

PE1924/S Scottish Human Rights Commission submission of 20 February 2023

The Scottish Human Rights Commission ('the Commission) is the National Human Rights Institute for Scotland with a mandate to protect and promote human rights in Scotland. This extends to human rights recognised by the international community, including the right to the highest attainable standard of health.

On 31 October 2022, the Commission [wrote to Pam Dudek](#), Chief Executive of NHS Highland, setting out that in order to ensure the enjoyment of the right to the highest attainable standard of health as protected by the International Covenant on Economic, Social and Cultural rights, health services should be:

- Physically accessible requires for services to be within safe physical reach for all sections of the population, especially vulnerable or marginalised groups, such as women, ethnic minorities, children and young people, older persons, and persons with disabilities, among others.
- Financially accessible requires for health services to be affordable for all. This includes ensuring that everyone, and particularly those most vulnerable, do not incur unaffordable expenses in order to access medical services, such as through the payment of fees, accommodation, and transport.
- Adequate, including of good quality. In particular, this means that services need to be medically and scientifically appropriate, ensuring skilled medical personnel are available.

Further protection of the right to health for women and girls is guaranteed by the Convention on the Elimination of All Forms of Discrimination against women, including article 12 and article 14, paragraph 2 (b), which requires States parties to ensure access for rural women to adequate health-care facilities, including information, counselling and services in family planning.

Noting the publicly expressed concerns of – in particular – women living in rural parts of Scotland such as the Highlands that access to necessary women's health services, including gynaecology, is being negatively affected by the centralisation of services, the Commission wrote to NHS Highland seeking further information and evidence relating to the provision of women's health in Caithness and Sutherland.

In advance of your meeting on the 21st February, I can confirm that the Commission has not yet received a response to our letter.

The Commission reiterates that a human rights analysis of service provision is a vital element of preventing the denial of the full enjoyment of rights for some or all parts of a population group. We wish to engage constructively with NHS Highland in order to ensure that the provision of health services in the Highlands takes a human rights based approach.

Yours sincerely, Jan Savage, Executive Director