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Dear Joe,

I wrote to you on 11 May 2022 outlining our anticipated engagement with international human rights systems and institutions across 2022/2023.

Amongst the important forthcoming activity to which I drew attention was the start of the 7th reporting cycle for States parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR). As part of the wider process, which supports effective scrutiny of compliance with ICESCR obligations, I noted the Scottish Government's intention to publish a detailed standalone position statement covering the implementation of ICESCR in Scotland.

I am pleased to inform you that we have now published our ICESCR position statement on the Scottish Government website: [International Covenant on Economic, Social and Cultural Rights \(ICESCR\) - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/collections/documents/International-Covenant-on-Economic-Social-and-Cultural-Rights-ICESCR-gov.scot). The statement sets out Scotland's record in respecting, protecting and fulfilling economic, social and cultural rights, across all aspects of devolved competence. It covers the period since the last UN examination in 2014.

Our position statement can be read alongside the official UK State party report¹ which the UK Government submitted to the UN Committee on Economic, Social and Cultural Rights in May 2022. That State party report covers the UK as a whole, including devolved matters in Scotland, and the Scottish Government contributed to its development. The ability to go into detail in the UK report is, however, constrained by limits on its overall length, within which the entirety of UK activity requires to be covered.

For that reason the Scottish Government's standalone position statement seeks both to underline Scotland's commitment to engaging with international monitoring mechanisms as part of the UK, whilst also helping to ensure that the Scottish Parliament, civil society and the general public have access to a full Scotland-specific account of human rights policies and activities.

¹ [International Covenant on Economic, Social and Cultural Rights \(ICESCR\): 7th periodic report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/International-Covenant-on-Economic-Social-and-Cultural-Rights-ICESCR-7th-periodic-report-GOV.UK)

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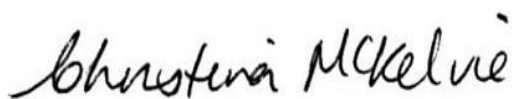
In that sense, publication of the position statement, separate to the formal treaty reporting process, is explicitly intended to support informed debate about Scotland's compliance with, and promotion of, international human rights standards. It presents a deeper analysis of how we ensure human rights are given real and substantive effect for individuals and communities across the whole of Scottish society.

In publishing a standalone Scottish position statement we have remained mindful of the recommendations developed by the Equality and Human Rights Committee's 2018 report *Getting Rights Right: Human Rights and the Scottish Parliament*². These drew particular attention to the importance of broadening and improving awareness of Scotland's participation in international human rights monitoring and reporting mechanisms. Doing so helps to deliver constructive challenge to public authorities in a way that reflects our collective focus on respecting, protecting and fulfilling human rights in line with Scotland's National Performance Framework. The Scottish Government remains firmly of the view that human rights are best secured when government, public institutions, civil society, local communities and individual rights-holders work together collaboratively to ensure that internationally-recognised standards and principles have practical application and effect.

This position statement records the progress which has already been achieved in putting human rights firmly at the heart of public policy and public administration in Scotland. At the same time we necessarily acknowledge there is still much work to be done to advance human rights in Scotland. That need for resolute action has been brought into even sharper focus by the cost of living emergency which is putting thousands at risk and threatening some of our most fundamental economic and social rights, including the right to adequate food and housing and to an adequate standard of living. As is well-understood, the erosion of human rights in one area necessarily compromises the enjoyment of rights in other contexts. Of particular concern, for example, will be the ongoing impact of the cost of living emergency on the right to the highest attainable standard of mental and physical health and on the well-being of the most vulnerable members of our society. That is why the Scottish Government remains committed to introducing a new Human Rights Bill this parliamentary session. The Bill will incorporate into Scots Law the International Covenant on Economic, Social and Cultural Rights, as far as possible within devolved competence. This will bring an enhanced focus to the implementation of social and economic rights which we know are central to addressing inequalities. We will consult on our proposals for the Bill in the first half of next year.

I trust that the position statement will be of assistance to the Committee and hope that its content provides a timely and topical account of how Scotland is seeking to ensure that internationally-recognised human rights are respected, protected and fulfilled, so that every member of society can live with human dignity.

Yours sincerely,



CHRISTINA MCKELVIE

² [Getting Rights Right: Human Rights and the Scottish Parliament | Scottish Parliament](#)

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