

Equality Network

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United Nations ICESCR Committee has included recommendations in Concluding Observations for the protection of human rights for LGBTQIA+ people for the first time

Dear Convenor,

I am writing regarding the most recent Concluding Observations from the United Nations Committee on the International Covenant on Economic, Social and Cultural Rights ('ICESCR') 7th periodic review of the UK.

Yesterday we attended the public gallery of the Equality, Human Rights and Civil Justice Committee's meeting on ICESCR. Regrettably, there was a notable absence of discussion on LGBTQIA+ economic, social and cultural human rights during the meeting. This is discussion we know is very much needed. Equality Network would have very much welcomed an invitation to share evidence at this session. We have done considerable work on human rights implementation in Scotland, and were involved in the ICESCR Committee's recent review of the UK.

Equality Network, alongside other LGBTQIA+ organisations in Scotland, submitted a coalition [shadow report](#) to the Committee detailing concerns around the protection of LGBTQIA+ human rights in Scotland. These concerns ranged across employment, housing, health, education and cultural participation through sport and physical activity. Our evidence, drawn from the lived experiences of LGBTQIA+ people in Scotland, highlighted that they are not having their ICESCR rights realised.

Subsequently, I had the opportunity to attend the ICESCR Committee's review in February this year in Geneva alongside colleagues from the Scottish Government, Scottish Human Rights Commission and other civil society organisations, to present these findings to the UN Committee in-person.

For the first time, the Committee have included recommendations to the UK concerning the protection of human rights for LGBTQIA+ people in their Concluding Observations, including recommendations specifically relating to Scotland. This included, among others, a need to: end discrimination and harassment in employment; reduce waiting times and remove barriers for those accessing gender identity related healthcare in Scotland; and end discrimination in cultural participation and sports. We would like to highlight to you a recent [blog post](#) we have written which



welcomes the Committee's Concluding Observations, and which calls for these recommendations to be implemented effectively for Scotland and the UK to live up to its international human rights obligations.

In a [report](#) specifically looking at the experience of ICESCR rights by LGBTQIA+ people, Dr Paul Behrens said that the ICESCR treaty 'opens opportunities for the realisation of LGBT+ rights to individuals in Scotland' and that the Covenant remains one of 'the most significant international instruments for the protection of LGBT+ rights' given it contains rights of everyday concern for LGBTQIA+ people like our rights to housing and health, but also those which go to the very core of our identity, such as efficient procedures for legal gender recognition. This is also true given that no international human rights treaty exists which specifically focuses on the protection of LGBTQIA+ human rights when compared to international covenants like CRPD, CEDAW, CERD and UNCRC.

Whilst the Human Rights (Scotland) Bill has yet to come to the Scottish Parliament and ICESCR has not been incorporated into Scots Law, the Concluding Observations, if implemented effectively, could make a significant difference to the daily lives of LGBTQIA+ people in Scotland whether that be in employment, when accessing healthcare or taking part in sports. Equality Network is fully committed to the incorporation of ICESCR in Scots Law and believe it is important that LGBTQIA+ people are listed as rights-holders on the face of the Bill, including in a non-discrimination clause.

I hope that highlighting our work on the ICESCR review process, which centred LGBTQIA+ people's experiences of their human rights in Scotland, will aid the EHRCJ Committee's ongoing work on human rights and discussions around ICESCR. We would welcome the opportunity to provide further evidence to the EHRCJ Committee on this.

We look forward to hearing from you.

Yours sincerely,

Christopher Clannachan

Policy and Campaigns Officer, Equality Network