

Response from the Poverty and Inequality Commission to consultation on a Human Rights Bill for Scotland

October 2023

The Commission submitted this response to the [Scottish Government's consultation on a Human Rights Bill for Scotland](#).

The Poverty and Inequality Commission welcomes the Scottish Government's commitment to incorporate international human rights into domestic law in Scotland. The rights contained in the International Covenant on Economic, Social and Cultural Rights (ICESCR) are particularly relevant to addressing poverty and inequality, while the rights contained in the three equality treaties are particularly important for groups at high risk of poverty – women, disabled people, and people from black and minority ethnic groups. Discrimination and the failure to take action that would enable people to realise their rights are some of the factors that trap people in poverty. Incorporating these treaties into domestic law, and thereby creating duties on public bodies and improved access to justice for rights-holders, should help Scotland make progress in addressing poverty and inequality.

The Commission supports the high level objectives that the consultation sets out for the Human Rights Bill. It recognises that there are complexities that will need to be explored and addressed in developing the Bill. Some areas that we would highlight would be:

- The need to fully understand the interaction of devolved and reserved matters and what that means for both the legislation and implementation of the duties in the Bill. This is particularly the case where aspects of rights are both devolved and reserved, e.g. the right to social security (Article 9 of ICESCR) and the right to work and to just and favourable conditions of work (Articles 6 and 7).
- The need to achieve consensus on the Minimum Core Obligations for Economic, Social and Cultural Rights and the Right to a Healthy Environment (MCOs). Proposals for a participatory approach are very welcome, and careful consideration needs to be given about how to reach an agreement on the MCO that achieves a broad base of legitimacy.
- The importance of considering how progressive realisation of rights, and deploying maximum available resources, will be assessed in practice.

It is important that consideration is given at this stage to implementation. Duty bearers and scrutiny bodies will need training and resources so that they can undertake their duties in a way that delivers the objectives set out in the consultation

document. In order for the Bill to have the intended transformative impact and become more than a process-driven set of requirements, significant investment will be needed to support organisations to not just understand the human rights being incorporated, and what their duties are, but to consider what those rights mean for their work in order to drive improvements in the way Scotland respects, protects and fulfils human rights.

The Poverty and Inequality Commission looks forward to continuing to work with the Scottish Government on the development of the Bill and plans for implementation.