



About us

The Poverty Alliance is Scotland's anti-poverty network. Together with our members, we influence policy and practice, support communities to challenge poverty, provide evidence through research and build public support for the solutions to tackle poverty. Our members include grassroots community groups, academics, large national NGOs, voluntary organisations, statutory organisations, trade unions, and faith groups.

Introduction

At Poverty Alliance, we understand that poverty is a human rights issue. The Scottish Government's commitment to introducing a Human Rights Bill for Scotland has been welcomed by our membership. We believe it is essential that the Scottish Government take forward these high-profile commitments to ensure that duty bearers work proactively to realise all of our human rights. This is vital to create a Scotland where no one is left behind and where our fundamental human rights are not just rhetoric but are a reality for all. The Scottish Human Rights Bill has the potential to be transformative in the way we think about and address poverty in Scotland, supporting the First Minister's mission of eradicating child poverty.

In August 2024, 35 members attended our event 'What's Next For Human Rights in Scotland: Policy and Practice' where they heard reflections from Mhairi Snowden, Director of Human Rights Consortium Scotland and Neil Cowan, Amnesty International UK's Scotland Programme Director, on the Human Rights Bill and discussed priorities for a Human Rights Bill for Scotland. We then explored what it means to take a human rights-based approach to poverty, what specific groups such as disabled people and the Gypsy Traveler community need from human rights legislation, and lessons from the UNCRC incorporation. Insights were gathered through a panel discussion with Clare MacGillivray, director of Making Rights Real; Karen Wylie, policy and participation manager at Glasgow Disability Alliance and Sophie Shields, Knowledge Exchange Associate at the Institute for Inspiring Children's futures.

This briefing summarises key points from speaker contributions and attendee discussions from throughout the event.

Fixing the Accountability Gap: The Human Rights Bill

Mhairi Snowden , Director, Human Rights Consortium Scotland

Human rights are fundamental and are about the relationship between people and the state. Scotland has many systemic human rights violations that seriously affect individuals and communities. Treating everyone with dignity demands change. Many of the issues we see are systemic and are due to a lack of dignity being built into these systems.

Human rights are about power and therefore they are inconvenient to people in power. There is a tendency to sideline them, and this is true in Scotland. However, picking and choosing human rights does not work for people: human rights protections must always be a package and apply equally to all. Better protecting human rights and listening to people whose rights are most often at risk are inextricably linked.

In Scotland there is a human rights accountability gap. It is really difficult to put things right your human rights are breached. You have to have leaders and frontline staff taking a human rights based approach. The Human Rights Bill is an opportunity to address that accountability gap.

The Bill would mean:

- New rights in law, namely our economic, social, cultural and environmental rights
- New check on law that means all law has to comply with all our rights
- New duties on government bodies to:
 - take all our rights into account in decision-making
 - to deliver minimum levels of each right for all;
 - to progress rights;
 - to give particular consideration to rights for disabled people, women and people from ethnic minorities
- New accountability levers including reports; inspectorates; complaints; and court cases that could be individual and systemic; increased powers for the Scottish Human Rights Commission

Devolution will play a big role in the Human Rights Bill for Scotland, as it has done with the incorporation of the UNCRC. Similarly, the Human Rights Bill for Scotland will only impact devolved competencies. This has been interpreted to mean that there can be no duties to comply on the treaties for disabled people, women and for people from ethnic minority communities due to the Equality Act being reserved. However, there are standalone rights in these treaties that will not be protected in the Human Rights Bill if this approach is taken.

Human Rights Consortium Scotland call upon the UK government to make a small amendment to the Scotland Act to restore devolution to what it was before Brexit, and for incorporation of all our human rights at the UK level.

Key practical implications of the Human Rights Bill for Scotland include that public authorities will need to consider who is furthest from their rights, the need to embed human rights into their decision-making, and to ensure no one is left behind or ignored and that people can name and claim their rights. All of which have the potential to usher in transformative change in Scotland.

The Human Rights Bill: Where are we and where do we want to go?

Neil Cowan, Programme Director (Scotland), Amnesty International UK

The development of the Human Rights Bill has been a lengthy process. There was an expectation that the Scottish Government would introduce the Bill by May of this year. However, a change in First Minister led to delays. After the initial date was announced for the Programme for Government in June, a group of 120 individuals and organizations publicly urged the First Minister to ensure the Bill remains a priority, emphasizing its importance in addressing key challenges such as strengthening the NHS, tackling the housing crisis, empowering communities, improving social care, and reducing poverty. Due to further delays as a result of the UK general election, there is currently uncertainty about whether the Scottish Government will take the Bill forward as initially planned. The worst-case scenario is that the Bill is not introduced. There is also the possibility of delayed introduction with the Scottish Government opting for further consultation or development work, but there is a risk that this pushes the timeline beyond the 2026 election. The Bill could also be introduced with minimal content, possibly incorporating fewer treaties.

Amnesty International and wider civil society groups want a comprehensive Human Rights Bill that includes a full range of rights, a clear plan for resourcing, and a strong implementation strategy. Such a Bill could bring about transformational positive change in Scotland.

The current reality in Scotland is that far too many people in Scotland currently do not fully enjoy their human rights, and the Human Rights Bill represents a significant opportunity to address this issue and could be genuinely transformative for the lives of many.

Amnesty International's priority is to work to ensure that incorporation leads to actual, tangible improvements to people's lives, particularly those furthest from their rights, or facing the greatest barriers to rights realisation.

The Bill, if introduced in its fullest form, could also play a crucial role in reducing and potentially eradicating the high levels of poverty in Scotland. This would require the Scottish Government and public bodies to take definitive steps toward realizing rights for all, placing social justice at the heart of every government's agenda regardless of the ruling party. Through minimum core obligations, the Bill could establish a floor through which people should not fall, establishing a baseline for public bodies, enhancing accountability and the focus on outcomes.

The Human Rights Bill also provides more mechanisms by which to hold public bodies to account for human rights breaches. This gives people, communities and the broader anti-poverty and social justice movement in Scotland much more scope to challenge injustice and right wrongs. For campaigners, it would create stronger levers to push for changes in policy and practice, bolstering efforts to loosen the grip of poverty on the lives of people across Scotland.

Participation is a key component of taking a human rights based approach; the Bill has the potential to increase the participation of people with low incomes in policy and decision-making processes.

The Human Rights Bill has the potential to be a pivotal piece of legislation with the opportunity to significantly impact social justice, poverty reduction and the realisation of rights in Scotland. Given the scale of the bill and the transformational change it offers, we need many different voices speaking out in support of the Bill and engaging with the Bill to shape it as it moves through parliament.

Discussion

Reflecting on the speakers' talks, attendees had the opportunity, in small groups, to discuss their initial reflections and their priorities for the Human Rights Bill for Scotland.

Initial Thoughts

There difficulty of the current context is exactly why we need a Human Rights Bill

Grassroots and frontline organisations are operating in an extremely difficult context. It was noted that the depth of poverty and inequality, and the injustice caused by this, is worse than it has been for decades. Attendees noted endemic poverty and inequality, the two-tier food system and the third sector need to provide an alternative social security system as being particularly concerning. Attendees hoped that a Human Rights Bill would help to rewire public services to turn this tide.

There are significant concerns about the bill being watered down and delayed

People felt disappointed and let down by the delays in introducing the bill; particularly after the momentum and engagement during the consultation. Particular concerns were raised about the dilution of disabled people's rights and the equalities treaties. There was widespread support from attendees for the Bill to be introduced in the next Programme for Government.

Priorities for the Bill

The Human Rights Bill need to be introduced to Parliament

Attendees felt it was vitally important that the bill is introduced, in its fullest form within devolution. People expressed they were pleased when they read and responded to the consultation, and are now looking forward to the bill.

The Human Rights Bill needs to change the way that Scottish Government and public bodies allocate resources

Attendees felt that it was vital that the Bill influences Scottish Government and public sector budgets, and that resources were allocated using human rights based budgeting. The Bill was viewed as an opportunity to ensure that public bodies are spending in the right places and that funding cuts do not hit people in poverty and others who are furthest from their rights hardest.

The Human Rights Bill needs to have teeth

Accountability and access to justice were seen as particularly important. Many spoke of the implementation gap that exists in Scotland, and how precarious human rights can be unless there are mechanisms of redress. People felt that court should be the last resort, and instead there needs to be other, more accessible, measures for people to get solutions. Part of ensuring that people can claim their rights is ensuring that they know what they are. Awareness raising and education were identified as key, in addition to ensuring there are resourced, accessible mechanisms of redress to ensure that the Bill has teeth.

The Human Rights Bill needs to ensure meaningful participation

There were strong feelings across the room that public bodies must listen to communities and community groups, and that it is vital that people whose rights are most at risk participate in the passage of the Bill, implementation and decisions that impact their rights.

The Human Rights Bill must ensure our public services take a human rights based approach

People saw the Human Rights Bill as an opportunity to foster a culture of care, and to support a rewiring of public services to ensure that human rights breaches are not occurring in the first place. The principles of transparency, empowerment and accountability were mentioned as particularly important. Some attendees suggested there should be publicly available information on the extent to which public services were following the PANEL principles. Groups felt that it was vital that public sector employees and service providers are equipped with the time, training and resources to support them to take a human rights based approach.

The Human Rights Bill must include specific protection for marginalised groups

Attendees were concerned at the prospect of a watered-down Human Rights Bill. People felt it was vital that the Bill works to ensure dignity for groups most at risk – older people, care experienced people the LGBTQIA+ community, care experienced people, and disabled people, were named specifically by attendees.

It is vital that people are made aware of their human rights

Attendees felt that ensuring that people know their rights is vitally important and that there is a need for better, accessible information that includes practical information about what human rights mean in people's daily lives.

Taking a Human Rights Based Approach to Poverty

Panel discussion with Clare MacGillivray, Director of Making Rights Real; Karen Wylie, Policy and Participation Manager at Glasgow Disability Alliance and Sophie Shields, Knowledge Exchange Associate at the Institute for Inspiring Children's Futures. The panel was chaired by Lydia Murphy, Development Officer at the Poverty Alliance.

Lydia opened the discussion by highlighting that taking a human rights based approach to poverty starts from the shared understanding that we are all entitled to, and should be able to enjoy, all of our human rights, and that it is the responsibility of the State to create the conditions where we can do so. It involves understanding that poverty represents a breach of our economic, social and cultural rights, and that a human rights based approach to poverty ensures that poverty is understood as a structural issue. A human rights based approach to poverty centres the dignity, autonomy and participation of people with experience of poverty.

The PANEL principles, developed by the Scottish Human Rights Commission, provide a framework to support public authorities and civil society organisations to take a human rights based approach to poverty.

Karen Wylie, Policy and Participation Manager at Glasgow Disability Alliance emphasised the importance of the PANEL principles in their work. As a disabled person's membership organisation they work to build the capacity of members to engage in policy debates, inform consultation responses, and hold duty bearers to account. Karen stated that it is vitally important to work in an intersectional way. To do so Glasgow Disability Alliance support LGBT+ groups, children and young people's groups and other groups of identity within the disabled persons movement.

Karen underscored the importance of the Human Rights Bill having teeth. This is particularly a concern due to the proposed lack of duty to comply on public authorities for the rights contained in the UNCRPD. There must be recognition of the initial barriers faced by disabled people and of the higher cost of living for disabled people.

Clare MacGillivray from Making Rights Real highlighted the importance of the PANEL principles, using the FAIR approach and emphasised that rights based approaches are not scary. People often only hear about human rights catastrophes, but people resonate with the need for dignity, safety and compassion which are fundamental to human rights approaches.

Making Rights Real currently work with Gypsy Traveller communities, building their capacity to identify the human rights issues they are experiencing and supporting them to hold public authorities to account. They also work on gender-sensitive human rights budgeting with Fa'side Women's and Girls Group and Scottish Women's Budget Group. For Clare, a clear benefit of taking a human rights based approach is the shift in power - the rights holders are empowered- and how human rights inspire hope that change can happen. A human rights based approach allows you to bring people together around universal values. When people are brought together, that is when change happens.

Sophie Shields, Knowledge Exchange Associate at the Institute of Inspiring Children's Futures highlighted that taking a children's rights based approach is very similar to taking a human rights based approach, as children's rights are human rights. Enabling children to participate meaningfully in the decisions that impact them is vitally important. Often participation is understood as children simply getting to say their views, but it is important that these views are heard and acted on. A children's rights based approach is being accountable to, with and for children. Children have evolving capacity so we need to meet them where they are at.

For Sophie, a key lesson from the UNCRC is that the passage of the Bill is only the start. The challenge is how issues will be remedied.

There are practical lessons, in terms of the importance of monitoring the progress that is being made using children's rights approaches. Particularly around poverty. Human rights based approaches are not just about children or individuals, but also family units, communities, and societies

Discussion

Attendees then had the opportunity to reflect and discuss whether they take a human rights based approach to their work, the benefits of doing so and what is needed to support the sector to take a human rights based approach to poverty.

Taking a human rights based approach puts people first

A sentiment shared by many attendees was that taking a human rights based approach helps to centre people and to change the culture of organisations.

A human rights based approach to poverty helps to combat stigma

Attendees expressed that taking a human rights based approach help to combat poverty related stigma, and some of the shame people can feel as a consequence of this. A human rights based approach positions poverty as a systemic failure that requires systemic solutions.

Taking a human rights based approach requires fair funding and time

Attendees felt that taking a human rights based approach requires people to have the time to meaningfully engage with rights holders. Participation is a key part of taking a human rights based approach and many attendees highlighted that quality participation work requires resources, and longer time scales than is often facilitated by short term funding. Some groups discussed that organisational practice change and fully incorporating taking a human rights based approach to poverty also requires time and resource.

Taking a human rights based approach requires capacity building

Attendees discussed that in order to take a human rights based approach people need to understand that the work they are doing is human rights work. Some groups noted that organisations, like the Poverty Alliance, are delivering training on taking a human rights based approach, but it is important that organisations have time and capacity to implement changes. People felt that capacity building should extend to Scottish Government public bodies and citizens. Attendees also discussed the need for both Scottish Government and the sector to see the wider relationships between human rights and other areas of work, like the wellbeing economy. Moreover, accessible information and clarity around accountability mechanisms are essential to empower both rights holders and duty bearers, ensuring that human rights are recognised, protected, and promoted across all levels of society.

A human rights based approach requires accountability from public bodies and this should be supported by a legal structure that provides accountability mechanisms

Attendees discussed the need for accountability from duty bearers. Although there were examples in the room of people pursuing accountability in the face of significant push back, people discussed the importance of public bodies and policy makers that are willing to engage. This includes having a shared understanding and knowledge of human rights, along with sufficient resources and time to engage. Attendees discussed the importance of a robust legal structure in ensuring accountability. This includes clear and accessible mechanisms for addressing human rights violations, such as well-defined steps for escalating complaints, and ensuring compliance with human rights legislation. Attendees discussed that in cases where public bodies lack a willingness to engage, these legal structures become crucial for preventing issues from falling through the cracks and ensuring that human rights are upheld.

A human rights based approach requires collaboration

Attendees discussed the importance of cross-sectoral collaboration, due to the interconnectedness of human rights issues, such as the links between poverty and other forms of social injustices. There are long histories in communities of fighting for rights and we need to share this expertise. Some groups highlighted the importance of knowing where to signpost people to help them to get the support and information that they need.

We need to talk about human rights when we talk about poverty

In order to take a human rights based approach to poverty, people need to understand that poverty is a human rights issue. Attendees discussed the need to use human rights framing when in our anti-poverty actions and communications. Taking a human rights based approach necessitates articulating what human rights are at stake in the issues we are addressing.

What's next?

We ended the event with a final discussion, planning what actions we can take to support a strong Human Rights Bill for Scotland and what actions can we take to further embed taking a human rights based approach across Scottish Civil Society.

Despite concerns about the future of the Human Rights Bill in Scotland, there was strong support for continuing to advocate for the Bill. **Attendees agreed that Human Rights Incorporation is an important goal to strive for.** Groups acknowledged that even if the Bill is not introduced, the need to collectively organize and push for the incorporation of all human rights in Scotland remains essential. People made commitments to continue to work across their network to push for a strong Human Rights Bill for Scotland; to engage with existing campaigns and with human rights organisations; work to build cross sectoral intersectional understanding of human rights; to raise awareness with those who may not have previously been involved with the conversation; to continue to speak about poverty as a human rights issue.

From our discussions, it is clear that people see the value in taking a human rights based approach and are committed to deepening their practice.

Attendees made commitments to continue to educate others the PANEL principles and FAIR framework; to support calls for fair funding; to normalise articulating the rights issues in the work we do and to speak about it with politicians and press; to work collaboratively with organisations with human rights expertise; to improve accessibility of participation; and creating time for staff development.

Through our Rights in Action project the Poverty Alliance will continue to raise awareness of poverty as a human rights issue and will continue to support communities and organisations to add human rights to their collective power.

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