission about feeling unheard by authorities and that their dignity was not respected in the delivery of health services. This concern was particularly evident among women in Caithness and Sutherland, where there is a lack of sufficient support for maternity and gynaecological services.

In Caithness, human rights defenders highlighted that survivors of domestic and sexual abuse often have to travel to Raigmore Hospital in Inverness to see a female doctor. However, despite their specific requests, they are often 'pushed' to see a male doctor, which can further exacerbate their trauma and distress.

On Shetland, stigma was identified as a significant barrier to healthcare access for individuals dealing with substance use. The prevailing attitude that substance use is a choice, rather than recognising it as a healthcare issue, has led to a reduced likelihood that individuals will seek out the primary care they need.

Quality

A common concern across the Highlands and Islands is the speed at which patients are discharged following difficult and painful surgeries. Many people feel that this practice is driven by NHS pressure to free up beds more quickly than is safe or beneficial for the patient.

Concerns were also raised regarding the quality of palliative care. Care homes have faced situations where they were unable to provide adequate end-of-life care for their patients. While some of these issues have been addressed through formal complaints, many individuals expressed that they found the process too burdensome. The complexity, time involved, and disappointing outcomes deterred them from pursuing complaints again.

As discussed earlier, testimonies also revealed incidents where women lost their fertility

due to delays in reaching Raigmore Hospital in emergency situations. There were also allegations of a lack of support for women following miscarriages, with patients quickly being dismissed, with no apparent offer of follow-up care or signposting to further support.

In Caithness and Sutherland, concerns were voiced about the high rates of induced births and C-sections. These interventions were often scheduled to manage the timing of births due to the long distances women had to travel. However, this has led to a high rate of emergency procedures, significantly affecting mothers' recovery, baby bonding, and overall health and wellbeing. This includes elevated infection rates, such as sepsis, and lower breastfeeding success rates.

Other issues of concern

A significant number of people expressed concerns about the additional pressure that summer tourism places on health services. On Skye, for example, it was noted that no additional capacity is provided during the high tourist season, despite the increased demand. This is particularly evident in the higher number of road traffic accidents (RTAs) during that period.

Another major issue affecting the availability of key health workers is the lack of access to affordable housing. This shortage has made it difficult to attract and retain essential healthcare staff in many parts of the Highlands and Islands.

Additionally, the aging population is growing faster than the national average, due in part to the number of people retiring to the region. Concerns have been raised that the local infrastructure, particularly around healthcare provision, cannot cope with the increasing demand. This is placing further strain on a healthcare system that is already at breaking point.



7.5. Right to Social Care

Social care is a crucial part of the right to health and the right to an adequate standard of living. It ensures that individuals, if they so choose, have access to the necessary support for maintaining healthy and dignified living conditions.

Based on the information gathered through this monitoring work, the current assessment of the right to social care in the Highlands and Islands is as follows:

Table 26 Minimum Core Obligations for the Right to Social Care

Elements under Examination	Summary of Evidence	Assessment of Compliance
None have been determined in international law.	N/A	N/A

Table 27 Progressive realisation for the Right to Social Care

Elements under Examination	Summary of Evidence	Assessment of Compliance
Have there been targeted and concrete steps to improve?	Several initiatives and strategies, both national and local, aim to improve social care in the Highlands and Islands.	
Have there been effective and expeditious efforts?	Not possible to determine at this stage.	
Is there evidence of improvement?	The available evidence indicates that current efforts have not been sufficient to guarantee significant improvements in social care in the Highlands and Islands.	

Table 28 Non-retrogression for the Right to Social care









Elements under Examination	Summary of Evidence	Assessment of Compliance
Has the enjoyment of the right deteriorated?	There has been a noticeable increase in challenges related to the provision of social care in the Highlands and Islands, with fewer people being able to fully enjoy their right to care.	
If there has been deterioration, has there been sufficient government action to mitigate impacts?	While there are ongoing efforts from both local and national governments, the evidence suggests that these efforts have not been enough to fully prevent or mitigate the impacts on people's human rights in relation to social care in the region.	
Has there been a deliberate measure that has reduced the enjoyment of the right?	Evidence indicates that care home centres have closed due to insufficient staff. This constitutes a deliberate measure, which directly reduces the overall enjoyment of the right.	
Is there evidence that the deliberate measure(s) complied with all exceptions of non-retrogression?	While closures were due to staffing shortages, the available evidence does not demonstrate that further mitigating measures were explored. Further, evidence does not demonstrate that the closures took place after carefully consulting with those affected or if any other less impactful measures were explored.	

Table 29 Adequacy for the Right to Social Care

Elements under Examination	Summary of Evidence	Assessment of Compliance
Accessibility: Are social care services physically available and affordable?	There are concerns that many families must travel long distances to visit relatives placed in care outside their original community due to insufficient local care options. The lack of public transportation further exacerbates accessibility issues.	
Availability: Is there sufficient social care available for those who need it?	Some areas of the Highlands and Islands are described as 'social care deserts' due to a significant lack of available care services.	
Acceptability: Are current services respectful of the culture and dignity of individuals?	Concerns were expressed about a fear of repercussions for those who complain about the quality of their care.	
Quality: Are services of good quality? Are they medically and ethically appropriate?	There are concerns that in some cases, the level of care is not of high quality, with reports of poor treatment in certain instances	

7.5.1. Evidence received from rights-holders

Availability

The most common concern raised is the lack of available social care across the Highlands and Islands, particularly in the context of an aging population, which has grown with the influx of retirees. This rise in demand is straining an already pressured NHS and social care system, with insufficient infrastructure in place to meet these needs.

A recurring issue was the low availability of care or support worker positions, with many areas facing a complete absence of care services. Some regions have even experienced care home closures due to staffing shortages. Many rights-holders indicated that current pay rates and contracts offered to carers have made the profession less attractive, driving many to leave the sector for jobs in hospitality or other services.

Areas such as Sutherland and Caithness were described as “social care deserts.”

Suggestions were made to explore integrated models of care provision, such as combining social care and childcare services, which has been successful in rural areas of Nordic countries. Community members also proposed localising services within community hub centres. Many communities across the Highlands and Islands emphasised

the need for statutory services to adapt to remote and rural contexts, suggesting that Scotland could become a global example of how remote communities can successfully develop care and support systems.

The heavily gendered burden of informal care was also highlighted, with women (daughters, wives, mothers) typically providing the majority of unpaid care.

In Na h-Eileanan an Iar, concerns were raised about the lack of respite care, especially for parents over 90 years-old caring for adults with disabilities and specialist needs. Testimonies indicate that the availability of care workers on the Islands has significantly reduced in the last few years, with Brexit further contributing to the lack of incentive for people to pursue careers in care, particularly given the low wages compared to supermarket or hospitality jobs.

The lack of formal paid carers has meant that people without family support are often missing out on crucial health and social services, increasing social isolation.

There were also reports of “bed-blocking” in hospitals, where patients could not be discharged due to the unavailability of care packages. Some were discharged without adequate support, only to return to the hospital.

Care home closures in Ullapool and Tongue were noted, with the latter closing due to an absence of staff despite the area’s elderly population requiring care. Additionally, some areas in Sutherland have no day care centres for older or disabled people.

Concerns were expressed about the lack of forward planning by councils regarding the growing care needs of the population. Some care centres were already at full capacity even before construction was completed.

“It is not about having a social worker or a handful of social carers in these areas. It is about the provision of a service.”



Human rights defender

Accessibility

Support for carers was a widespread concern raised during the monitoring work. In some areas, even though there were excellent carer centres offering respite support, many carers were unable to access these services because they had no one available to care for their loved ones in their absence. This lack of respite care added to the strain on family carers.

The absence of local care homes also meant that many families had to travel significant distances to visit relatives who had secured places far from their original communities, particularly for specialised dementia care. This added burden not only increased travel time but also imposed financial and emotional stress on families.

The challenges faced by carer workers in remote and rural settings were highlighted, particularly in terms of accessing clients safely and affordably. Many carer workers are required to travel large distances, and the cost of fuel and the wear and tear on their personal vehicles place them at a financial disadvantage compared to their urban counterparts. Additionally, there has been little understanding from those scheduling care visits regarding the time needed for travel between clients. In many cases, carer workers were not compensated for travel time, despite the significant distances they had to cover to provide care.

For care workers who rely on public transportation, particularly buses, their ability to perform their duties is often hindered by schedules that do not align with their shifts. In some areas, this has forced care workers to move closer to their places of work, as the lack of reliable transport made it impossible to continue working in their current roles.

Acceptability

No specific concerns were raised beyond the general sentiment that receiving any care in remote and rural Scotland is seen as positive due to the shortage of services. However, this raises concerns that suitability and quality are secondary to availability.

Serious concerns were noted about the fear of repercussions when making complaints, leading to a reluctance to speak up about care quality due to fear of care being reduced or withdrawn.

Quality

Concerns were raised about the balance between service provision and regulation, with some care services struggling due to overburdening administrative requirements. In some areas, staff absence was linked to stress caused by what is felt to be an overburdensome system of policy updating and bureaucracy (at the expense of service provision).

Additionally, issues were reported about elderly patients being discharged without adequate care packages, with some inappropriately deemed “independent” and others left without follow-up care after hospital discharge, described as “*completely abandoned*”. For example, one elderly patient who was discharged with a broken hip, with no care package or follow up care arranged.



7.6. Right to Education

The right to education is a fundamental human right, key to empowering individuals and enabling them to break cycles of poverty. It allows both children and adults, especially those who are economically and socially marginalised, to actively participate in their communities. In Scotland, the right to

education is legally protected by the Human Rights Act 1998 and will be further reinforced for children under the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.

Based on the information collected through this monitoring work, the current assessment on the state of education in the Highlands and Islands is as follows:

Table 30 Minimum Core Obligations for the Right to Education

Elements under Examination	Summary of Evidence	Assessment of Compliance
Ensure the right of access to public educational institutions and programmes on a non-discriminatory basis.	No concerns raised from rights-holders	
Provide free primary education for all.	No concerns raised from rights-holders	
Adopt and implement a national educational strategy which includes provision for secondary, higher and fundamental education.	No concerns raised from rights-holders	
Ensure free choice of education without interference from the state or third parties.	No concerns raised from rights-holders	

Table 31 Progressive realisation for the Right to Education




Elements under Examination	Summary of Evidence	Assessment of Compliance
Have there been targeted and concrete steps to improve?	Each council area has its own educational strategies and objectives, but it is unclear how these plans consider the right to education and its essential components to enhance the realisation of the right. While the National Islands Plan sets national objectives, there is no equivalent for other remote and rural areas, such as the Highlands. The 2024 National Improvement Framework and Improvement Plan from the Scottish Government is a welcome step, particularly its focus on "placing the human rights and needs of every child and young person at the centre of education."	
Have there been effective and expeditious efforts?	Although significant efforts have been made in recent years, there does not appear to be sufficient or effective measures specifically targeting non-island areas of the Highlands and Islands.	
Is there evidence of improvement?	Currently, there is insufficient evidence to suggest that the enjoyment of the right to education has improved in the Highlands and Islands.	

Table 32 Non-retrogression for the Right to Education









Elements under Examination	Summary of Evidence	Assessment of Compliance
Has the enjoyment of the right deteriorated?	Testimonies collected by the Commission consistently point to a general deterioration in all aspects of the adequacy of the right to education. This includes availability, accessibility, acceptability, and adaptability across the Highlands and Islands.	
If there has been deterioration, has there been sufficient government action to mitigate impacts?	Despite national and local government interventions, actions have not been sufficient to address the declining conditions of education in the Highlands and Islands. Specific concerns persist in the adequacy of educational infrastructure and resources.	
Has there been a deliberate measure that has reduced the enjoyment of the right?	Budget cuts and the withdrawal of certain programs, services, and facilities have negatively impacted education services. These actions have disproportionately affected vulnerable groups, including disabled individuals and other marginalised communities.	
Is there evidence that the deliberate measure(s) complied with all exceptions of non-retrogression?	Available evidence does not suggest that these retrogressive measures were implemented after thorough consultation with affected individuals or communities. Nor does it appear that alternative, less harmful measures were explored. Furthermore, those most at risk or marginalised do not seem to have been prioritised during the decision-making process.	

Table 33 Adequacy for the Right to Education

Elements under Examination	Summary of Evidence	Assessment of Compliance
Availability: Are there sufficient schools, programmes, courses, and facilities for all?	In certain areas of the Highlands and Islands, there are insufficient educational options. This is partly due to teaching allocation issues and the difficulty in recruiting teachers for remote locations, often linked to the lack of affordable housing.	
Accessibility: Are educational programmes accessible for all? Are they in safe physical reach for all?	Educational services are not easily accessible for many in the region, with some having to travel long distances, sometimes hundreds of miles. There have been instances where school buses were removed and not replaced, and there are significant concerns about the accessibility of education for students with learning disabilities.	
Acceptability: Are educational programs and services relevant, culturally appropriate and of good quality?	Concerns were raised regarding the quality of education in some areas, particularly where composite classes and limited subject options negatively impact student outcomes.	
Adaptability: Are educational programmes flexible? Do they adapt to the needs of students within their diverse social and cultural settings?	The curriculum and educational programs in the Highlands and Islands have not sufficiently adapted to meet the current and future needs of children and young people in the region.	

7.6.1. Evidence received from rights-holders

Availability

The availability of education across the Highlands and Islands varies significantly, with national policies sometimes hindering children and young people's ability to fully access their right to education. In many areas, recruiting teachers is challenging due to a lack of affordable housing and local amenities. Teachers often commute, but poor transport links and weather conditions, especially in winter, further exacerbate these issues. The lack of substitute cover when teachers are ill or unable to travel is another problem in remote areas.

“If there is one thing we would like Parliament to know—stop ignoring us and our problems; provide baseline staffing instead of allocation dependent on pupil numbers; provide public transport so young people can connect.”

Teacher.

Many areas also lack teacher progression opportunities and adequate support, leading to difficulties in retaining good staff. Some remote schools face the threat of closure due to low pupil numbers, which risks triggering further community decline. When schools close, it is often unlikely they will reopen.

Teacher allocation is tied to pupil numbers, which can result in staff cuts one year and rehiring a year or two later when numbers increase. This unpredictability creates instability, particularly given recruitment challenges, and risks leaving schools without essential staff.

Limited subject options are another concern, particularly in smaller schools, with core subjects often the only ones available. Even in larger schools, like those in Inverness, access to subjects like computing, psychology, or law can be restricted.

While the University of the Highlands & Islands is appreciated for offering local higher education opportunities, subject availability is limited, and mainstream areas like law are not offered. Many young people must move to the Central Belt or Aberdeenshire for further education, but this option is often out of reach due to costs or lack of support.

Refugees in the region face significant barriers due to the lack of available English classes, limiting their ability to enjoy other rights, including work and cultural participation. Although the University of the Highlands & Islands offers English courses, they are oversubscribed due to insufficient funding.

In Na h-Eileanan an Iar, concerns were raised about the lack of sexual and reproductive

health education, with allegations that some schools refuse to teach the required curriculum, including LGBT+ health education.

Accessibility

The accessibility of educational services across the Highlands and Islands varies, significantly impacting children, young people, and adult learners. Children in remote areas often travel long distances, with some catchment areas spanning up to 500 miles. Communities frequently express that councils make decisions without fully understanding the vast distances students travel to access education.

The lack of public transport in many areas further limits access to education. In some cases, young adults cannot attend college due to the absence of public transport, curbing their educational opportunities.

In Na h-Eileanan an Iar, parents and carers of children and adults with learning disabilities face weekly travel of 200-500 miles to access educational services. This has become financially unsustainable for many, leaving individuals isolated and unable to access education. For 26 years, the Council provided transportation support for these services, but it was discontinued during COVID and has yet to return.

Teachers noted the difficulty of helping students from remote areas transition to further education. The limited exposure to larger towns and cities makes adapting to university life more challenging. Students

“Without accepting that there is a higher cost for education — you are saying that people cannot live in remote and rural Scotland.”



Teacher

in Sutherland, for instance, must travel to Thurso every Friday afternoon to attend college, a significant hurdle due to poor transport links and long distances.

For students attending university, financial constraints are another barrier. While tuition fees may be waived, the cost of travel home, particularly for those from remote areas, adds financial strain and impacts mental health. Many students struggle to return home regularly, exacerbating feelings of isolation.

Some schools arrange day trips to universities, providing students with exposure to higher education opportunities they might not pursue independently. These initiatives, though impactful, are unfunded and rely on the support of families and staff.

Additionally, the lack of local health services has a detrimental effect on education for children with medical needs. Students from Skye, Sutherland, and Caithness, for example, miss entire school days for orthodontic appointments in Inverness due to the distances involved, even for brief appointments.

Acceptability

In some areas, concerns were raised about lower expectations for children within communities, where education is often only valued in terms of its immediate applicability. It was suggested that some children either do not attend school regularly or attend without gaining meaningful skills. This reflects a sentiment that the current education system has not evolved to meet the present or future needs of children. There is a perception that education provision has not adapted to the changing society, failing to support the local skills deficits needed to prevent depopulation, as many young people leave their communities and do not return.

Adaptability

Smaller class sizes in many areas do not always lead to better results, despite the expectation of more focused teaching. In remote schools, very small student numbers can result in composite classes, limited subject choices, and fewer teaching options. On the other hand, while some areas struggle to recruit young, dynamic educators, it was noted that certain teachers had been in the same schools for several decades. This long tenure, it was suggested in some cases, may hold back progress and make these schools less appealing to new recruits.

Other issues of concern

Teachers reported that budget cuts have significantly impacted the availability of guidance and support staff in schools, just as the need for these services is growing due to rising mental health issues, bullying, and post-COVID adjustment challenges. For disabled children, the cuts have led to the reduction of support for anything beyond basic education, including extracurricular activities for children with additional needs, which are no longer considered essential for council funding.

Other budget-related cutbacks have affected school facilities. For instance, school buses at a specific school were reduced from two to one, with the remaining bus being privately donated after the council removed the other.

In adult education, areas like Skye saw reductions in the scope of classes offered. While classes in digital skills and family learning continue, a previous focus on well-being has been stripped back, with current offerings restricted to literacy, numeracy, and IT. This narrow focus is the result of metrics-based provision, which limits the services to a more restricted demographic.



8. Cultural Rights

Cultural rights are also fundamental to human dignity. International human rights law recognises that cultural rights are essential for maintaining the dignity of individuals and ensuring harmonious interaction among diverse communities. The right to take part in cultural life is both an individual and collective freedom and a responsibility of states to ensure its enjoyment. It requires governments to refrain from arbitrarily

interfering with cultural practices while actively creating the necessary conditions that allow people to fully engage in cultural life freely and meaningfully.

Based on the evidence collected through this monitoring, the current assessment of the right to take part in cultural life in the Highlands and Islands is as follows:

Table 35 Minimum Core Obligations for Cultural Rights






Elements under Examination	Summary of Evidence	Assessment of Compliance
Take legislative and any other necessary steps to guarantee non-discrimination and gender equality in the enjoyment of the right.	No concerns raised by rights-holders.	
Respect the right of everyone to identify or not identify themselves with one or more communities, and the right to change their choice.	No concerns found, although the this research did not gather evidence specifically from Gypsy Traveller communities. The Commission is conducting further work regarding the cultural recognition of Gypsy Traveller communities.	
Respect and protect the right of everyone to engage in their own cultural practices.	No concerns raised by rights-holders.	
Eliminate any barriers or obstacles that inhibit or restrict a person's access to their own culture or to other cultures, without discrimination.	Concerns over lack of physical and financial accessibility to cultural services. Additional barriers exist due to certain religious views affecting access to cultural services for others.	
Allow and encourage the participation of persons belonging to minority groups, indigenous peoples or to other communities in the design and implementation of law and policies that affect them.	While participation is legally allowed, concerns were raised about insufficient participatory processes in the Highlands and Islands regarding the design and delivery of cultural services.	

Table 36 Progressive realisation for Cultural Rights




Elements under Examination	Summary of Evidence	Assessment of Compliance
Have there been targeted and concrete steps to improve?	Significant efforts have been made, particularly in preserving and promoting the Gaelic language. However, there are no clear plans for advancing the right to culture for all people in the Highlands and Islands.	
Has there been effective and expeditious efforts?	Not possible to determine at this stage.	
Is there evidence of improvement?	There is insufficient evidence to suggest any notable improvement in the enjoyment of the right to culture in the Highlands and Islands.	

Table 37 Non-retrogression for Cultural Rights










Elements under Examination	Summary of Evidence	Assessment of Compliance
Has the enjoyment of the right deteriorated?	Evidence suggests a significant regression, with many cultural services previously available now reduced or eliminated.	
If there has been deterioration, has there been sufficient government action to mitigate impacts?	There is insufficient action to prevent the regression of cultural rights in the Highlands and Islands.	
Has there been a deliberate measure that has reduced the enjoyment of the right?	Cuts to cultural and recreational services, especially for children and young people, have significantly impacted the availability of these services.	
Is there evidence that the deliberate measure(s) complied with all exceptions of non-retrogression?	Available evidence does not show that the measures were properly consulted on, that less harmful alternatives were explored, or that vulnerable groups were prioritised.	

Table 38 Adequacy for Cultural Rights

Elements under Examination	Summary of Evidence	Assessment of Compliance
Availability: Are there sufficient cultural goods and services open to everyone (e.g. libraries, museums, theatres, cinemas, sports)?	Availability varies significantly. Some areas have good services, while others are 'cultural deserts' with little to no offerings.	
Accessibility: Are cultural opportunities physically and financially easy to access?	The lack of public transport severely limits access to cultural activities, especially for children and young people. Cost of funeral arrangements is also an important obstacle in the financial accessibility of the cultural practice.	
Acceptability: Are policies and services formulated in a way that is acceptable to all individuals and communities?	Concerns raised in some areas where religious views were having a disproportional limitation to the full enjoyment of cultural rights.	
Adaptability: Are current programmes and services flexible?	No concerns raised by rights-holders.	
Appropriateness: Are services and policies respectful of individual and community cultures?	No concerns raised by rights-holders.	

8.1.1. Evidence received from rights-holders

Availability

The availability of cultural services varies widely across the Highlands and Islands. Areas like Orkney offer a broad range of cultural activities, whereas places such as Caithness, Sutherland, and Ross are described as “cultural deserts” with limited or no offerings. Concerns were raised about children’s right to play, with issues of access for disabled children in Stornoway (due to facilities being closed on Sundays) and Oban (where council support for inclusive activities was limited to school hours). Additionally, reports from Stornoway noted previously padlocked play parks, preventing children from using them.

For refugee families, concerns were raised about their right to culture when placed in remote areas without access to relevant religious services or culturally significant food, forcing them to relocate to Inverness. On Shetland, cultural life was noted to be thriving in many areas but largely reliant on aging volunteers, creating challenges for sustaining activities over time.

Accessibility

The lack of public transport was a significant barrier to participation in sports and cultural activities. In Kinlochbervie, for instance, children faced a 120-mile round trip for football training. Financial barriers, particularly post-COVID and due to rising energy costs, also limited access to essential therapeutic

leisure facilities, disproportionately affecting those with disabilities or mental health issues. Even in areas with a good range of activities, young people who lived far from facilities struggled to participate. Transport issues also impacted volunteering and work experience opportunities for young people. Centralisation of services to Inverness further exacerbated these challenges. On Shetland, financial barriers prevented full participation in both sports and the arts, particularly due to transport and equipment costs.

An emerging issue across many rural areas was funeral poverty, which directly impacts cultural practices around death. Funeral costs in the Highlands and Islands are prohibitive, often exceeding £7,000, with families unable to afford culturally significant aspects like flowers or funeral teas. This lack of resources limits the ability of families to say a dignified goodbye, eroding cultural norms and placing emotional and financial stress on already vulnerable households. The rise in ‘direct cremations,’ where no one attends, has been noted as a concerning trend, with data showing a sharp increase in such cases in areas like Dingwall and Inverness. Families struggle to afford headstones, and repatriation of bodies from mainland hospitals, such as Glasgow or Aberdeen, adds further financial burdens, particularly on Orkney and Shetland.

Further to the rising cost of funerals, the absence of affordable transport options to attend services were highlighted as major accessibility challenges, particularly for families who must travel long distances for funeral arrangements. For those in remote areas, this often led to delayed or minimalist services, further distancing communities from long-held cultural traditions.

Acceptability

In Na h-Eileanan Nair, religious observance presented a barrier to accessing cultural and sporting activities on Sundays, particularly impacting disabled people. Similarly, families unable to afford culturally significant funerary rites reported feeling that the dignity of their loved ones’ passing was compromised, a denial of their cultural rights. The psychological impact of being unable to meet cultural expectations around death was noted, with some families having to sell possessions or forego essential services to cover funeral costs.

Other Issues

Concerns were raised about the lack of Council support for cultural staff, reliance on voluntary organisations to maintain heritage sites, and a general feeling of underinvestment in rural areas. There was a widespread perception of a “dying” culture in some areas, with communities feeling forgotten. In Caithness, the erosion of cultural life was linked to depopulation, with fewer people attracted to the area due to a lack of investment. Conversely, Orkney had benefited from the Scottish Government’s Culture Collective funding, though this support was decreasing.

The increasing costs of end-of-life arrangements, including funerals, have further compounded these feelings of abandonment, particularly in remote areas where “funeral poverty” has led to undignified or incomplete cultural rites. The inability to afford basic services such as a headstone, or to repatriate to a body to Orkney or Shetland from the mainland (following death in hospital on the mainland for example), was seen as an extension of this neglect, intensifying the sense of cultural erosion.

**66 Everything north of Inverness
has been forgotten about. 99**

Human rights defenders



9. Access to Justice

A consistent message from the Highlands and Islands is that people feel they are not entitled to the same level of service as those in urban areas. This has fostered a belief that complaining is pointless, leading to a stoic approach where communities often rely on self-developed solutions rather than formal support. This sense of self-reliance, while resourceful, is felt by some to be an indication of being neglected by authorities.

Concerns were raised about the way complaints are handled, especially regarding systemic issues. In rural areas, there is a genuine sense of despair, with many feeling that some local councils and national government are indifferent to their concerns. Retributive backlash from authorities, particularly around social care complaints, was also noted, with some individuals fearing negative consequences on their care if they raised concerns.

Research by the Commission confirms these complexities in accessing justice. Despite serious human rights issues being raised, formal complaints remain rare. In the past year, the Scottish Public Sector Ombudsman received the following complaints from residents of the Highlands and Islands:

- 60 complaints related to health
- 6 related to social care
- 2 related to housing
- 1 related to education

This contrasts sharply with the frequency of individuals seeking help from their MSPs. For example, 82 per cent of MSPs surveyed reported weekly requests for support on housing and health issues, while over half (55 per cent) report weekly or frequent (18 per cent a few times a month) requests for help with

social care and, 45 per cent are approached by constituents a few times a month for support on issues related to education.

Many people turn to MSPs because they feel their concerns are not taken seriously by the responsible authorities. In interviews across the Highlands and Islands, individuals frequently noted that contacting their MSP was often their last resort after experiencing poor treatment by duty-bearers, such as local councils, health boards, or housing authorities. In some cases, escalations to MSPs followed what people described as outright dismissals or long delays in addressing their complaints.

One of the major barriers to accessing justice is the lack of domestic legal duties for ESC rights. Without a legal framework that ensures accountability for ESC rights, these issues are often perceived as social policy rather than obligations under international human rights law. Their legal gap further contributes to the lack of faith in the formal complaints process, as many individuals do not see a pathway to meaningful resolution for issues such as inadequate housing, insufficient healthcare access, or unfair social care decisions.

A domestic legal framework that enforces ESC rights is necessary to ensure accountability and justice. Without such a framework, the barriers to accessing justice will persist, leaving individuals feeling that their complaints will continue to be ignored or dismissed. The complexity, emotional cost, and practical difficulties of filing formal complaints – particularly in remote and rural areas – are significant hurdles that must be addressed to build trust in the system and ensure that people's concerns are taken seriously and their rights are realised.

10. What needs to change?

Based on the evidence and testimonies gathered, the Commission issues the following recommendations to ensure full compliance with Scotland's international human rights obligations:



Strengthen Human Rights Laws and Access to Justice

A domestic legal framework that enforces ESC rights is necessary to ensure accountability and 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. The Commission has already provided substantial guidance through its 2023 spotlight report "Access to Justice for Everyone: How might a new Human Rights legal framework improve access to justice in Scotland today?"



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.



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.



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.

11. Looking forward

“People here feel really frustrated that they know what’s happening but nobody listens. So by the Commission measuring and giving voice to people’s experience, that can actually be helpful.”

Through this monitoring work, the Commission has piloted a successful new model, bringing us closer to local communities and their daily struggles. This approach has proven valuable, and we aim to expand it to monitor all areas of the country annually. However, given current resource limitations, we will consider one region of the country per year over the course of the 2024-28 Strategic Plan. The focus for 2025 will be on monitoring economic, social, and cultural rights in the South Scotland Scottish Parliament region.

This new monitoring approach, rooted in international standards and informed by direct experience, has also attracted international interest, including from the United Nation’s Office of the High Commissioner for Human Rights.

The Commission is also strongly committed to continue to support the communities it work with, and therefore, will be traveling back to the Highlands and Islands to share the findings of this report, support duty-bearers in their implementation efforts, including building capacity on human rights budgeting, and enable human rights defenders by using the ESC rights framework.

The findings in the report will also be used to shape our domestic and international reporting, including the next examination of the UK’s performance under the International Covenant on Economic, Social and Cultural Rights in 2025.

It was also clear from those that we spoke to throughout this process that there are range of cross-cutting issues which impact on people’s abilities to realise their rights. This included, amongst others, poverty (in all its forms), digital connectivity and skills, and transport. This monitoring work will also therefore guide the scoping of the Commission’s future work on poverty and human rights.

Overall, we expect that this monitoring review and framework will be seriously considered by the Scottish Parliament, Scottish Government, local authorities, NHS Boards, and other duty-bearers. 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.

Appendix 1:

Summary of Literature Review: Exploring Economic, Social, and Cultural Rights in Rural and Remote Areas of Scotland

Introduction

Scotland's rural and remote areas, particularly the Highlands and Islands, face unique challenges in realising economic, social, and cultural (ESC) rights. Despite mentions of potential disparities in these regions, detailed research into the specific impacts of these challenges remains limited. At the outset of this work, we re-analysed the extensive data sources compiled to produce the Commission's UPR and ICESCR Submissions through a rural lens. This revealed that out of a combined total of 301 references, only 10 sources (3 per cent) explicitly address rural or remote issues such as fuel poverty, housing shortages, healthcare access, and digital inequality.

This limited attention to rural Scotland underscored the necessity of targeted research to fully understand the ESC rights landscape in these regions. The following literature review highlights the sparse existing data on rural and remote issues at the commencement of this work. The limited range of evidence supported the need for a dedicated investigation of ESC rights in the Highlands and Islands.

Fuel Poverty in Remote Rural Areas

Fuel poverty is one of the most pressing issues affecting Scotland's rural and remote areas. According to the Scottish House Condition Survey (2019)¹, fuel poverty rates in

remote rural areas have significantly outpaced those in urban regions. The survey noted that rural households, particularly those off the gas grid and reliant on solid fuel or electricity, faced energy costs that were on average 50 per cent higher than the Scottish average. The Scottish Government's Fuel Poverty Strategy² also highlighted the severity of this issue, projecting that affordability would worsen in the coming years due to rising energy prices.

These statistics are a clear indicator of how geography influences living conditions, with rural areas being disproportionately affected by energy costs. Yet, existing reports often stop short of providing detailed data on how fuel poverty directly impacts families and communities in these areas. Highlighting the need for further research that delves into the causes and potential solutions to fuel poverty in Scotland's rural regions and the impact on people's right to an adequate standard of living.

Digital Inequality and Access to Services

Digital access continues to lag in Scotland's rural and remote regions, creating a significant barrier to equal participation in education, employment, and social services. The Scottish Government's Digital Strategy³ acknowledged the widening digital divide, particularly in rural areas where internet connectivity is less

1 Scottish Government (2020) [Scottish house condition survey: 2019 key findings](#)

2 Scottish Government (2021) [Tackling fuel poverty in Scotland: a strategic approach](#)

3 Scottish Government (2021) [A changing nation: how Scotland will thrive in a digital world](#)

reliable. In some of the most deprived rural regions, especially among older populations, digital exclusion is prevalent. For example, only 50 per cent of individuals over the age of 60 in these areas regularly use the internet.

Poor digital access not only exacerbates social isolation but also limits economic opportunities in the increasingly digital economy. The lack of comprehensive solutions targeted at rural areas further emphasised the need for focused research on how to bridge the digital divide in the Highlands and Islands.⁴

Economic Inequality and Employment Challenges

Economic disparities are more pronounced in rural and remote Scotland, where employment opportunities are often limited. The Fraser of Allander Institute⁵ highlighted the significant economic impacts of the COVID-19 pandemic, noting that remote areas faced heightened challenges due to the fragile nature of local economies and the limited availability of jobs. Similarly, the My Life in the Highlands and Islands Survey⁶ identifies rural housing shortages and employment challenges as key barriers to economic progress.

4 Subsequent research published by Audit Scotland in 2024, provides an in-depth exploration of the issue of digital exclusion in Scotland. This Audit took a HRBA making explicit connections to how digital exclusion was impacting on people's rights, and included fieldwork with people living in remote and rural Scotland. The findings of this research fully support those of Audit Scotland's report. See Audit Scotland (2024) [Tackling Digital Exclusion](#)

5 Fraser of Allander Institute (2020) [Emerging indicators of impacts of Covid-19 on the economy and households in Scotland](#)

6 Highlands and Islands Enterprise, (2022), [My Life in the Highlands and Islands Research](#)

Moreover, research has highlighted that economic inequality is exacerbated by the higher cost of living in rural areas, including transportation costs and limited access to affordable housing. The Scottish Government's Housing to 2040 Strategy⁷ reinforced the critical shortage of affordable housing in rural areas, especially in the Highlands and Islands, where 76 per cent of residents report a lack of rental properties.

These findings pointed to a clear need for localised policy interventions that addressed the specific economic challenges of rural areas. More research focused on economic inequality in the Highlands and Islands is needed to inform and improve the effectiveness of government strategies aimed at closing the gap between urban and rural Scotland.

Health and Social Care Inequalities

Healthcare access was highlighted as another significant challenge in rural and remote areas. According to the Mental Health Strategy 2017-2027⁸, residents of these regions faced longer waiting times for services and fewer treatment options compared to those living in urban centres. This disparity was further exacerbated by the COVID-19 pandemic, which highlighted weaknesses in rural healthcare infrastructure, as noted in the Fraser of Allander Institute's report on pandemic impacts⁹.

7 Scottish Government (2021) [Housing to 2040](#)

8 Scottish Government (2017) [Mental Health Strategy 2017-2027](#)

9 Fraser of Allander Institute (2020) [Emerging indicators of impacts of Covid-19 on the economy and households in Scotland](#)

In addition, staffing shortages in rural health facilities were also flagged as a persistent issue. The Housing to 2040 Strategy¹⁰ noted that these shortages, coupled with long distances to healthcare centres, often left rural populations without adequate access to necessary medical care.

Cultural Rights and Marginalised Communities

The Joseph Rowntree Foundation's Review of Poverty and Ethnicity in Scotland¹¹ identified economic inequalities that disproportionately affected ethnic minority groups in rural regions. The lack of targeted research on these communities further complicated efforts to address their needs and ensure their ESC rights are fully realised.

Lack of Comprehensive Data and Research Gaps

One of the most significant issues across all areas of remote and rural Scotland relating to ESC rights was the lack of available comprehensive data. Both the Scottish House Condition Survey¹² and the Fraser of Allander Institute's research indicated that, while the challenges faced by rural areas were acknowledged, there was a shortage of detailed data on how these issues affect specific communities.¹³

The My Life in the Highlands and Islands Survey¹⁴ was one of the few studies that

directly engaged with the lived experiences of rural residents, but even this survey fell short of providing the level of detailed analysis needed to fully understand the ESC rights challenges faced by these communities.

Conclusion

The literature on economic, social, and cultural rights in rural and remote Scotland, particularly in the Highlands and Islands, is sparse. While some existing reports acknowledged the potential for unique impacts in these areas, they often failed to provide comprehensive data or detailed analysis. Out of the 301 combined references from our UPR and ICESCR submissions, only 10 explicitly address rural or remote issues.

This scarcity of focused research further underscored the necessity of targeted studies on ESC rights in remote and rural Scotland. By addressing the gaps in the current literature and providing localised data, future research can help shape fit-for-purpose policies that ensure the equitable realisation of ESC rights for all residents of Scotland, regardless of their geographical location.

10 Scottish Government (2021) [Housing to 2040](#)

11 JRF, (2021), [Ethnicity, poverty, and the data in Scotland](#)

12 Scottish Government (2020) [Scottish house condition survey: 2019 key findings](#)

13 Fraser of Allander Institute (2020) [Emerging indicators of impacts of Covid-19 on the economy and households in Scotland](#)

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Appendix 3:

Methodology and Methods

Project Overview

The Monitoring Work: *Economic, Social, and Cultural Rights in the Highland and Islands* was initiated to address a significant gap in understanding how these rights are realised in the region. Our preparations for two reports to the UN on how economic, social and cultural rights are being experienced in Scotland (Universal Periodic Review and ICESCR) revealed that whilst we knew a lot about eh issues related to people's economic, social and cultural rights within 'Scotland' in general, we knew much less about the specific challenges faced by remote and rural communities across Scotland's Highlands and Islands. This project therefore set out to provide an in-depth exploration of this underrepresented area and inform future policy-making and monitoring efforts.

Research Design

This project employed a mixed-methods research design, combining primary and secondary data collection to provide a thorough understanding of the human rights issues across the Highlands and Islands. It was designed to bear witness to the rights issues in the region without pre-determined hypotheses, ensuring the experiences of the people drove the findings.

Premise and Rationale: While there is substantial knowledge about economic, social, and cultural rights in Scotland's central belt, there was an evident lack of information about how these rights are realised in remote and rural areas like the Highlands and Islands. This project aimed to fill this gap by exploring the impacts of rurality, geographic isolation, and socio-economic factors on these rights.

The Commission also wanted to pilot a new model of human rights monitoring through this project, with the aim of scaling it up for broader use in future assessments.

Research Questions: The project was guided by several key questions:

- What are the key human rights issues experienced in the Highlands and Islands?
- How do these issues vary geographically across the region?
- How does rurality impact human rights concerns differently than in more urbanised areas?
- What adjustments are necessary to improve the research methodology for future use?

Epistemological Framework: The study adopted a constructivist approach, allowing participants' lived experiences to shape the analysis. This framework was chosen to ensure that the diverse realities of remote and rural residents were reflected in the data.

Ethical Considerations

The project followed the Commission's ethical framework, which included an ethics assessment by the Commission's Independent Research Advisory Group. The study involved both primary data collection and secondary data review, and measures were put in place to ensure the anonymity of participants and the security of sensitive information.

Informed Consent: All participants were fully briefed on the nature of the research, their role in the study, and their rights, including the ability to withdraw at any time. Written consent was obtained from interviewees.

Confidentiality and Anonymisation: All personal data, including interview notes, were securely stored in compliance with GDPR regulations. Writeup of notes from interviews were anonymised to protect the identities of participants.

Review of SPSO Data: Secondary data from the Scottish Public Services Ombudsman (SPSO) was reviewed to understand the complaints and concerns raised by residents in the Highlands and Islands. This data was already available in the public domain and was therefore anonymised, before our analysis.

Review of MSP/ Caseworker Anonymised Survey: No data requested included any identifiable information. Data requested was limited to frequency of contacts from constituents and topics of contact.

Data Collection Methods

Data were collected through a combination of desk-based research, community visits, semi-structured interviews, structured survey and a review of secondary data from MSP caseworkers and the SPSO. This mixed-method approach ensured a comprehensive understanding of the rights issues across the Highlands and Islands.

Desk-Based Research: A literature review was conducted to assess existing reports and data relevant to human rights in rural Scotland. This phase helped identify gaps in current knowledge and inform the design of primary data collection tools.

Community Visits and Semi-Structured Interviews: A total of 146 individuals were interviewed across multiple locations in the Highlands and Islands. Majority of interviews were conducted with one individual, with a limited few being conducted in small groups. Our Project Lead Dr. Luis F Yanes was present at every session accompanied by a second

member of our project team (Dr Alison Hosie, Research Officer; Sheilanne Rose, Business Support, and Elena Jenny, Legal Fellow) for note taking and fact checking.

Those interviewed included human rights defenders, community representatives, MSPs and their caseworkers, third sector staff, advice givers, representatives of community development trusts, teachers, crofters, lawyers, health workers, housing professionals, and carers. These interviews provided detailed insights into participants' experiences on a range of issues including accessing housing, healthcare, food, education and work.

Interview Process: Interviews lasted between one and three hours. The average interview lasted an hour and a half. An interview guide was used, focusing on areas of key ESC Rights. See Box 2 below. Each interview was attended by two team members to ensure accuracy of notes taken, all personal data was anonymised, and processed for thematic analysis.

Highlands and Island Interview structure:

- Introductions
- Explanation of the SHRC and its role as NHRI
- Explanation of the Highlands and Islands Monitoring Work
- Provision of consent form for information sharing and photography
- Questions. These are selected from the Inquiry Schedule (see Box 2 below), depending on area of work by the organisation. Opportunity to follow up on each question.
- Opportunity for interviewee/s to share any other concerns not asked
- Interviewee/s asked about what specific policies or practices need to change to ensure people are better enjoying their rights
- Conclusions, next steps for the project and thank you

Inquiry Schedule

Health

We are interested in knowing if health services are meeting the minimum requirements that human rights demand. This means that services need to be accessible, acceptable, available and of good quality.

Are there any issues or concerns about people not being able to access services? If yes, is that because they are physically too far from away people? Is there any further concerns of people having to spend too much money for them to access a service/appointment?

Has there been concerns of any medical services not being respectful? Either because of cultural, personal, gender or any other grounds?

Are there concerns of insufficient medical services in your community? Do people need to wait a long time to access a service?

When people do have access to a service, are there any concerns over the quality? Are people satisfied with the service they receive?

Are there any other general concerns in relation to health services in your community?

Housing

We are interested in knowing if housing provision is meeting the minimum requirements that human rights demand. This means that housing should not only be provided/secured, but that it ensures that other rights can be enjoyed, like the right to work, education, food, health, among others.

Are there concerns regarding the availability of housing in your community or region? Is the lack of availability because of unaffordable housing or lack of social housing offer?

Are people being provided temporary accommodation when they require it?

For the people that have secured housing, either privately or publicly:

Do they feel they have security of tenure or are they concerned they could be removed at any point?

Is the housing provided of good quality, ensuring that it is habitable? Eg. Sufficiently warm, not damp, no vermin, good/working kitchen

Is the housing provided in a good location? Can people get to work, school, recreational/cultural spaces, shops?

Are there any other general concerns in relation to housing in your community?

Education

We are interested in knowing if housing provision is meeting the minimum requirements that human rights demand. This means that housing should not only be provided/secured, but that it ensures that other rights can be enjoyed, like the right to work, education, food, health, among others.

Are there sufficient schools and education programmes for the demands of your community?

Are schools and education programmes physically accessible for people? Are there any concerns about them being too remote or hard to reach?

Is there any concerns of people having to spend too much money in accessing education for them or those they care for?

Are current programmes and services of good quality and generally acceptable? Are there any concerns about students not receiving the appropriate education they require?

Are programmes tailored in a way that they are adaptable to different people and communities? Are there concerns of students not being supported or included well?

Are there any other general concerns in relation to educational services or programmes in your community?

Food

We have expressed an overall concern regarding food insecurity in Scotland. We are interested to understand the specific issues in the highland and islands, and see if the minimum requirements set under human rights law are being met.

Are there concerns over people not being able to access food?

For those not being able to afford food right now, are they relying on food banks or some other support?

Are shops or any other place to access food difficult to reach because of where they are?

Are there concerns over the quality of food available within your community?

Are there any concerns about available food not being safe to consume?

Do you have any other general concerns in relation access to good nutritious food in your community?

Clothing

There is little information in Scotland around people being able to access sufficient, adequate, weather appropriate clothes.

Do you have any information or concerns you would like to share about this?

Are there any issues with people in your community not being able to access the clothes they need? This can be either for their work, school or the weather.

Water

We are interested in knowing if the provision of water is meeting the minimum requirements that

human rights demand. This means safe, clean, sufficient water.

Are there any concerns about water not being safe to drink and use?

Are there any times where people are not accessing water in their homes?

Right to work

Are there any concerns about lack of sufficient work opportunities in your area?

Is there any vocational training provided in your area for those who require it?

Are current work opportunities physically available? Are there any concerns regarding transportation to get to work?

Are there any other concerns?

Social Security

In relation to social security support, are there any issues of concern? Are there issues related to devolved security, such as disability support?

Is the system sufficiently accessible or is it difficult to navigate?

Cultural rights

There is little information in Scotland around people being able to enjoy their cultural rights. We are interested in exploring some aspects of this too see how well is the right realised in the country.

Are cultural activities encouraged, promoted and made widely available for all? Are there sufficient activities on an ongoing basis?

Are there any concerns of lack of sufficient spaces for cultural activities?

Is there sufficient funding available for cultural activities for you community?

Locations Visited:

- Lerwick, Shetland
- Kirkwall, Orkney
- Thurso, Caithness, Sutherland, and Ross
- Wick, Caithness, Sutherland, and Ross
- Dingwall, Caithness, Sutherland, and Ross
- Inverness, Inverness & Nairn
- Elgin, Moray
- Stornoway, Na h-Eileanan an Iar
- Tarbert, Na h-Eileanan an Iar
- Ullapool, Caithness, Sutherland, and Ross
- Portree, Skye, Lochaber, and Badenoch
- Dunoon, Argyll & Bute
- Colintrave, Argyll & Bute
- Lochgilphead, Argyll & Bute
- Fort William, Lochaber and Badenoch
- Oban, Argyll & Bute
- Lairg, Caithness, Sutherland, and Ross
- Lochinver, Caithness, Sutherland, and Ross
- Kinlochbervie, Caithness, Sutherland, and Ross
- Tongue, Caithness, Sutherland, and Ross

SPSO Data Review: Secondary data was sourced from complaints decided by the SPSO between February 2021 and July 2024. From all available cases, a total of 79 cases were identified from the Highlands and Islands, which were reviewed to provide additional context to the issues that have undergone a formal complaints process. This data included anonymised complaints and concerns related to public service delivery, helping to triangulate the findings from the interviews.

MSP Survey Review: Follow-up secondary data from MSP/caseworkers was collected via an anonymised survey. All 15 relevant MSPs were invited to respond to the survey, to which 11 out of 15 replied.

Sampling Strategy

A **purposive sampling** strategy for the interviews was used to ensure that participants with relevant experience and knowledge of economic, social, and cultural rights were included in the study. The sample included a mix of community members, civil society representatives from a broad range of areas, human rights defenders, and local representatives.

Participant Selection: The sampling process prioritised individuals who could offer direct experiences with human rights issues in the Highlands and Islands, ensuring that a range of perspectives was represented.

Sample Size: A total of 146 individuals were interviewed. 79 cases from the SPSO were reviewed, and 11/15 MSPs responded to the Survey.

Data Analysis

All interview notes collected were written up and analysed by the Commission's Research Officer using **thematic analysis**. A sample of interview notes were analysed by the Project lead to check for consistency. Data summaries were then produced for the team to discuss. This method allowed the project team to identify key themes and patterns across the interview data. The secondary data was then incorporated into the thematic analysis.

Coding Process: The analysis was supported by NVivo software, which facilitated the systematic coding of data. Key themes such as access to healthcare, housing quality, and food security were identified, and each theme was examined in the context of human rights obligations. A range of cross-cutting themes were also identified, which the Commission hopes to also publish as a follow-up report following the publication of the main report.

Triangulation: Data from the interviews and secondary sources were triangulated to ensure a comprehensive understanding of the issues.

Framework Assessment

Following the thematic analysis, the Project Lead developed a new **framework assessment** to evaluate how the identified challenges aligned with Scotland's international human rights obligations. This framework was structured around the key themes from the data analysis, specifically focusing on:

- **Economic Rights:** Only in relation to devolved issues, including access to sufficient income, employment opportunities in rural areas, and social security support.
- **Social Rights:** Access to healthcare, education, food, housing, and other critical services that ensure quality of life, particularly in isolated communities.
- **Cultural Rights:** The preservation of cultural practices and traditions unique to the Highlands and Islands, as well as the right to participate in cultural life.

Each of these themes was examined in light of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the obligations these impose on local and national governments. Four obligations were assessed: Minimum Core Obligations, Progressive Realisation, Non-Retrogression, and Adequacy (normative content). The obligation to maximise all available resources was not assessed.

To develop the indicators assessing compliance with the international obligations, the Project Lead used all of the standards developed by the United Nations Committee on Economic, Social, and Cultural Rights through its General Comments, Statements, and Concluding Observations.

Each component or aspect of the international legal obligations was assessed. This includes the following:

1. Minimum Core Obligations:

- Each Core Obligation related to the nine rights under examination were assessed individually.

2. Progressive realisation:

- Obligation to take targeted and concrete steps.
- Obligation to move as effectively and expeditiously
- Evidence of improvement/effectiveness of the measures.

3. Non-Retrogression

- Evidence of deterioration of a right.
- If deterioration is present, obligation to mitigate impacts.
- Obligation to not implement measures that reduces the protection or enjoyment of a right.
- If retrogressive measures had been implemented, obligation to ensure it was done after careful consideration, proportionally, participatory, prioritising those most marginalised (among other measures).

4. Adequacy

- The normative content of each right was assessed, based on international standards. E.g. The accessibility, availability, acceptability, and quality of health services, goods, and policies was assessed (in line with the UN Committee's General Comment 14).

The framework assessment helped to highlight areas where the Highlands and Islands communities are at risk of having their rights inadequately protected or fulfilled.

The framework will be used as a foundation for monitoring human rights in other regions, building on the lessons learned from this project. This approach will allow for consistent assessment across all Scotland in future monitoring work.

Research Limitations

The research was designed to address a specific gap in understanding human rights issues in the Highlands and Islands. It was not intended to be generalisable to the whole of Scotland, given the differences between rural and urban contexts. The study focused on the unique geographic and socio-economic challenges of the Highlands and Islands.

Geographic Focus: The findings of this study are region-specific and should not be assumed to apply to other parts of Scotland. The central belt, for example, faces different challenges, and these findings are not applicable there.

Participation: The remote nature of the Highlands and Islands posed some logistical challenges for participant engagement. While many interviews were conducted in person, some participants were unable to meet in person due to geographic barriers, and remote interviews were necessary.

Sampling: Whilst an effort was made to access individuals and organisations which would be able to provide information across the full range of rights under exploration, the sampling technique did not monitor for equalities characteristics. It is therefore not possible to provide an equalities assessment of the rights under exploration.

Future projects will undertake a PANEL self-assessment in the development phase to ensure that a systematic equalities analytical lens can be added to the data collection and subsequent analysis process.

SPSO Data Scope: The review of SPSO data was limited to publicly available cases, meaning that some complaints and issues may not have been captured in the analysis.

Monitoring Model Limitations: As this project piloted a new human rights monitoring model, some challenges related to the methodology were identified:

- **Resource limitations:** The project was conducted with limited resources and staff. This affected the scale and depth of the engagement, and not all areas or participants who expressed an interest in participating could be included.
- **Access to Information:** The Commission did not have the authority to compel the release of certain information, which restricted the comprehensiveness of the analysis.
- **Budgetary Constraints:** The project did not have access to a detailed analysis of local authority budgets, which limited the evaluation of how resources were being allocated to fulfil human rights obligations.

Concluding words

The research findings are not intended to be representative of the entirety of Scotland. The project specifically focused on the Highlands and Islands due to the lack of available knowledge in these areas compared to the central belt. This regional focus was a key driver for the research. The findings, therefore, should not be generalised to the wider Scottish context but should inform policy for addressing rural-specific human rights concerns.



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