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Committee
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Dear Karen,

Thank you for your letter dated 18 June 2025. I was pleased to give evidence to the Committee on the 6 May on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in Scotland following the conclusion of the seventh period review of the UK's performance by the relevant UN Committee. I very much welcomed this opportunity to set out the Scottish Government's approach to implementing internationally recognised human rights in Scotland and the Committee's continued engagement on this important matter. Please find below a response to your questions.

The Committee heard from witnesses that the realisation of rights is not possible without the full incorporation of those rights into Scots law. What steps is the Scottish Government taking to accelerate progress towards the incorporation of international treaties in Scots law?

While we share the view that domestic incorporation is central to the full realisation of human rights, the Scottish Government is of course routinely taking action to strengthen the implementation of human rights and our evidence to the UN Committee demonstrated the significant impact our actions have made in practice since their last review in 2016. The Programme for Government restated our commitment to developing incorporation legislation while laying the groundwork for effective implementation and we continue to advance this work with views from the Human Rights Incorporation and Implementation Oversight Board and subgroups.

In July we published a detailed [Discussion Paper](#) with our latest Human Rights Bill proposals. These proposals seek to incorporate ICESCR alongside other UN treaties into Scots law. The Paper aims to consolidate the extensive developmental work undertaken to date on incorporation, and to support further engagement with stakeholders. It builds on the proposals for the Bill that were set out in our 2023 public consultation as well as engagement undertaken since, with rights-holders, civil society organisations and public bodies. We will continue to engage with stakeholders on these proposals over the remainder of the Parliamentary term.

In relation to the recommendations from the UN committee, the Committee heard that this is not just about incorporation; it is about undertaking an independent review of the legal and policy framework for economic, social and cultural rights to ensure that those rights are given full effect and that victims of any violation of them have full access to effective judicial and non-judicial remedies. Does the Scottish Government have plans for such an independent review, and if so, how will it be undertaken?

The recommendation of the Committee for a review of the legal and policy framework is in the context of the UK government position that formal incorporation of the Covenant is not necessary as the UK has a combination of policies and legislation that give effect to ICESCR rights. Guidance in General Comment 9 of the UN Committee states that the rights in ICESCR should be given effect to by “all appropriate means” including recognition in the domestic legal order and access to remedies. In Scotland our proposed model of incorporation as set out in our Bill Discussion Paper seeks to give the incorporated economic, social and cultural rights full effect within the limits of devolved competence, through a series of proposed duties. This will in effect give rise to systemic oversight of law and policy in relation to economic, social and cultural rights within the limits of devolved competence. Proposals include provisions to allow for duty-bearers, courts and tribunals to read, apply and interpret the rights in line with international human rights frameworks and the concept of dignity, and a compliance duty would require duty-bearers to meet an agreed minimum standards element and progressively realise the rights over time.

The Discussion Paper details our thinking on remedies in the event of a breach of core Bill duties and includes a requirement that that existing legislation must be read and given effect in a way that is consistent with the incorporated economic, social and cultural rights. Scottish courts and tribunals would have an integral role in the multi-institutional approach to improving access to justice where the requirements set out in the Bill are not being met and it is intended that individuals could use the core Bill duties as the basis for raising or defending civil proceedings where the other party is a duty-bearer. The paper sets out proposed non-judicial routes to remedy and seeks to increasingly harness relevant oversight bodies through placing a human rights oversight duty on such bodies. In addition, it is proposed that members of the Scottish Parliament provide a statement of compliance on or before introducing a Bill on the extent to which it is consistent with the incorporated economic, social and cultural rights.

What is the Scottish Government doing to ensure that human rights realisation is seen as an opportunity and not a threat by the public and private sector? With reference to the private sector, will you consider re-instigating the idea of a Scotland-specific business human rights action plan?

The Scottish Government is committed to the UN Guiding principles on Business and Human Rights (UNGPs). These also inform Scotland’s trade policy, as reflected in Scotland’s [Vision for Trade](#). The UNGPs make clear that businesses have a responsibility to respect human rights and ensure their activities do not have adverse impacts on human rights. Businesses can and already do have a significant role in promoting human rights through sustainable and fair employment, delivering services, generating economic growth and developing infrastructure.

As you are aware, the Leadership Panel for Scotland’s Second National Action Plan for Human Rights (SNAP2) published a list of prioritised actions last year and a business and human rights action plan was not included. The Scottish Government is continuing to work with UK Government to ensure that the experiences of businesses operating in Scotland are

considered and reflected in their National Baseline Assessment on the implementation of the UNGPs.

Since publishing the Human Rights Bill Discussion Paper in July, we have undertaken further engagement with businesses, third sector organisations, social enterprises as well as individual contractors to test and refine proposals for placing new statutory human rights duties on private actors delivering devolved public services. These private actors play a significant role in the delivery of public services including in areas such as healthcare and social care, which are essential to upholding many human rights in everyday settings.

The Committee heard arguments for a review of social security payments at both a UK and Scottish level in order to assess their adequacy for providing an adequate standard of living for the most marginalised people in society. How does the Scottish Government respond to this suggestion?

It remains the case that the action which would have the biggest impact on standards of living for the most marginalised people would be an increase in the level of the UK Government's Universal Credit so that it provides sufficient income to cover essential living costs. Indeed, as the Special Rapporteur on [Extreme Poverty and Human Rights](#) indirectly emphasised in 2023, increasing universal credit would be the single most important step that the UK could make towards meeting its international obligations.

Since the passage of the Social Security (Scotland) Act 2018, we have radically overhauled social security in Scotland, developing a system built on dignity, fairness, and respect, designed with people who have lived experience of social security. The Scottish Government is investing around £6.9 billion in social security benefits and payments this year. This will support around 2 million people this year and is almost £1.3 billion more than the funding received from UK Government for social security.

Scottish Ministers are required by law to annually review the rates of devolved social security entitlements to ensure that payments keep pace with inflation. The Scottish Government use the Consumer Price Index rate (CPI) in the 12 months to September to assess impacts on benefit rates each year. For 2025-26 all forms of Social Security Assistance, including those where up-rating was at Scottish Ministers' discretion, were increased in value by 1.7% in April 2025.

Promoting access to devolved social security support is also mandated and remains a priority for the Scottish Government. Scotland's Benefit Take-Up Strategy is distinct, and recent recommendations from the House of Commons Work and Pensions Committee have suggested that the UK Government develop a comparable approach. The next update to the Benefit Take-Up Strategy is scheduled for Autumn 2026.

The Committee also heard about the need for a right to housing in Scotland, particularly in the context of a housing emergency. How does the Scottish Government intend to give effect to this right? Will such a right be enshrined in the Human Rights Bill and how will it be furthered in the meantime? In what way has the Housing Bill been informed by a human rights approach?

As the Committee is aware, the Minister for Housing made a statement to the Scottish Parliament on the Scottish Government's response to Scotland's housing emergency which set out high-level actions to increase housing supply and tackle homelessness organised under three strategic pillars: more high quality, permanent homes; the right homes in the right places; and a permanent home for everyone. On 2 September, we published our

[Housing Emergency Action Plan](#), which sets new, enhanced and accelerated actions reflecting our determination to go further and faster in our commitment to tackling the housing emergency in Scotland.

The right to an adequate home is central to this work and is reflected in our Housing to 2040 strategy which addresses housing supply across Scotland, including affordability and choice, housing's role in achieving net zero, and housing accessibility. The Housing Bill has been shaped to incorporate key principles from international human rights frameworks, ensuring that an adequate standard of housing is considered throughout its development and implementation.

The proposed Human Rights Bill would incorporate the right to adequate housing into Scots law within the limits of devolved competence. Duty-bearers would be required to progressively realise this right over time and meet a minimum standards element, with an initial Consideration Duty ensuring the right to adequate housing is factored into decision-making from the outset. We will continue working with stakeholders to ensure the Bill's proposed duties are coherent, accessible and improve access to ICESCR rights.

Concerns were presented to the Committee about the slow progress toward a mental health law reform programme. The Committee would welcome an update from the Scottish Government on what progress it is making toward this reform programme.

The Scottish Government has committed to looking at how we can update and modernise our mental health and capacity legislation to better reflect international human rights standards. We have progressed or completed the majority of the actions and milestones set out in the initial delivery plan under the Mental Health and Capacity Reform Programme. These are positive steps towards our vision to enable people to live well, with choice and control over their own lives, care and treatment.

We still believe a staged approach to reform is correct as it recognises the pressure on budget and services and, the challenges of delivering further change at a time when there is significant wider transformation across the health and social care sectors. At this time the Programme will focus efforts on what can firstly be achieved through possible legislative reform, by working closely with stakeholders and those involved in other areas of change across health and social care.

The failure to introduce a Human Rights Bill this session was very disappointing to the Committee. We welcome your commitment to bringing a bill to Parliament to next session. In the meantime, the Committee would appreciate any updates on progress towards the introduction of the Bill.

I refer the Committee to my earlier answer which notes the recent publication of a Discussion Paper and ongoing engagement activity in relation to the Human Rights Bill. As I noted during the session in May, proposals for the proposed Human Rights Bill are complex and far-reaching. We are using the time we have now during this Parliamentary session to test and refine proposals to ensure they are as robust as possible and can be implemented effectively, with the intention of taking forward legislation in the next Parliamentary session subject to the outcome of the Parliamentary elections. We are continuing to engage with the UK Government to seek to work through the challenges raised by the UK Supreme Court judgment in 2021 on the UNCRC Bill and the impact on the potential scope of rights incorporation legislation and to ensure we can deliver clear, accessible and workable law within devolved competence.

The Committee welcomed hearing from you about the work of the First Minister's National Advisory Council on Women and Girls. In particular, the Committee was interested in the development of a strategy for equality for women and girls in Scotland. The Committee would welcome any updates on the development of this strategy. Relatedly, the Committee would also welcome any updates on the Scottish Government's reflections on the Sullivan review.

My officials are working with the National Advisory Council on Women and Girls (NACWG) and the Empowering Women Panel (EWP) to develop an equality strategy for women and girls. In August, officials met with both the NACWG and EWP to review this feedback and finalise the vision and goals. A working group comprised of NACWG members, senior public sector leaders, civil servants, and a lived experience panel including EWP members will begin identifying actions to achieve these goals.

The [report](#) published by Professor Alice Sullivan provides 59 recommendations regarding the collection of data on sex and gender, including suggesting that biological sex should be regularly recorded and reported in all datasets. The Scottish Government's approach is consistent with the guidance released by the Office for Statistics Regulation in February 2024, which underscores the importance of aligning data collection with user requirements. Additionally, the Sullivan Review recommends that the Scottish Government reassess its guidance in light of the review's findings. As part of the non-binary action plan, the Scottish Government has already committed to reviewing its guidance on collecting sex and gender data by the end of 2026.

The Sullivan review was commissioned before the Supreme Court judgment, and while these are distinct issues, the two are closely connected. The Office of the Chief Statistician are currently considering the implications of the supreme court judgment for this guidance.

The Committee welcomes the Scottish Government's work toward the development of a human rights' digital tracker tool. What assurance can you give the Committee that it will be in place before the end of this session allowing the Committee to consider it before dissolution? Moreover, the Committee heard serious concerns about the adequacy of the data available to inform any monitoring. What work is the Scottish Government to improve the collection and robustness of that data?

We remain on track to launch the first phase of a new digital Human Rights Tracker by March 2026. The initial version is proposed to provide an accessible Plain English repository of recommendations across the seven core UN human rights treaties in relation to devolved matters and to highlight interlinkages, making it easier to identify, understand and act on recommendations in a coordinated and strategic way. This early public version of the tool will allow us to test the accessibility of the model, to help inform further work, including collaboratively with the [Tracker Design Group](#) to develop an implementation methodology before those functions are rolled out in future development phases of the tool.

In relation to the improvement of data collection, the current Equality Evidence Strategy 2023-2025 includes 45 actions to improve the availability and analysis of equality data across Scottish Government. Good progress has been seen to date and, as of July 2025, 17 actions are complete and 20 are on course. In the final months of the strategy period, an evaluation of the Strategy will be undertaken, building on findings already presented in the December 2024 Interim Review. In parallel to this, work is underway to begin the development of the next Equality Evidence Strategy in collaboration with analysts, policymakers and stakeholders. An initial series of workshops with stakeholders on the next iteration of the Equality Evidence Strategy have taken place.

Finally, when can the Committee expect to see a full response from the Scottish Government to the CESCR recommendations and concluding observations?

Our intention is to publish a high-level action plan on the ICESCR Concluding Observations before the end of the year. This will provide a basis upon which to further develop an implementation methodology that can inform future phases of the Human Rights Tracker tool. Our longer-term ambition regarding treaty reporting follow up is to develop an approach which can ultimately be monitored and supported by the Tracker Tool.

I trust this information has been of use and look forward to further engagement with the Committee on the implementation of international human rights in Scotland in the future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Stewart', is positioned above the typed name.

KAUKAB STEWART, Minister for Equalities