

Marginalised Communities and Economic, Social and Cultural Rights in Scotland:

A literature review

Paul Pearson, Laura Robertson and Fiona McHardy

April 2022

The Poverty Alliance

94 Hope Street

Glasgow

G2 6PH

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.

www.povertyalliance.org

0141 353 0440

The Poverty Alliance is recognised as a charity by the Inland Revenue. Reference No: SCO19926

Disclaimer

The views in this report are those of the researchers and opinions expressed in this report do not necessarily reflect the views of the Poverty Alliance or our members or of our funders Inspiring Scotland and Scottish Government.

Acknowledgements:

Thanks to our colleagues Lydia Murphy and David Reilly for their support with this review as our funders Scottish Government and Inspiring Scotland.

Table of Contents

| | |
|--|----|
| Glossary | i |
| Summary | ii |
| 1. Introduction | 1 |
| Methodology | 1 |
| 2. Economic, Social and Cultural Rights in Scotland | 3 |
| Human Rights Monitoring | 5 |
| Equality and Impact Assessments | 5 |
| What are a human rights-based approaches? | 5 |
| 3. What is the general awareness of economic, social and cultural rights amongst marginalised groups? | 7 |
| What are marginalised groups knowledge of human rights treaties and institutions? | 7 |
| What are marginalised groups' perceptions of the relevance of ESC rights in their day to day lives? | 9 |
| Where are there gaps in awareness and why? | 9 |
| Engaging people and raising awareness | 11 |
| Is there a desire to use HRBA's from marginalised groups? | 11 |
| 4. Where is there evidence of the adoption of human rights-based approaches in Scotland? | 13 |
| How are human rights-based approaches being adopted in Scotland? | 13 |
| Duty bearers | 13 |
| Civil society organisations | 14 |
| What are the challenges? | 16 |
| References | 17 |

Glossary

Duty bearer: an organisation with human rights obligations

Economic, social and cultural rights: Recognised in international human rights treaties, these are the essential conditions needed to live a life of dignity and freedom. They include the rights to education, fair and just conditions of work, an adequate standard of living, the highest attainable standard of health and social security.

Human Rights Defender: A person or organisation who works with and for other people whose rights are affected by a situation

Progressive realisation of rights: Where states are required to progressively achieve the full realisation of rights over a period of time.

Rights holders: People and social groups that have entitlements in relation to specific duty-bearers. Every individual are rights-holders according to the Universal Declaration of Human Rights

United Nations Special Rapporteur: Independent experts working on behalf of the United Nations to monitor, report and raise awareness of human rights.

Human Rights Act: Passed in 1998, this is a law which creates a legal framework that allows people to challenge violations of their rights in UK courts. Furthermore, it requires public organisations including the government to treat everyone equally with dignity and respect.

Equality Act: Passed in 2010, this is a law which legally protects individuals from discrimination on the basis of nine protected characteristics. This applies to discrimination based on age, race, sex, gender reassignment, disability, religion or belief, sexual orientation, marriage or civil partnership, pregnancy and maternity.

Summary

What is general awareness of economic, social and cultural rights (ESC) amongst potentially marginalised groups?

- There is lack of wide-ranging evidence surrounding the general awareness of ESC rights amongst marginalised groups.
- The general awareness of human rights amongst the general population is growing, though less than half of surveyed UK adults say they have a ‘fair knowledge’ of the subject.

What are marginalised groups knowledge of human rights treaties and institutions?

- Evidence of marginalised groups knowledge of human rights treaties and institutions appears to be marginal at this moment. However, there are signs that this is beginning to change.
- Scotland’s National Action Plan for Human Rights (SNAP) showed evidence of an increase in engagement with human rights from civil society and duty bearers. This included those with lived experience, however barriers still exist.

What are these groups’ perceptions of the relevance of ESC rights in their day to day lives?

- A barrier to perceptions of relevance is the lack of Human Rights language in people’s day-to-day lives.
- Research has shown within some specific groups a strong awareness of the critical relevance and importance of ESC rights where there is a demonstrable direct impact.

Where are there gaps in awareness and why?

- Gaps in awareness exist for several reasons, including failure on the part of duty bearers to raise awareness and a lack of accessibility.
- There is a need for the use of accessible language in human rights to better explain their relevance to people’s lives.

Where is there evidence of the adoption of human rights-based approaches in Scotland?

-
- There was mixed evidence of the adoption of Human Rights Based Approaches.
 - Public Authorities have shown a lack of monitoring or reporting processes relevant to their obligations under the Human Rights Act.
 - In terms of monitoring human rights, there is mixed evidence of duty bearers using Equality and Human Rights Impact Assessments.
 - There is more evidence of Human Rights Based Approaches being adopted in Civil Society.
 - Approaches adopted by civil society are most frequently used to help individuals to understand or access their rights.

1. Introduction

Aims of review

This review has two key aims: to explore understanding and awareness of economic, social and cultural rights amongst marginalised communities in Scotland and to examine how organisations in Scotland have adopted human rights-based approaches. Specific questions include:

Understanding and awareness

- What is the general awareness of economic, social and cultural rights amongst marginalised groups?
- What are marginalised groups knowledge of human rights treaties and institutions?
- What are these groups' perceptions of the relevance of ESC rights in their day to day lives?
- Where are their gaps in understandings & awareness and why?

Human rights-based approaches

- Where is there evidence of the adoption of human rights-based approaches in Scotland?
- What works well?
- Where are the challenges?

Methodology

This review was conducted in February and March 2022 by researchers at the Poverty Alliance. We searched a range of civil society organisations' websites alongside academic journal databases (ASSIA, Web of Science, Political Science Complete) and Google Scholar. Our review included literature published predominantly in the last ten years, predominantly focused on Scotland but drawing on key papers from the wider UK context. We were also specifically interested in exploring adults' awareness of economic, social and cultural rights

in Scotland but included literature that was more broadly around human rights education for all ages. Key words/search terms included 'human rights and awareness', 'poverty and inequality', and 'human rights-based approaches'.



2. Economic, Social and Cultural Rights in Scotland

Economic, social and cultural (ESC) rights are recognised under seven international treaties ratified by the UK and which the Scottish Parliament has competence to observe and implement. This includes the International Covenant on Economic, Social and Cultural Rights (ICESCR) (see figure 1) (UN, 1966). According to the ICESCR, countries are legally bound to progressively realise these rights as well as ensure a minimum core level of protection. This means that the UK Government must have regard to the ICESCR taking ‘deliberate, concrete and targeted steps towards meeting and sustaining the rights in the Covenant’. However, ESC rights are not enforceable at an individual level as they are not incorporated within domestic law in Scotland. The United Kingdom is required to provide five yearly reports to the United Nation’s Committee on Economic, Social and Cultural Rights outlining how progress has been made in legislation, judicial and policy measures to fulfil the Covenant. At an international level, a Special Rapporteur on Poverty and Human Rights is mandated to examine and report back to member states on initiatives taken to promote and protect the rights of those living in extreme poverty (United Nations Human Rights Office of the High Commissioner, 2022).

Since devolution in 1998, human rights have been an area of devolved competence. Through its National Performance Framework (Scottish Government, 2022a) which is underpinned by the United Nation’s Sustainable Development Goals (Scottish Government, 2019), the Scottish Government’s national outcomes include that people’s human rights are respected, protected and fulfilled, living life free from discrimination (Scottish Government, 2022a). The outcome is measured using four indicators: public services treat people with respect and dignity (in development); quality of public services; influence over local decisions; and access to justice.

There have been several key developments in the human rights agenda in Scotland in recent years. Firstly, after a growing movement to realise children’s rights in Scotland, the Scottish Parliament introduced a bill to incorporate the United Nation’s Convention of the Rights of the Child into Scots Law. Currently delayed due to a Supreme Court ruling, the Bill’s ambitions include that all public authorities will need to ensure the protection of children’s rights in their service delivery, and it will also enable children and young people

to enforce their rights via courts. Secondly, a National Taskforce for Human Rights Leadership was set up in 2019 to put together recommendations for the Scottish Government on a new human rights law in Scotland. And lastly, in 2021, the Scottish Government announced plans for a Human Rights Bill which will incorporate four international human rights treaties into Scots' Law including the International Covenant on Economic, Social and Cultural Rights. The Scottish Parliament's Equalities and Human Rights Committee is also mandated to pursue the protection of human rights in Scotland.

Economic, social, cultural and environmental rights have been largely ignored or overlooked in UK constitutional and human rights law meaning there is a significant accountability gap in the protection of these rights (Boyle, 2018). There are several key challenges inhibiting the realisation of economic, social and cultural rights including the focus on civil and political rights in the Human Rights Act 1998 (Love & Lynch, 2017), 'weak enforcement mechanisms' (Burchardt and Vizard, 2011, p. 102). Political will and justiciability are key to both the raising of awareness, implementation and realisation of human rights.

Figure 1: ICESCR Infographic



Human Rights Monitoring

The UK's compliance with human rights treaties is subject to regular checks by the monitoring bodies of the UN (Human Rights Consortium, 2022). Governments are generally expected to submit their own reports providing an account of the current human rights situation in their own country. In addition, civil society organisations are also encouraged to provide what is called a 'shadow report' to the monitoring body of a specific treaty. One recent example of this is '*Nothing about us without us*' - the Scottish Civil Society report on the United Nations Convention of the Rights of Disabled People (Inclusion Scotland, 2022). This report was produced by Inclusion Scotland, in collaboration with a steering group of Deaf and Disabled people's organisations and co-signed by a wide range of civil society organisations (including the Poverty Alliance). This report - and others like it - provide a vital monitoring tool by providing an expert independent examination of the human rights situation in the country (Human Rights Consortium, 2022). Following the submission of shadow reports, the monitoring body will produce a 'list of issues' that the UK government will be required to respond to, when civil societies organisations will again be invited to respond.

Equality and Impact Assessments

Equality and impact assessments (EQIA) are a tool that is designed to "anticipate the needs of diverse groups when you are making decisions about projects, policy or service delivery" (Scottish Government, 2022b). This contributes to a decision-making process where considerations of equality and the impact of actions and decisions on different people, communities and groups are key. Central to this is the use of evidence to inform the decisions made.

What are a human rights-based approaches?

Human rights-based approaches are a way of empowering rights holders to know and claim their rights and increases the ability and accountability of individuals and institutions who are responsible for respecting, protecting, and fulfilling rights (Scottish Human Rights Commission, 2022). The Scottish HRC developed the PANEL principles (see figure 2) to help organisations assess their work and identify priorities for improvement towards embedding a human rights-based approach.

For example, a human rights-based approach to social security delivery and reform would seek to build human rights principles into every stage of the process.

Figure 2: PANEL Principles (Scottish Human Rights Commission)

Participation: people should be involved in decisions that affect their rights

Accountability: there should be monitoring of how people's human rights are affected, as well as remedies when things go wrong

Non-discrimination and equality:
all forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barriers to realising their rights should be prioritised.

Empowerment
everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives.

Legality:
approaches should be grounded in the legal rights that are set out in domestic and international laws.

3. What is the general awareness of economic, social and cultural rights amongst marginalised groups?

There is a lack of knowledge of levels of awareness of the level of general awareness of ESC rights amongst marginalised groups. However, evidence has emerged that this is growing, characterised by an increase in “awareness and understanding of the breadth of human rights, and how they affect multiple aspects of people’s lives” (Scottish Human Rights Commission, 2018). The general awareness of human rights amongst the population is growing, if not wholly widespread. This growth can be traced to the efforts of national organisations such as the Scottish Human Rights Commission (SHRC), The Commissioner for Children and Young People, The Health and Social Care Alliance, and grassroots organisations such as Inclusion Scotland and the Glasgow Disability Alliance. This has been augmented more recently, by a renewed political focus on human rights.

Amongst the UK adult population, previous research has found that less than half surveyed said that “they have a fair knowledge on the subject, with just 5% who say they know a great deal.” (EHRC, 2018, p. 7). The SHRC (2018) commissioned research in 2017 that aimed to better understand public attitudes towards human rights. When respondents were asked to describe human rights, 45% of respondents replied that they did not know what word they would reply, suggesting a degree of uncertainty persists on what the term encapsulates. The most commonly associated theme was “freedom of speech’ (17%), (Scottish Human Rights Commission, 2018, p. 7), suggesting that civil and political rights, to a larger extent than economic, social and cultural rights, figure strongly in people's perceptions of human rights. In groups of people who identify as ambivalent and lacking in knowledge of human rights, an increase in exposure to human rights in discussions increases led to a marked increase in interest (EHRC, 2018).

What are marginalised groups knowledge of human rights treaties and institutions?

Evidence of marginalised groups knowledge of human rights treaties and institutions appears to be limited at this time. There is however evidence of groups that advocate for and represent marginalised groups increasingly adopting a human rights focus. This is evidenced by groups such as Inclusion Scotland, producing shadow reports centring on specific conventions.

This was further evidenced in the involvement of a range of prominent civil society representative organisations in the development of Scotland’s National Action Plan for Human Rights (SNAP). This process involved a collection of civil society, duty-bearers and rights holders (Ferrie, 2018). Webster and Flanigan (2018) noted in their analysis of the mapping process used in Scotland’s National Human Rights Action Plan (SNAP), that participants “had a keen appreciation of the political/ attitudinal/financial barriers to remedying perceived violations in the local landscape.” (2018: 31). A willingness was further highlighted to use interpretive claims (using specific experiences to make and justify connections), using human rights legal language whilst doing this. Of particular interest was that this was evidenced in contributions to SNAP from a range of actors, not simply those who were identified as being experts in the field. Marginalised groups have the same capacity to gain and use knowledge of human rights treaties as everyone else. What is key is that barriers to accessing this knowledge are removed, and people are empowered in this process.

Case Study - Self Directed Support

The Self-Directed Support Act (SDS) is a piece of legislation “aimed to promote and protect human rights” (Biziewska and Palattiyil, 2021, p. 2). This suggests that marginalised groups, in this case disabled people who access SDS, potentially have a greater awareness of human rights due to legislation where the language is employed. Practitioners interviewed in this research however highlighted “the focus of SDS systems, processes, and procedures on controlling resources to be interfering with the potential of SDS to promote human rights” (2021: p. 8). The authors highlighted the tensions this produced in areas such as social work departments, where pressure to maintain budgets is a barrier to approaches that focus on human rights. This highlights the tension inherent in approaches that employ human rights language and aims but fail to rigorously embed them so they are fully realised in practice.

What are marginalised groups' perceptions of the relevance of ESC rights in their day to day lives?

Human rights language is not commonplace in people's day-to-day lives and can be seen as belonging to groups such as lawyers and politicians (EHRC, 2018). Whilst awareness is growing, there is still some way to go for the understanding of human rights in individuals' day-to-day lives.

“HIV-positive asylum seekers experience poverty, isolation, vulnerability, stigma and discrimination, which when coupled with a lack of support and access to appropriate medical care have the potential of denying fundamental human rights and dehumanising people who are already fleeing circumstances threatening their very existence.”

(Palattiyil and Sidhva, 2021, p. 270)

Amongst some marginalised groups there is evidence that this is beginning to change. Palattiyil and Sidhva (2021) research focused on narratives of HIV-Positive Asylum Seekers in Scotland. Participants in the study highlighted the violation of their human rights in relation to a range of areas including health, housing, community and medical treatment and potentially their right to life. Participants were able to highlight this as a human rights issue. This was presented both in respect to the countries and situations from which they had fled, to their lives living in present day Scotland. Realising rights in these areas had the potential to impact their right to life amongst others, given the consequences of inadequate treatment (which was documented in various environments in Scotland). The experience of this group again highlights the intersectional and structural issues that marginalised groups face.

Where are there gaps in awareness and why?

Gaps in awareness exist for a variety of often interrelating reasons. This can be understood as primarily being due to a lack of awareness raising. Daniels (2021) noted a reluctance on the part of schools to teach Human Rights to the young people that attend them, and a

failure to address violations of these rights that take place in schools. This can be part explained by inadequate Human Rights Education of student teachers in Scotland (Cassidy et al, 2014). Children who come from the travelling community backgrounds historically (and currently) face exclusion from schooling and have seen their own rights, along with other children being further side-lined during the pandemic (Riddell, 2020). There exists a need for intersectional approaches to human rights. Violations may be experienced by whole 'groups', but differences within groups must be understood and highlighted to begin to lay routes to redress.

The accessibility of education is a further barrier to the raising of awareness and realisation of rights. Wiseman and Ferrie (2020) highlighted that there was a lack of accessible education, inclusion and implementation of human rights around sexual and reproductive health and support for women with intellectual disabilities. The need to consider intersectional approaches when approaching human rights is again made clear in this case, and the inadequacy of an approach that views groups, such as people with intellectual disabilities, as a homogeneous group. This is exemplified by differences in sexual and reproductive health, but also in crucial areas such as life expectancy, where woman with intellectual disabilities have shorter life expectancies than their male counterparts (and the general population).

The view that ESC rights require high levels of investment to be fully realised (OHCHR, 2022) may also be a barrier to awareness. If those responsible for the upholding of these rights view their realisation as expensive, then increasing awareness, particularly amongst those whose rights are violated, may not be viewed as an attractive prospect. Routes to redress are also undermined due to a lack of full engagement with economic, social, and cultural rights from the perspective of public lawyers due to the lack of incorporation (Boyle, 2019). Recent government human rights funding in Scotland ¹ may however indicate that an increase in national awareness raising, a crucial first step to realisation, is imminent.

¹ Inspiring Scotland Equality and Human Rights Fund <https://www.inspiringscotland.org.uk/equality-and-human-rights-fund/>

Human rights language can be perceived as inaccessible and as quite hard to relate to the everyday. The need to specifically explain what human rights mean, and what it would mean to access our rights has been highlighted as a barrier to effective awareness raising. The need when using human rights language in Scotland to better explain specifically what is meant by human rights, has been highlighted in relation to progressing race equality (Doyle, 2020:17). The complexity of language of human rights law and difficulty relating specific content of human rights treaties to daily practice has also been identified by the SHRC as a barrier faced by civil society organisations (Scottish Human Rights Commission, 2022). We conclude that providing accessible, practical information on what key human rights entail is crucial, and a failure to do this can be seen as both a barrier to awareness of rights among marginalised groups, the civil society orgs that serve them, and consequently the realisation of rights.

Engaging people and raising awareness

The use of case studies that highlight the relevance of human rights in people's day to day lives, has been found to significantly increased positive feelings towards human rights, from people to identified as being 'supporters' of human rights to those conflicted, opposed and disengaged (Scottish Human Rights Commission, 2018). This highlights the need to move human rights from being an abstract or distant concept in people's minds, to one that is rooted in their daily lives. Central to engaging people is the developing of people's views that human rights apply to their own lives, and raising awareness so people are able to identify where their rights are being violated.

The EHRC (2018) set out three practical suggestions of how to build understanding of human rights and their importance to people:

- Talk about human rights positively
- Connect people with what they value
- Set out a long-term strategy for demonstrating the importance of human rights

Is there a desire to use HRBA's from marginalised groups?

Human rights-based approaches and awareness raising is now being adopted increasingly by organisations who work with marginalised groups. This is evidenced by the range of

organisations, many who represent marginalised groups, funded as part of the Inspiring Scotland equality and Human Rights Fund (Scottish Government, 2021). The emergence of new grassroots human rights organisations such as Making Rights Real (MRR) (an organisation whose roots are found in the Housing Rights in Practice project discussed below), and their focus on working alongside marginalised communities to “to name and claim their rights” (Making Rights Real, 2022), is further evidence of the desire to use these approaches.

4. Where is there evidence of the adoption of human rights-based approaches in Scotland?

How are human rights-based approaches being adopted in Scotland?

Our review found mixed evidence on the adoption of human rights-based approaches by duty bearer organisations. Evidence of civil society organisations using human rights-based approaches and few examples in practice of how civil society organisations have adopted this approach to their work with people living in poverty in Scotland.

Duty bearers

A recent survey of public authorities who deliver key public services in Scotland (local authorities, health boards, Police Scotland and the Scottish Prison Service) found that most were not able to provide any evidence of monitoring or reporting processes relevant to their obligations under the Human Rights Act (Human Rights Consortium Scotland, 2021). Another key finding is that understanding of the distinct nature of duties under human rights and equalities legal frameworks is variable, with human rights assigned a 'subsidiary role' in service and policy design when compared to duties under the Equality Act (Human Rights Consortium Scotland, 2021). In terms of monitoring human rights, there is mixed evidence of duty bearers using Equality and Human Rights Impact Assessments.

For the new human rights statutory framework to be fully implemented, the Human Rights Consortium (2021) have called on the Scottish Government to provide adequate resources to public authorities so that can make the 'necessary culture change'. Their assessment is that this will require a capacity assessment of public authorities understanding around equality and human rights duties, capacity for human rights budgeting and what would be needed for a shift to a rights-based culture. To achieve effective implementation of a statutory human rights framework in Scotland, the National Taskforce for Human Rights Leadership recommended capacity building of duty bearers to build a human rights-based and outcomes-orientated approach. This will require the development of implementation plans by duty bearers, national guidance and expertise.

Civil society organisations

In the UK, human rights work is carried out by many civil society organisations² although in law they are not duty bearers and are therefore not responsible for upholding human rights (Samuels, 2021). In international human rights law, civil society organisations are recognised as human rights defenders (UN General Assembly, 1998).

A recent review of civil society organisations and how they currently use and apply human rights in their work found promising evidence that there is a strong and growing interest to engage with human rights within the third sector (Snowden et al, 2022). Civil society organisations surveyed use human rights in a variety of ways but most frequently to help individuals to understand or access their rights. The review also highlighted challenges to adopting human rights approaches amongst civil society organisations which need to be addressed:

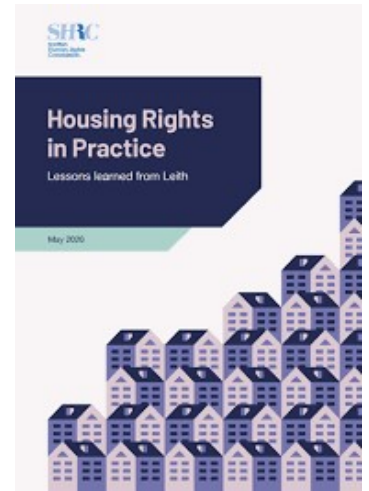
- 1) Accessibility of language and law and;
- 2) Understanding the practical application of human rights

In order to be able to adopt a human rights approach to their work, civil society organisations need a human rights infrastructure in Scotland focused on increasing knowledge around human rights (e.g. international human rights treaties that will be incorporated into Scots law) as well as mechanisms that enable shared action on human rights concerns (Snowden et al, 2022). Features of taking a human rights-based approach were discussed by ALLIANCE, Amnesty International and Glasgow Disability Allowance at a roundtable seminar on what it means to be a human rights-based organisation. Examples of approaches that could be adopted within civil society organisations included training and development, participative models, embedding PANEL principles and developing an equalities and human rights policy and culture (Human Rights Consortium Scotland, 2020).

² Civil society organisations are defined by the UK government as referring to individuals and organisations undertaking activities with the primary purpose of delivering social value independent of state control (Cabinet Office, 1998 cited by Samuels, 2021).

What works well case study: Rights-based approaches to housing in Scotland

Housing is often understood in relation to rights. The Committee on Economic, Social and Cultural Rights defines an adequate standard of housing which is habitable (e.g. wind and watertight); housing which is accessible and meeting the needs of its occupants; and housing in which the occupant has legal protection to remain, that is affordable and is close enough to services and amenities (Fitzpatrick et al, 2014). Whilst Scotland has some of the most progressive homelessness rights in the world, the right to adequate housing is not fully realised for many people (Shelter Scotland, 2019, p. 29) state: “Public authorities are not always held accountable, and it can be difficult for individuals to protect and enforce their rights even when then are clearly outlined in legislation”.



From 2015-2019, the Housing Rights in Practice project took a human rights-based approach to tackle substandard housing and living conditions in Leith, Edinburgh. This project was carried out in collaboration between the Scottish Human Rights Commission (SHRC), the Edinburgh Tenant Federation and the Participation and the Practice of Rights (PPR). The project supported residents in Leith to frame housing issues with respect to human rights. The majority of people living on the housing estates identified lived in social housing and their landlord was the council – a public body with human rights obligations. Following an initial assessment of housing conditions, a survey was produced and distributed to residents. Alongside this, the SHRC held a series of meetings with representatives and Councillors from the City of Edinburgh Council to explain the project, its approach and to offer support and awareness raising to use a human rights-based approach.

Supported by the findings of the survey the residents developed a set of indicators that detailed the issues and improvements that the residents identified as priorities. These issues related to standards set in international housing law. Awareness raising included the production of a report that was presented to the council by the residents, action research that included the production of a film detailing the progress made, public accountability meetings with the council, a public walkabout with ministers, and engagement with media.

The council subsequently committed to improvement works in 2017, which by 2018 totalled £2.3 million.

The project did report that the local authority “did not acknowledge the residents’ human right to housing, or the benefits of a human rights-based approach, at any point during the project.” (Scottish Human Rights Commission, 2020: p. 24). The local authority reported that it found a human rights-based approach challenging to engage with. This highlights the need for awareness raising on the part of duty-bearers and indeed a potential barrier for the ultimate realisation of rights.

What are the challenges?

The use of human-rights based approaches do face barriers, many of which have been touched on in this review. Central to this is the raising of awareness amongst those being denied their rights, and the public at large. The raising of awareness is key as this approach cannot be utilised if people do not know about it. This requires time and funding. This is critical if people with lived experience of rights violations are to play a role in implementation (Ferrie, 2018).

The final challenge that will be faced is the realisation, and sustained realisation, of people’s rights. It is clear from this review is the need for all stakeholders to play a role in this. People must be able to identify where their rights are not being met, specific to them. Then the final challenge of human rights-based approaches begins, the overcoming of barriers and the realisation of rights.

References

Biziewska, D. and Palattiyil, G., (2021) Promoting human rights or increasing expectations? Effects of Self-Directed Support on the realisation of human rights in Scotland. *Disability & Society*, pp. 1-21.

Boyle, K. (2018) Models of Incorporation and Justiciability for Economic, Social and Cultural Rights. Scottish Human Rights Commission. Available at: https://www.scottishhumanrights.com/media/1809/models_of_incorporation_escr_vfinal_nov18.pdf (Accessed: 5 April 2022)

Boyle, K. (2019) The Future of Economic, Social and Cultural Rights in Scotland: Prospects for Meaningful Enforcement. *Edinburgh Law Review*, 23(1), pp. 110-116.

Burchardt, T. and Vizard, P. (2011) 'Operationalizing' the capability approach as a basis for equality and human rights monitoring in twenty-first-century Britain. *Journal of human development and capabilities*, 12(1), pp. 91-119.

Cassidy, C., Brunner, R. and Webster, E. (2014) Teaching human rights? 'All hell will break loose!'. *Education, Citizenship and Social Justice*, 9(1), pp.19-33.

Daniels, S. (2021) Human Rights Education in Scotland: realising the right to education and the incorporation of the United Nations Convention on the Rights of the Child. PhD thesis, University of Glasgow. Available at: <https://theses.gla.ac.uk/82117/> (Accessed: 5 April 2022).

Equality and Human Rights Commission (2018) Talking about human rights: How to identify and engage a range of audiences. Available at: <https://www.equalityhumanrights.com/sites/default/files/talking-about-human-rights.pdf> (Accessed: 5 April 2022).

Ferrie, J. (2019) Evaluation of Scotland's National Action Plan for Human Rights (SNAP) 2013-2017. Scotland's National Action Plan for Human Rights. Available at: <https://www.scottishhumanrights.com/search?query=Independent+evaluation+of+Scotland%27s+National+Action+Plan+for+Human+Rights&topic=&year=> (Accessed: 26 April 2022).

Fitzpatrick, S., Bengtsson, B. and Watts, B. (2014) Rights to housing: reviewing the terrain and exploring a way forward. *Housing, Theory and Society*, 31(4), pp. 447-463.

Human Rights Consortium Scotland (2021) #HumanRights2020s: Human Rights for All? Realising Migrants' Rights in Scotland. Available at: <https://hrcscotland.org/podcast/humanrights2020s-human-rights-for-all-realising-migrants-rights-in-scotland/> (Accessed: 7 April 2022).

Human Rights Consortium Scotland (2022) A guide to how civil society organisations can effectively engage in the United Nations (UN) human rights monitoring. Available at: <https://hrcscotland.org/resources/un-rights-monitoring/> (Accessed: 24th March 2022).

Inclusion Scotland (2022) Nothing about us without us! United Nations Convention on the Rights of Disabled People. Available at: <https://inclusionScotland.org/wp-content/uploads/2022/03/2022-CRPD-Shadow-Report.pdf> (Accessed 12th April 2022).

Love, J.G. and Lynch, R. (2018) Enablement and positive ageing: a human rights-based approach to older people and changing demographics. *The International Journal of Human Rights*, 22(1), pp.90-107.

Palattiyil, G., Sifhva, D. (2021) HIV, Human Rights and Migration: Narratives of HIV-Positive Asylum Seekers in Scotland. *Journal of Human Rights and Social Work*, 6(4), pp. 268-276.

Riddell, S. (2022) The rights of children from Gypsy/Traveller and Roma backgrounds in Scotland. *Hungarian Educational Research Journal*, 12(1), pp. 37-51.

Samuels, H. (2021) A National Treasure? The Role of Civil Society in Promoting and Enforcing Human Rights in the United Kingdom. *Journal of Human Rights Practice*, 12(3), pp. 711-729.

Scottish Government (2019) Sustainable Development Goals. Available at: <https://nationalperformance.gov.scot/sustainable-development-goals> (Accessed: 15 March 2022).

Scottish Government (2021) Equality and Human Rights Fund: projects funded. Available at: <https://www.gov.scot/publications/equality-and-human-rights-fund-projects-funded/> (Accessed 25 March 2022).

Scottish Government (2022a) National Performance Framework - What it is. Available at: <https://nationalperformance.gov.scot/what-it> (Accessed 11 March 2022).

Scottish Government (2022b) Equality Impact Assessments. Available at: <https://archive2021.parliament.scot/abouttheparliament/25487.aspx> (Accessed 19 April 2022).

Scottish Human Rights Commission (2013) Scotland's National Action Plan for Human Rights 2013-2017. Available at: <http://www.snaprights.info/wp-content/uploads/2016/01/SNAPpdfWeb.pdf> (Accessed: 26 April 2022).

Scottish Human Rights Commission (2018) Building a human rights culture in Scotland: insights from audience research. Available at: https://www.scottishhumanrights.com/media/1754/building_a_human_rights_culture_scotland.pdf (Accessed 8 March, 2022).

Scottish Human Rights Commission (2020) Housing Rights in Practice: Lessons learned from Leith. Available at: <https://www.scottishhumanrights.com/media/2029/housin-project-report-vfinal-may-2020.pdf> (Accessed: 25 April 2022).

Scottish Human Rights Commission. (2022) A Human Rights based approach: an introduction. Available at: https://www.scottishhumanrights.com/media/1409/shrc_hrba_leaflet.pdf (Accessed: 25 April 2022).

Shelter Scotland (2019) Housing is a human right. Available at: https://assets.ctfassets.net/6sqqf11sfi/74GaTcz6ENy2AYn8ouQuK/33b7c6c4540f9c3c19f0619199b71e76/Housing_is_a_human_right_FINAL_100119.pdf (Accessed: 4 March 2022).

Snowden, M., Nevens, K. and Hutchinson, E. (2022) Capacity Review of Scottish Civil Society on Human Rights. Available at: <https://hrcscotland.org/wp-content/uploads/2022/01/Final-Full-Report-Capacity-Review-of-Scot-Civil-Society-on-Human-Rights-Jan-2022.pdf> (Accessed: 18 April 2022).

United Nations (1966) International Covenant on Social, Economic and Cultural Rights. United Nations, Treaty Series, 993, p. 3. Available at: www.web.archive.org/web/20190116160250/https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx (Accessed: 7 March 2022).

United Nations Human Rights Office of the High Commissioner (2022) Special Rapporteur on extreme poverty and human rights. Available at: <https://www.ohchr.org/en/special-procedures/sr-poverty> (Accessed 14 March 2022).

Webster, E. and Flanigan, D. (2018) Localising human rights law: a case study of civil society interpretation of rights in Scotland. *The International Journal of Human Rights*, 22(1), pp. 22-42.

Wiseman, P. and Ferrie, J. (2020) Reproductive (in)justice and inequality in the lives of women with intellectual disabilities in Scotland. *Scandinavian Journal of Disability Research*, 22(1), pp. 318-329.