



# INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Scottish Government  
Position Statement  
July 2014

## PART 1: REPORT ON REALISATION OF ICESCR ARTICLES

1. The Scottish Government is committed to creating a modern, inclusive Scotland which protects, respects and realises internationally-recognised human rights. We strongly believe in and subscribe to the principles laid out in the International Covenant for Economic, Social and Cultural Rights (ICESCR). Within the current constitutional settlement, Scotland's devolved institutions have a key role in implementing and upholding human rights standards. In those areas where we already have competence, Scotland takes a distinctive approach, reflecting our progressive values. The Scottish Government also takes account of the broader international human rights framework. We are working to ensure that Scotland's distinctive approach is incorporated into the UK's reporting to and examination under ICESCR and other international treaties to which the UK is a signatory.

2. The Scottish Government's purpose is central to the realisation of economic, social and cultural rights. The purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. This Purpose is measured by a National Performance Framework, which contain 16 National Outcomes and 50 National Indictors. Progress is reported on annually. The Purpose is further underpinned by the following strategic objectives:

- **Wealthier and Fairer** - enabling businesses and people to increase their wealth and more people to share fairly in that wealth;
- **Healthier** - helping people to sustain and improve their health, especially in disadvantaged communities, ensuring better, local and faster access to health care;
- **Safer and Stronger** - helping communities to flourish, becoming stronger, safer places to live, offering improved opportunities and a better quality of life;
- **Smarter** - expanding opportunities to succeed from nurture through to lifelong learning, ensuring higher and more widely shared achievements; and
- **Greener** - improving Scotland's natural and built environment and the sustainable use and enjoyment of it.

3. Equality and non-discrimination is at the heart of everything the Scottish Government does; our ambition for Scotland embraces the principles of equality, fairness and social justice. These are at the heart of the vision for a new Scotland. Equality is integral to delivery on our purpose of sustainable economic growth; it is integral to the public service reform agenda and to the increasing shift to prevention.

4. On the right to work, we believe that creating the conditions for sustainable economic growth to flourish will provide more and better opportunities to work. Our educational and vocational training system is one of the most important building blocks, and we are working to integrate our approach into the wider Scottish education and employment systems.

5. On the right to social security, this is generally reserved to the UK Government. However, the Scottish Government is committed to creating a more equal society, and aims to ensure that all our people receive fair and decent support.

This includes taking a long term, preventative approach to tackling poverty across Scotland.

6. On the requirement to afford the widest possible protections to children and families, we are taking forward a range of activity which builds on the requirements of the United Nations Convention on the Rights of the Child (UNCRC). The Children & Young People (Scotland) Act 2014 will support the effective and consistent implementation of 'Getting It Right For Every Child' across Scotland, improve services and support for looked after children and those leaving care, increase provision of free and flexible childcare and introduce new duties, which explicitly recognise the role of the UNCRC in influencing service planning and delivery. In addition to strengthening the law, we are committed to taking practical steps to improve the culture and practice which exists amongst and within frontline services and which ultimately impacts on the quality of outcomes that we can expect for our children and young people.

7. On the right to an adequate standard of living (including food, clothing and shelter), the Scottish Government is implementing a National Food and Drink Policy that seeks to address issues of quality, health and wellbeing, and environmental sustainability whilst recognising the need for access and affordability. On housing, the "Homes Fit for the 21st century" strategy sets out our vision for housing in 2020, and the steps required to make that a reality. Effective supply, choice and quality are our key priorities.

8. On the right to the highest attainable standard of physical and mental health, we are working to help people sustain and improve their health, particularly in disadvantaged communities, by ensuring better, local and faster access to healthcare.

9. On the right to education, our curriculum for excellence aims to achieve a transformation in education in Scotland for 3-18 year olds, by creating a more flexible and enriched curriculum, raising standards in learning and teaching and improving our children's life chances. Likewise, our lifelong learning strategy aims to ensure that everyone develops the skills, knowledge and attributes they will need for learning, work and life. The Education (Scotland) Act 1980 continues to place a statutory duty on all local authorities to provide religious education and observance.

10. On the right to participate freely in cultural life, we believe that supporting our creative communities, while creating the conditions to allow for meaningful access and participation, will enrich our lives, enhance our learning and strengthen both our society and our economy.

## **PART 2: RESPONSE TO COMMITTEE CONCLUDING OBSERVATIONS**

- 1. Bearing in mind that it is the State party which is responsible for the implementation of the Covenant in all its territories, the Committee urges the State party to ensure the equal enjoyment of the economic, social and cultural rights by all individuals and groups of individuals under its jurisdiction, and recommends that the State party adopt a national strategy for the implementation of the Covenant throughout the State party's territories. (paragraph 12 of the CO)**
- 2. The Purpose of the Scottish Government is to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.<sup>1</sup> Scotland's National Action Plan for Human Rights,<sup>2</sup> the development of which was facilitated by SHRC and which was launched on 10 December 2013, also reflects a strong commitment to the equal enjoyment of human rights, including economic, social and cultural rights.**
- 3. The Committee urges the State party to ensure that the Covenant is given full legal effect in its domestic law, that the Covenant rights are made justiciable, and that effective remedies are available for victims of all violations of economic, social and cultural rights. The Committee reiterates its recommendation that, irrespective of the system through which international law is incorporated in the domestic legal order (monism or dualism), following ratification of an international instrument, the State party is under a legal obligation to comply with such an instrument and to give it full effect in its domestic legal order. In this respect, the Committee again draws the attention of the State party to its general comment no. 9 (1998) on the domestic application of the Covenant. (paragraph 13 of the CO)**
- 4. The Scottish Government takes account of the broader international human rights framework. We are working to ensure that Scotland's distinctive approach is incorporated into the UK's reporting to international treaty bodies and their subsequent examination of our human rights records under UN and Council of Europe Conventions and Treaties to which the UK is a signatory.**
- 5. The Committee recommends once again that the State party adopt a national human rights plan of action which includes specific programmes regarding the realization of economic, social, and cultural rights. It also encourages the State party to consult widely with civil society and national human rights institutions in the preparation of the national human rights plan of action. (paragraph 14 of the CO)**
- 6. Scotland's National Action Plan for Human Rights is an evidence-based programme of action, developed through an inclusive, collaborative process between Government, the Scottish Human Rights Commission, public bodies, third sector organisations, wider civic society and rights holders.**

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<sup>1</sup> <http://www.scotland.gov.uk/About/Performance/scotPerforms/purpose>

<sup>2</sup> <http://www.scottishhumanrights.com/actionplan>

7. The Committee recommends that the State party take effective measures to increase awareness of economic, social and cultural rights among the public at large as well as among judges, public officials, police and law enforcement officials, medical practitioners, and other health care-related professionals, including by lending adequate support to civil society and national human rights institutions in their efforts in relation to awareness-raising. It also recommends that the State party take steps to improve awareness of the Covenant rights as justiciable human rights and not merely rights as part of the “Welfare State”. (paragraph 15 of the CO)

8. The Scottish Human Rights Commission, established under legislation in 2006, has a key role in promoting rights in Scotland, including economic, social and cultural rights. It also works with public sector organisations to support the development of a human rights based approach. In the context of the development of Scotland’s National Action Plan for Human Rights, the Scottish Government will consider further how rights holders and duty bearers may be further empowered and enabled to ensure the realisation of economic, social and cultural rights.

9. The Committee recommends that the State party take remedial steps to enforce existing legal prohibitions of discrimination and to enact, without delay, a comprehensive anti-discrimination law, guaranteeing protection against discrimination in the enjoyment of economic, social and cultural rights, as stipulated in article 2, paragraph 2, of the Covenant. It also recommends that the State party consider making such comprehensive anti-discrimination legislation applicable to Northern Ireland. (paragraph 16 of the CO)

10. Equality legislation is largely reserved to the Westminster Government. However, Scottish Ministers have powers to make specific duties to enable the better performance of the public sector equality duty in the Equality Act 2010. The specific duties were made in May 2012 and require public authorities to set equality outcomes, report on mainstreaming equality, gather and use employee information, and assess the impact of applying a new or revised policy or practice against the public sector equality duty.

11. The Committee recommends that the State party ensure that its counter-terrorism measures do not have a discriminatory effect on the enjoyment of the Covenant rights on certain groups in the State party, in particular ethnic and religious minorities. (paragraph 17 of the CO)

12. The Scottish Government agrees wholeheartedly that the UK Government should ensure that the equality characteristics (particularly race and faith) should be taken in to account when considering counter terrorism legislation.

13. The Committee, in line with its general comment no. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, recommends that the State party conduct a comprehensive review of its policies to overcome gender inequalities. It also recommends that the State party continue intensifying its efforts to enhance equality between men and women in the workplace, particularly with regard to equal pay for

**work of equal value in all sectors of employment. The Committee encourages the State party to take into consideration the findings of the inquiry to be conducted by the Equality and Human Rights Commission and to ensure that the Equality Bill contains effective provisions aimed at closing the wage gap in the private sector. (paragraph 18 of the CO)**

14. The Scottish Government has set up, as part of its gender equality agenda, three separate, but related, groups on gender inequalities issues: the Strategic Group on Women and Work; the Occupational Segregation Cross-Directorate Working Group; and the Science and Engineering Profession Working Group on Equality and Diversity. A Programme Board has also been established to oversee the implementation of work to increase the diversity of public and corporate boards in Scotland, addressing gender imbalances in the first instance. A consultation for gender quotas on boards launched in April 2014.

**15. The Committee recommends that the State party introduce a more flexible scheme for paternity and parental leave, taking into consideration the report “Working Better” by the Equality and Human Rights Commission. (paragraph 19 of the CO)**

16. The Scottish Government acknowledges the important role which flexible working plays in helping parents and carers to manage the twin responsibilities of work and caring. This was a key theme of both the National Business Summit and the Women’s Employment Summit, hosted by Scottish Ministers in 2012. It was also considered as part of the Scottish Parliament Equal Opportunities Committee’s recent report into Women and Work. We will continue to work with employers and unions in Scotland to identify ways of encouraging and supporting flexible working in Scotland.

**17. The Committee recommends that the State party strengthen its measures to reduce the substantial number of unemployed persons and to counteract the impact of the economic downturn on employment in order to implement fully the right to work, in particular with regard to the most disadvantaged and marginalized individuals and groups. It also calls upon the State party to reinforce its measures aimed at ensuring that persons with disabilities, including those with learning disabilities, have equal opportunities for productive and gainful employment, equal pay for work of equal value, and provide them with improved, expanded and equal opportunities to gain the necessary qualifications, in line with its general comment no. 5 (1994) on persons with disabilities. (paragraph 20 of the CO)**

18. Further measures have been introduced to help people find and keep a job,<sup>3</sup> for example the Youth Employment Scotland Fund will help support up to 10,000 young people move into sustained employment. Since 2011, Community Jobs Scotland (CJS) has created over 4,000 jobs in the third sector for long term unemployed young people aged 16-24 (including young people with disabilities or long term illness). In 2014-15, CJS will create up to 1,200 job opportunities (including 200 placements for ex-offenders and care leaver pilots). Scotland has a

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<sup>3</sup> <http://www.scotland.gov.uk/Topics/Education/Employability>

Supported Employment Framework to ensure the provision of high quality services across Scotland to help more disabled people into employment. In addition, 150 graduate internships for disabled people or those from a minority ethnic background will be created in the third sector in 2014-15.

**19. The Committee recommends that the State party take immediate and appropriate measures to reduce unemployment among ethnic minorities and provide them with better employment opportunities. (paragraph 21 of the CO)**

20. The significant differential between minority ethnic employment rates and the rest of the population is largely due to the wide gap in female employment rates. Initiatives to address the issue include: the women only employability services provided by "Women onto Work" (a Scottish NGO); vocational learning for refugee women; and support for refugee women at work. An existing toolkit for service providers working with people from a minority ethnic background has been updated to reflect gender and other equalities issues.

**21. The Committee encourages the State party to ensure that the conditions of work of all migrant workers comply with the provisions of article 7 of the Covenant and calls upon the State party to take all necessary measures to investigate the activities of companies employing migrant workers and ensure that employers contravening the law in this regard are prosecuted and sanctioned. (paragraph 22 of the CO)**

22. Under the Agricultural Wages (Scotland) Act 1949,<sup>4</sup> both the employer and worker are responsible for ensuring that all requirements of the Wages Order are complied with in full. Scottish Government officials have the power to conduct routine spot-checks on agricultural premises.

**23. The Committee encourages the State party to ensure that the State pension reform of the Pension Act 2008, which introduces a new private saving scheme to come into effect in 2012, provides sufficient flexibility to enable especially the most disadvantaged and marginalized individuals and groups to benefit from both schemes and to increase their pension entitlements. It encourages the State party to carry out a targeted information campaign about the pension reforms to make people aware of their rights and responsibilities. It also recommends that the State party provide detailed information, in its next periodic report, on the impact of the pension reform, especially on the most disadvantaged and marginalized individuals and groups. (paragraph 23 of the CO)**

24. The Scottish Government published detailed proposals on pensions policy as it would apply in an independent Scotland in September 2013.<sup>5</sup> This sets out full details of how occupational pensions would be protected and enhanced as well as this government's concerns about equality implications from pensions reform.

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<sup>4</sup> <http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/30/contents>

<sup>5</sup> <http://www.scotland.gov.uk/Resource/0043/00434502.pdf>

**25. The Committee recommends that the State party reinforce its measures to combat violence against women. It further recommends that the State party intensify its efforts to raise awareness of the gravity of this offence and the mechanisms available to victims of domestic violence, to improve training for police and law enforcement officials and judges in relation to rape cases, and to increase the support services for victims at the local level. The Committee further recommends that the State party take appropriate measures to ensure that complaints of rape are diligently and impartially investigated and prosecuted without any inherent bias or scepticism towards alleged victims. The Committee reiterates its recommendation that physical punishment of children in the home be prohibited by law. (paragraph 24 of the CO)**

26. Amongst the recent activities by the Scottish Government,<sup>6</sup> the following should be noted: the allocation by Scottish Government of £34.5 million (2012-15) for initiatives to tackle all forms of violence against women, including rape and sexual assault; ongoing work to refresh Scotland's strategic approach to violence against women and girls; the creation of a National Rape Task Force by the police and of the National Sexual Crimes Unit by the Crown Office in Scotland; the criminalisation of forced marriage in Scotland via a legislative consent motion extending certain provisions of the UK Anti-social Behaviour, Crime and Policing Bill to Scotland.

**27. The Committee recommends that the State party allow foreign partners from the age of 18 to join their British partners and consider easing restrictions on family reunification in its Immigration Rules in order to comply with the principle of non-discrimination and ensure the widest possible protection of, and assistance to, the family. (paragraph 26 of the CO)**

28. The Scottish Government is deeply concerned that the UK Government's restrictions on family migration in its Immigration Rules are having a damaging impact on many ordinary, hard-working UK Citizens and their families, and our economy. The Scottish Government welcomes the contribution that family members of UK citizens and those settled in Scotland make to our economy and society. The Scottish Government believes that family migration rules within the UK Immigration Rules should be re-evaluated to reflect the right to a family life and to ensure that a fair and efficient system is in place to manage family reunification effectively.

**29. The Committee encourages the State party to ensure that asylum-seekers are not restricted in their access to the labour market while their claims for asylum are being processed. It also recommends that the State party review section 4 of the Immigration and Asylum Act 1999 on support and provision regulating essential services to rejected asylum-seekers, and undocumented migrants, including the availability of HIV/AIDS treatment, when necessary. (paragraph 27 of the CO)**

30. The Scottish Government is clear that asylum seekers should be able to work while they await the decision on their application and we have urged the UK Government to reconsider their position on this matter. In Scotland, healthcare for

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<sup>6</sup> <http://www.scotland.gov.uk/Topics/People/Equality/violence-women>

asylum seekers (including refused asylum seekers) is free at the point of use, in the same way as it is for indigenous Scottish citizens.

**31. The Committee urges the State party to intensify its efforts to combat poverty, fuel poverty, and social exclusion, in particular with regard to the most disadvantaged and marginalized individuals and groups and in the most affected regions and city areas. It also calls upon the State party to develop human rights-based poverty-reduction programmes, taking into consideration the Committee's Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights of 2001 (E/C.12/2001/10). The Committee also encourages the State party to intensify its efforts aimed at achieving its target of reducing child poverty by half by 2010. (paragraph 28 of the CO)**

**32. There have been significant efforts to tackle poverty, particularly child poverty, in Scotland<sup>7</sup> (for example, the Child Poverty Strategy for Scotland). There is an emphasis on collaborative working and investment to tackle the long term drivers of poverty and income inequality through early intervention and prevention. The 'Social Wage' includes free personal care for the elderly, the abolition of tuition fees, scrapping of bridge tolls and prescription charges, free eye examinations, freezing of council tax, concessionary bus passes and increasing the provision of free nursery education.**

**33. The Committee calls upon the State party, in line with its general comment no. 4 (1991) on the right to adequate housing, to intensify its efforts to ensure that everyone has access to housing and to review its policies and develop effective strategies, including a gender impact assessment, aimed at increasing the levels of affordable housing, including social housing. The Committee also recommends that the State party take into consideration the Homelessness etc. (Scotland) Act 2003 as best practice, especially its provision relating to the right to housing as an enforceable right. (paragraph 29 of the CO)**

**34. In Scotland, the Scottish Government has comprehensive strategies in place on housing,<sup>8</sup> particularly the "Homes Fit for 21<sup>st</sup> Century" strategy<sup>9</sup> (aimed at improving the supply, choice and quality of housing, with priority given to social housing). Equality impact assessments are a routine part of housing review and development. Since 31 December 2012, all unintentionally homeless households in Scotland have been entitled to settled accommodation under the Housing (Scotland) Act 1987.<sup>10</sup>**

**35. The Committee recommends that the State party ensure the provision of sufficient, adequate and secure stopping sites for Roma/Gypsies and Irish Travellers. It also recommends that the State party, in the organization of mega-events, ensure the protection of the most disadvantaged and marginalized individuals and groups, which may be disproportionately affected by such events, in line with the Committee's general comment no. 7**

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<sup>7</sup> <http://www.scotland.gov.uk/Topics/People/welfarereform/tacklingpovertyinscotland>

<sup>8</sup> <http://www.scotland.gov.uk/Topics/Built-Environment/Housing>

<sup>9</sup> <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/reform>

<sup>10</sup> <http://www.legislation.gov.uk/asp/2003/10/contents>

**(1997) on the right to adequate housing: forced evictions. It also encourages the State party to review the provisions of the Unauthorised Encampments (Northern Ireland) Order 2005 and to provide for suitable accommodation arrangements for Roma/Gypsies and Irish Travellers. (paragraph 30 of the CO)**

36. Local authorities must consider the needs of Gypsy/Traveller communities in preparing local housing strategies, and the Scottish Government<sup>11</sup> has established the Gypsy/Traveller Site Working Group to consider issues relating to Gypsy/Traveller sites. The Scottish Government is also working to develop an overarching strategic framework and action plan for Gypsy/Travellers.

**37. In line with general comment no. 14 (2000) on the right to the highest attainable standard of health, the Committee recommends that the State party intensify its efforts to overcome the health inequalities and unequal access to health care, in particular for the most disadvantaged and marginalized individuals and groups. It also urges the State party in this regard to fulfil its commitment to reduce health inequalities by 10 per cent by 2010, measured by infant mortality and life expectancy at birth as benchmarks which the State party has set for itself. It also recommends that the State party gather appropriate disaggregated data on an annual basis of the reporting cycle in this respect with a view to assessing the progress made and providing such information to the Committee in its next periodic report. (paragraph 32 of the CO)**

38. The Scottish Government's efforts to tackle health inequalities<sup>12</sup> include the vision that by 2020 everyone is able to live longer, healthier lives at home or in a homely setting; and tackling health issues of people with learning disabilities. A Person-Centred Health and Care Collaborative is also under way, to test and implement changes that keep the person at the centre of their care.

**39. The Committee recommends that the State party take immediate steps to address, as a matter of priority, the poor health conditions for persons with mental disabilities, as well as the regressive measures taken in funding mental health services. (paragraph 33 of the CO)**

40. The Scottish Government has introduced a Mental Health Strategy 2012-15 and other initiatives,<sup>13</sup> as well as the "Keys to life – Improving Quality of Life for People with Learning Disabilities,"<sup>14</sup> focusing in particular on health issues of people with a learning disability.

**41. The Committee recommends that the State party undertake: (a) training programmes for doctors and health-care professionals about the State party's Covenant obligations, as well as with regard to the prevention and treatment of dementia and Alzheimer's diseases; (b) awareness-raising campaigns about these diseases among the public at large. (paragraph 34 of the CO)**

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<sup>11</sup> <http://www.scotland.gov.uk/Topics/People/Equality/gypsies-travellers>

<sup>12</sup> <http://www.scotland.gov.uk/Topics/Health/Healthy-Living/Health-Inequalities>

<sup>13</sup> <http://www.scotland.gov.uk/Topics/Health/Services/Mental-Health>

<sup>14</sup> <http://www.scotland.gov.uk/Publications/2013/06/1123>

42. “Promoting Excellence”<sup>15</sup> is the national dementia skills and competencies framework for health and social services staff. It is designed to help the services meet the “Standards of Care for Dementia in Scotland”<sup>16</sup>. Awareness raising on dementia was piloted in 2009, and fed into the HEAT Standard,<sup>17</sup> a monitoring process to check the quality and outcomes of the care received by people with dementia, which is now linked to a target that everyone diagnosed in Scotland from 1 April 2013 will receive a minimum of a year’s worth of dedicated post-diagnostic support.

43. **The Committee recommends that the State party intensify its efforts to decrease the number of suicides among mental health patients by dealing with the causes of suicide and strengthening the provision of psychological counselling services, as well as training of health professionals on the causes and symptoms of depression and other mental health problems. It also recommends that the State party take all appropriate measures to ensure access of such patients to the complaints system. (paragraph 35 of the CO)**

44. The Scottish Government has a number of measures<sup>18</sup> in place to reduce the number of suicides, which has decreased 18% since 2002. Key actions include the launch of a new Suicide Prevention Strategy 2013-2016, continuing action to improve access to psychological therapies, funding of the Breathing Space telephone advice line, funding support to Samaritans and funding of research specific to helping inform suicide prevention actions, and the 2012 Charter of Patient Rights and Responsibilities (which includes information on how to have any concerns or complaints dealt with in the most appropriate way).

45. **The Committee recommends that the State party adopt all appropriate measures to reduce the achievement gap in terms of school performance between British pupils and pupils belonging to ethnic, religious or national minorities in the field of education, inter alia, by ensuring the adequate provision of English-language courses for those students who lack adequate language proficiency and avoiding the overrepresentation of minority students in classes for children with learning difficulties. The Committee further recommends that the State party undertake further studies on the correlation between school failure and social environment, with a view to elaborating effective strategies aimed at reducing the disproportionate dropout rates affecting minority pupils. (paragraph 36 of the CO)**

46. The Scottish Government’s “Equality Outcomes and Mainstreaming Report”<sup>19</sup> contains specific equality outcomes for education opportunities for those with protected characteristics.

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<sup>15</sup> <http://www.scotland.gov.uk/Publications/2011/05/31085332/0>

<sup>16</sup> <http://www.scotland.gov.uk/Publications/2011/05/31085414/0>

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[http://www.scotland.gov.uk/About/Performance/scotPerforms/partnerstories/NHSScotlandperformance/Dementia Standard](http://www.scotland.gov.uk/About/Performance/scotPerforms/partnerstories/NHSScotlandperformance/DementiaStandard)

<sup>18</sup> <http://www.scotland.gov.uk/Topics/Health/Services/Mental-Health/Suicide-Self-Harm>

<sup>19</sup> <http://www.scotland.gov.uk/Publications/2013/04/2397>

**47. The Committee recommends that the State party place sufficient emphasis on the inclusion of enforceable economic, social and cultural rights when drawing conclusions from the consultations on a possible Bill of Rights and Responsibilities. (paragraph 38 of the CO)**

**48. The Scottish Government is opposed to the introduction of a UK Bill of Rights. The ECHR is embedded in the Scotland Act 1998 and the Scottish Government expects this to continue to be the case under existing constitutional arrangements.**

**49. The Committee recommends that the State party consider giving workers from 18 to 20 years of age the same minimum wage which is given to those beyond the age of 21. (paragraph 41 of the CO)**

**50. The Scottish Government committed itself to a Scottish Living Wage rate of £7.65 per hour from 1 April 2014 (increasing from £7.45 per hour) for employees, regardless of age, working in parts of the public sector under the Scottish Government's pay policy, and urged employers in the private, public and third sector to do likewise.**

**51. The Committee requests data, in the State party's next periodic report, on the effects of the Welfare Reform agenda that are disaggregated on an annual basis, according to the prohibited grounds of discrimination. (paragraph 42 of the CO)**

**52. The Scottish Government remains concerned about the impact of the UK Government's welfare reforms on people in Scotland, including some of the most vulnerable in our society. We continue to press the UK Government for fairer reform and to ensure that safeguards are in place for those who need them most. We are doing all we can, within our existing powers and resources, to mitigate the worst impacts where possible. For example, we are providing an additional £9.2 million for the new Scottish Welfare Fund, giving a total fund of £33 million, which has the capacity to support around 200,000 people in Scotland. We are also providing an additional £7.9 million for advice and support services to help those affected by the reforms.**

**53. In line with general comment no. 13 (1999) on the right to education, the Committee encourages the State party to review its policy on tuition fees for tertiary education with a view to implementing article 13 of the Covenant, which provides for the progressive introduction of free education at all levels. It also recommends that the State party eliminate the unequal treatment between European Union member State nationals and nationals of other States regarding the reduction of university fees and the allocation of financial assistance. (paragraph 44 of the CO)**

**54. In Scotland,<sup>20</sup> Scottish domiciled or eligible EU students studying full time in Scotland do not have to pay tuition fees if studying for a first degree or equivalent. Different levels of tuition fees apply for international students, students from Wales,**

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<sup>20</sup> <http://www.scotland.gov.uk/Topics/Education/UniversitiesColleges/16640/financial-help>

and students from England and Northern Ireland. Financial help for eligible students<sup>21</sup> is available through the "Student Awards Agency for Scotland."<sup>22</sup>

**55. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible in the languages of the United Kingdom, and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging national human rights institutions, non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report. (paragraph 45 of the CO)**

56. The Scottish Government engages regularly with stakeholders on these matters, and held a round table discussion in June 2013 to discuss preparations for both the mid-term Universal Periodic Review update and our contribution to the CESCR periodic report. Written representations were sought on both, and have been considered as part of Scotland's contribution to this process.

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<sup>21</sup> [https://www.saas.gov.uk/full\\_time/ug/young/eligibility\\_residence.htm](https://www.saas.gov.uk/full_time/ug/young/eligibility_residence.htm)

<sup>22</sup> <https://www.saas.gov.uk/>