

The logo for Human Rights Consortium Scotland features a stylized representation of the Scottish flag on the left, consisting of seven horizontal stripes of varying shades of purple and maroon. To the right of the flag, the text "Human Rights Consortium Scotland" is written in a bold, sans-serif font, with "Human Rights" on the first line, "Consortium" on the second line, and "Scotland" on the third line.

# Human Rights Consortium Scotland

The Human Rights Consortium Scotland is a network of civil society organisations who work together to protect and promote a human rights-based society in Scotland. Member organisations work across many different issues and with different groups and communities across Scotland, but all share a common commitment to human rights being at the heart of Scottish society.

This joint submission is from Consortium members: BEMIS - Empowering Scotland's Ethnic and Cultural Minority Communities; Scottish Youth Parliament; Deaf Scotland; Move On; C-Change Scotland; Inclusion Scotland; the Health and Social Care Alliance Scotland (the ALLIANCE); and the Jimmy Reid Foundation.

We also highlight our support for member submissions from Scottish Women's Aid, Together and Inclusion Scotland.

## **Introduction**

There can be no doubt that poverty is one of the biggest drivers of human rights' infringements in Scotland as well as one of the most significant indicators of the lack of human rights in people's everyday lives.

We welcome many of the recent actions taken by the Scottish Government to reduce poverty, such as the Child Poverty (Scotland) Act 2017, key elements of the recent Social Security Act such as advocacy support for disabled people and the commitment to make split payments available, a new Homelessness and Rough Sleeping Action Group, actions to reduce discrimination such as the BSL (Scotland) Act 2015, and the Pupil Equity Fund to tackle the attainment gap between rich and poor children, amongst others.

However poverty remains a blight on Scottish society<sup>1</sup> that steals people's dignity, and there is much more that can and must be done to end poverty in our midst.

We greatly welcome therefore, the UN Special Rapporteur's visit to the UK and we would be keen to meet with him to discuss our experience and concerns around poverty in Scotland. We highlight that many of our organisations work with communities and individuals living in poverty and would be willing and able to arrange visits – for example: the Scottish Trade Union Congress coordinates projects which are run by those defending their rights around equal pay, precarious work and living rent; Scottish Women's Aid could organise discussions with women who have experience of living in poverty whilst coping with the impact of domestic violence; the Scottish Youth Parliament can provide valuable insights from their members; and the ALLIANCE could arrange visits to groups concerned with the impact of poverty upon health and care inequalities.

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<sup>1</sup> Scottish Government: [Poverty & Income Inequality in Scotland 2014-2017](#)

## General

Far too many households in Scotland are living in poverty and this impacts many of their economic, social, civil and political rights. For example:

- Right to a home

In 2016/17 there were 10,873 households living in temporary accommodation in Scotland, including 6041 children<sup>2</sup>, an increase of 16% from the previous year. There has been a 10% rise in rough sleepers applying as homeless. Homelessness in Scotland is getting worse, not better.

- Right to be free from hunger

Despite the fact that the UK is the 5th wealthiest country in the world, we know that many individuals and families regularly struggle to afford to feed themselves. The Government does not collect data on food insecurity but we do know that the Trussel Trust reports that 170,625 3-day emergency food parcels were given out in Scotland in 2017-2018<sup>3</sup>. From 2014-2017, after housing costs, 19% of Scotland's population were living in poverty and we know that food comprises a higher proportion of total household expenditure in poorer households, at about 23% of income compared to the national average of 11%. We know that low-income and refugee families are at greater risk of food poverty<sup>4</sup>.

- Right to education

It is 'clear that living in poverty has an effect on the family unit which then can impact on a child's learning<sup>5</sup>.' Data shows that by age 5, 'the attainment gap between low and high income households in Scotland 'is 10–13 months. Lower attainment in literacy and numeracy is linked to deprivation throughout primary school. By age 12–14 (S2), pupils from better-off areas are more than twice as likely as those from the most deprived areas to do well in numeracy.'<sup>6</sup> Only 43% of school leavers in the most deprived areas are qualified to Higher level or above, compared with 81% of Scottish school leavers in the most affluent areas<sup>7</sup>.

- Right to highest attainable standard of physical and mental health

More than a quarter (26%) of those living in the poorest fifth of households reported less than good health in the first four years of life, compared to just 12% of those in the richest fifth. Men living in the most deprived areas experience 23.8 fewer years of good health compared to men in the most affluent areas. Similarly, women living in the most deprived areas experience 22.6 fewer years of good health compared to women in the most affluent areas<sup>8</sup>. Deprivation is a key determinant of health inequalities in Scotland.<sup>9</sup>

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<sup>2</sup> Shelter Scotland, [Homelessness: Far from Fixed](#)

<sup>3</sup> Trussel Trust: <https://www.trusselltrust.org/news-and-blog/latest-stats/end-year-stats/>

<sup>4</sup> Nourish Scotland, report to ICESCR: <http://www.nourishscotland.org/campaigns/right-to-food/nourish-report-to-un-cescr/>

<sup>5</sup> Scottish Parliament Education and Skills Committee: [What support works? Inquiry into attainment and achievement of school children experiencing poverty](#)

<sup>6</sup> Joseph Rowntree Foundation, [Closing the attainment gap in Scottish education](#)

<sup>7</sup> Scottish Government, Fairer Scotland: <https://www.gov.scot/Publications/2018/03/6918/2>

<sup>8</sup> Scottish Government, Fairer Scotland: <https://www.gov.scot/Publications/2018/03/6918/2>

<sup>9</sup> Audit Scotland, 2012

➤ Right not to be discriminated against

We know that some people in Scotland and the UK are far more at risk of poverty than others. For example:

- There is almost double the chance of a household including a disabled person having low-income than households with no disabled members. Across Great Britain, 59% of families with children, that were in income poverty and that contained a disabled person, lived in material deprivation in 2014/15, compared with an average material deprivation rate of 20%<sup>10</sup>. Disabled people are more likely to be homeless, more likely to experience food poverty, less likely to be employed and more likely to earn less when they are employed.
- Women account for 49% of the labour market in Scotland but on average, earn £182.90 per week less than men<sup>11</sup>. Welfare cuts have hit women the hardest. Since 2010, 86% of net 'savings' raised through UK Government austerity measures – cuts to social security and tax credits - will have come from women's incomes.<sup>12</sup>
- Gypsy Travellers are one of the most discriminated-against groups in Scottish society<sup>13</sup> and they experience high levels of poverty, health and education inequalities.
- Racial, Ethnic and Cultural minority communities continue to be disproportionately affected by poverty. In Scotland this includes but is not restricted to those from Polish and African communities who reside disproportionately in overcrowding and work in low paid jobs. Restrictive immigration rules at UK level and lack of access 'Public funds' places other ethnic and cultural minorities in particularly precarious positions. Furthermore, the lack of incorporation of ICERD and ICESCR into domestic law at a UK and devolved level continues to frustrate the full implementation of these treaties and their ability to progress substantive socio, economic and cultural equality for all including informed and nuanced approaches necessary for racial minority citizens and residents of the UK / Scotland<sup>14</sup>.

## Social and economic rights in Scotland

The Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force in Scotland in April 2018 and places a legal responsibility on certain public bodies in Scotland to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. This new emphasis on addressing inequality is very welcome and civil society is hopeful that this can start to bring effective change.

We consider that another major step forward in addressing the inequality in power for those living in poverty would be to directly incorporate UN treaty economic and social rights into Scots law, thus ensuring that public bodies take a rights-based approach to decision-making and that this can

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<sup>10</sup> Equality & Human Rights Commission: [Being disabled in Britain](#)

<sup>11</sup> Close the Gap statistics: <https://www.closesthegap.org.uk/content/gap-statistics/>

<sup>12</sup> Engender (2016) Securing Women's Futures: Using Scotland's New Social Security powers to Close the Gender Equality Gap 4

<sup>13</sup> Scottish Social Attitudes Survey: <http://www.ssa.natcen.ac.uk/read-the-reports/scottish-social-attitudes-2015/attitudes-to-discrimination-positive-action.aspx>

<sup>14</sup> <http://bemis.org.uk/PDF/bemis-poverty-and-ethnicity.pdf>

ultimately be enforced in law. A First Minister's Advisory Group on Leadership in Human Rights<sup>15</sup> is considering this step and will publish recommendations in December. We also welcome the Scottish Government's stated intention to incorporate UNCRC rights. **We encourage the Special Rapporteur to consider both the context and willingness to incorporate economic and social rights when he visits Scotland.**

### **Universal credit**

The current system of Universal Credit is broken and is forcing more people into persistent poverty, rather than lifting them out of poverty. We highlight some of the many practical problems:

- The waiting period for first payment is far too long at 5-6 weeks, meaning that people are going hungry and getting into debt while they wait.
- There is conflict between monthly Universal Credit payments but 4 weekly costs such as rent, again meaning that people have to borrow to manage.
- All of the benefit payments are automatically wrapped up together which can cause significant difficulties for individuals managing those different payments and systems whilst also coping with disadvantage.
- For those in insecure and multiple temporary jobs, going in and out of the benefits system is very problematic and is made difficult by waiting times and bureaucracy at every point.
- Depending on when a person is paid, this affects the Universal Credit system and means they are left unsure of what they will receive and indeed, whether they will receive any Universal Credit at all in a month<sup>16</sup>. These bureaucratic difficulties are compounded by common administrative errors which leads to the system pushing people into poverty.
- There is a lack of advocacy support built into the system as a right, which means that many people are unable to navigate the system and get what the support that they need and are entitled to. We welcome that new social security provision in Scotland includes a legal right to advocacy for disabled people but highlight that the UK government need to build this across social security.

The conditionality of Universal Credit also does not recognise the realities of people's lives. For example, appropriate childcare is often not available and is costly, particularly for families with disabled children. There is no account given of other barriers to work or factors that can make full-time work impossible – for example, informal caring responsibilities, travel issues, mental ill health.

Universal Credit is due to be further rolled-out from July 2019, and **we urge the Special Rapporteur to examine the advantages of delaying this roll-out until the many practical problems are addressed.**

### **Social security in Scotland**

We welcome the Scottish Government's intention to enable recipients in one household to receive split welfare payments and the importance of this for women affected by domestic violence. Civil society would now welcome more details of when and how this will be introduced.

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<sup>15</sup> <http://humanrightsleadership.scot/>

<sup>16</sup> <https://www.theguardian.com/society/2018/aug/06/universal-credit-flaws-leaving-families-debt-child-poverty-action-group>

We highlight the call from civil society organisations for the Scottish Government to top up child benefit by £5 per month, which could potentially lift an estimated 30,000 children out of poverty. **It would be valuable for the Special Rapporteur to specifically consider what more the Scottish Government could do within their devolved powers, such as this topped-up child benefit, to tackle poverty in Scotland.**

### **In-work poverty**

Recent research shows that couples raising two children while working full-time on the minimum wage are falling £49 a week short of being able to provide for their family, whilst lone parents fall even further short by £74 per week<sup>17</sup>. The minimum wage should be a living wage, and it should be the basepoint and not a ceiling. We further highlight that there is no rationale to younger people being paid less for doing the same job, particularly given that young people are more likely to live in poverty. **Therefore we urge the Special Rapporteur to consider in-work poverty in his UK visit.**

### **New technology**

Universal Credit and the new settled status for EU citizens are online application systems. However we know that 'whilst 98% of households with an income above £40,000 had internet access, this dropped to 63% for households with an income below £15,000. There are also challenges of connectivity for people in more remote locations compared to urban areas'.<sup>18</sup> Government support for those in poverty and those at risk of missing out on their residence rights must take into account what it means to live in poverty and that this includes a significant lack of access to good internet.

### **Brexit**

There is still a considerable amount of uncertainty around what Brexit will look like but we know that firstly, a 'no deal' Brexit would have a significant detrimental impact upon our poorest households. If there was no future agreement with the EU, it is highly likely that wages would lower, employment lower, local businesses would suffer, and our economy would be severely affected<sup>19</sup>. We know too that without the in-flow of as many EU citizens into Scotland, our health and social care services will not have enough staff.<sup>20</sup> This will have direct impact upon the rights of disabled people and carers across Scotland.

We highlight too the considerable impact of Brexit upon the rights of EU citizens, pushing them into being at risk of poverty. We are concerned that:

- **Our EU citizens should not be paying for rights** –the new proposed 'settled status' for EU citizens requires payment of £65 for adults and £32.50 for children. They should not have to

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<sup>17</sup> Child Poverty Action Group, Cost of a Child in 2018: <http://www.cpag.org.uk/content/cost-child-2018-released>

<sup>18</sup> Scottish Government, Fairer Scotland Duty: <https://www.gov.scot/Publications/2018/03/6918/2>

<sup>19</sup> Joseph Rowntree Foundation, How could Brexit affect poverty in the UK? <https://www.jrf.org.uk/report/how-could-brexit-affect-poverty-uk>

<sup>20</sup> See for example <https://www.alliance-scotland.org.uk/blog/news/sign-up-to-eu-withdrawal-bill-amendment/>

pay to confirm rights they already have, and this is particular concerning for those already living in poverty or at risk of poverty.

- **We need to make sure that our EU citizens can stay here** – we need to make sure that every EU citizen whose life is here is able to stay here. However the new ‘settled status’ means that if they do not apply in time and in the right way, EU citizens risk having everything taken from them - their home, their employment, their health services, their community – and being declared an unlawful immigrant. This scheme threatens to fling vulnerable EU citizens into extreme poverty and criminalisation. The Scottish Government has promised an information and support service for EU citizens - we urge the Special Rapporteur to recommend that this must include legal advice, be on an outreach basis and be available in multiple European languages.
- **Our vulnerable EU citizens need a fair chance** – After Brexit, EU citizens will need to provide paperwork evidence that they have lived here for 5 years. This can be fairly simple if you have a very straightforward employment history but for many vulnerable people, this will be very problematic. We highlight for example that this has particular impact upon women who are more likely to have breaks due to childcare, and many women affected by domestic violence may have gaps in paperwork that they cannot fill without risk to themselves or their children. The Special Rapporteur could ask the Home Office about what they will do to make the evidence requirements as wide as possible to make sure everyone can be included and not criminalised for a lack of paperwork.
- **Time should not run out on your home** – The UK Government has proposed that EU citizens have until end June 2021 to apply for settled status or risk being deemed an unlawful immigrant. The consequences then of any EU citizen failing to meet this deadline are huge, and yet this deadline is arbitrary. Extending this deadline at least until end 2021 makes sense for all.
- **We need to protect our EU citizens from discrimination** - EU citizens are already being discriminated against because the confusion and uncertainty of Brexit has led to many being turned down for jobs, not being allowed to rent homes and being turned away from support services. This is likely to only increase if the new ‘settled status’ scheme does not include some form of paper confirmation that they have settled status and what this means, that they can then use to show employers and landlords etc.

September 2018