

# Citizens Advice Scotland's Response to the Scottish Government's Equality and Human Rights Mainstreaming Strategy Consultation (Feb 2025)

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## The Citizens Advice network in Scotland

- > The Citizens Advice network is Scotland's largest independent advice provider. We empower people to realise their rights by providing free, confidential and person-centred advice across **59 local Citizens Advice Bureaux (CAB)**<sup>1</sup> in every corner of Scotland, as well as through our **Extra Help Unit (EHU)** which supports people across Great Britain with the most complex and urgent energy issues. Alongside our network of local, volunteer-based CAB, **Citizens Advice Scotland (CAS)**, the national membership body, looks at the problems people bring to the network and advocates for positive change where it is needed most.
- > Our holistic advice and support changes lives. Every year, more than 2 million people visit our online advice pages, while CAB provide tailored support to nearly 200,000 people across Scotland. On around 40% of occasions the network provides advice on more than one issue, reflecting the often clustered nature of issues people experience as well as the person-centred and holistic nature of our service. In 2023/24, our support put over £158m in financial terms alone back into people's pockets and local communities.
- > Our network serves some of the most marginalised and intersectionally disadvantaged communities and individuals in Scotland. In the past 5 years, 56% of the people we supported were women; 54% reported having a disability or long-term health condition; nearly a third resided in the most deprived areas by SIMD quintile; 12% were lone parent families; and 10% lived in remote rural areas/ small towns.<sup>2,3</sup>
- > The Citizens Advice network holds the largest dataset outside the public sector in Scotland on people's experiences on the ground and has unparalleled insight into the issues affecting them. This submission is based on our quantitative and

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<sup>1</sup> Each of the 59 CAB are local, independent charities.

<sup>2</sup> [National Reports | Citizens Advice Scotland \(2020/21 -22/23\); https://www.cas.org.uk/about-us/scottish-citizens-advice-network-statistics \(2023/24\)](https://www.cas.org.uk/about-us/scottish-citizens-advice-network-statistics-2023/24).

<sup>3</sup> At 2%, people from minority ethnic backgrounds are very likely underreported in our client base, as 52% of people we support choose not to answer questions regarding ethnicity.

qualitative data, published reports and papers, as well as lived and learned experience from across CAS and the network.

- We welcome the opportunity to respond to the Equality and Human Rights Mainstreaming Consultation. Our response focuses on those questions where we can best provide informed contributions.

## Our response

The Citizens Advice network in Scotland sees too many people in Scotland whose fundamental human dignity is not being respected and upheld, and we know of the devastating impacts of longstanding inequalities on people's lives.<sup>4</sup>

Amid the delayed Scottish Human Rights Bill, CAS welcomes the Scottish Government's renewed focus on progressing SNAP2 actions as well as on mainstreaming equality and human rights across Scottish Government and the public sector to tackle persistent inequality and proactively move us towards realisation of human rights for everyone in Scotland.

## Questions 1 & 1a

CAS is generally supportive of the strategy's vision, which aligns with our network's mission to help people navigate systems and access their rights; build resilient communities; support the realisation of human rights; and help change policies and practices to ensure they work for people.

However, we would suggest the inclusion of the term 'connected' in the list of characteristics of the envisioned strong communities as "diverse, inclusive, empowered, resilient and safe".

This would more explicitly signal a vision of strong communities not as existing in isolation and inward-facing but as embedded in and part of the wider environment, and as interlinked and connected with others through our common humanity and shared values such as human dignity, fairness, and internationally recognised human rights.

Aspiring to 'connected communities' would also helpfully focus attention on issues of connectivity, including gaps in transport, energy, and digital infrastructure and connectivity,<sup>5</sup> which continue to stifle and disadvantage communities especially in rural and

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<sup>4</sup> See, e.g., our recent [Submission of evidence to the UN Committee on Economic, Social and Cultural Rights \(77<sup>th</sup> Session\)](#) (Jan 2025).

<sup>5</sup> This would also align the Strategy's vision with the UN Sustainable Development Goals, especially goal 9 (building resilient infrastructure, promoting sustainable industrialisation and fostering innovation) and goal 7 (ensure access to affordable, reliable, sustainable and clean energy).

remote areas of Scotland as well as communities concentrated in the most deprived areas<sup>6</sup> – issues the Citizens Advice network in Scotland continues to highlight<sup>7</sup>.

## Questions 2 & 2a

CAS broadly supports the strategy’s proposed objectives but would recommend the following to further strengthen the strategy’s purpose and impact:

- **Explicitly include participation of rights-holders and civil society groups** in policy-making and delivery, as well as scrutiny and monitoring (e.g., in the 2<sup>nd</sup> bullet point) to more clearly align the objectives with the PANEL principles.
- **Stronger focus on ‘improving equality and human rights realisation’** (or similar wording) (e.g., in 3<sup>rd</sup> bullet point), to explicitly move Scottish Government and public bodies towards a focus on the outcomes of reducing inequality and progressively realising human rights in line with their legal obligations.
- **Explicitly include promoting access to justice**, beyond just “embedding transparency” (4<sup>th</sup> bullet point). The Mainstreaming Strategy will not have the desired transformative effect without improved and strengthened accountability mechanisms which enable people to challenge rights violations in practice. These should present rights-holders with non-judicial and judicial routes to “accessible, affordable, timely and effective remedies” in line with international human rights standards on access to justice.<sup>8</sup>

## Questions 7-9 (and Questions 3-22, more broadly)

CAS agrees that accountability and transparency are one of several key drivers for mainstreaming equality and human rights, which is why we continue to **strongly support proposals for a Scottish Human Rights Bill to close the accountability gap** on economic, social and cultural rights and the right to a healthy environment as well as rights of disabled people, women, and racialised minorities in Scotland. We would urge the Scottish Government to re-commit to delivering a strong Scottish Human Rights Bill before 2026 and to further build on the recently published Human Rights Incorporation and Implementation Plan to meaningfully progress actions and engagement with rightsholders, civil society and UK government towards incorporation of ICESCR, CEDAW, CRPD, CERD

<sup>6</sup> In the past 5 years, 10% of the people we supported lived in remote rural areas/small towns while nearly a third resided in the most deprived areas by SIMD quintile.

<sup>7</sup> [CAS Response to Scottish Human Rights Bill Consultation \(Oct 2023\)](#); [CAS Submission to Public Audit Committee – Tackling Digital Exclusion \(Dec 2024\)](#).

<sup>8</sup> See Art 8 UNDHR, CESCR General Comment 9, para. 9, Similarly, Art 9(4) of the Aarhus Convention requires remedies to be “appropriate, fair, equitable, timely and not prohibitively expensive”. See [CAS Response to Scottish Human Rights Bill Consultation \(Oct 2023\)](#) for more detail on “accessible, affordable, timely, and effective remedies”.

rights and the right to a healthy environment into domestic law in Scotland (and across the UK).

While mainstreaming equality and human rights cannot replace legal incorporation of these human rights, we believe the mainstreaming strategy has the potential to contribute towards better human rights and equality outcomes. Alongside Scottish Government, public bodies and those delivering public services should be accountable for their (in)actions to realise the rights set out in international human rights frameworks that Scotland is committed to deliver.

**Concerted and simultaneous action is now needed across all the key drivers identified in the consultation paper to realise a cohesive approach and meaningfully improve human rights and equality outcomes for people on the ground. This will require sufficient funding to enable and support the delivery of the mainstreaming strategy.**

The consultation paper highlights the importance of transparency and focuses on a number of internal and external accountability mechanisms across Government and the public sector but says little about **barriers to accountability and transparency as experienced by rights-holders when interacting with public services or being impacted by specific policies.**

CAS research has shown significant barriers to rightsholders' ability to scrutinise and hold public bodies to account. For example, as part of the Open Government Partnership, **CAS commissioned YouGov Scotland research in 2020<sup>9</sup>** to better understand **people's ability to scrutinise and hold public service providers to account in Scotland.<sup>10</sup>**

While this work was not focused on equality and human rights but on the public's general views of and interactions with public services, the following findings could helpfully inform actions to improve accountability and transparency via the mainstreaming strategy:

- When asked what 'accountability' meant to them, two thirds of respondents (65%) provided a response which most commonly referred to 'responsibility', 'transparency', and 'being answerable'.
- Almost three quarters of respondents felt confident they could access information on public services; however, almost a quarter (23%) did not.
- Moreover, 2 in 5 respondents did not feel confident to raise concerns about public services (40%) nor to request answers to specific questions (45%). More than half of respondents felt they lacked confidence to question a decision that has been made

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<sup>9</sup> The YouGov Scotland Omnibus findings are based on a sample of 1,003 Scottish residents, representative of the Scottish population across demographics such as age, gender, and geographical location. Fieldwork took place on 21<sup>st</sup> and 22<sup>nd</sup> January 2020.

<sup>10</sup> [Holding public services to account in scotland- citizens advice scotland research report 1.pdf](#) (August 2020).

(52%) and to get involved in the decision-making process (57%). Those least confident, overall, were aged under 25 or unemployed.

- › Knowledge of regulatory bodies was poor, with a quarter (26%) of respondents having not heard of any. Few respondents had an accurate understanding of what the regulatory bodies did.

These findings indicate that large parts of the Scottish public lack information and understanding of public services and ways to meaningfully engage with them to access and request the information, support and services they require. Particular attention should be paid to enabling and strengthening people’s ability to meaningfully participate in decisions that affect them. Similarly, clear information on regulatory bodies, their roles and workings should be made available and accessible to the public, especially on how people can use these to access remedies when something goes wrong.

Such barriers are also reflected in **our network data. CAB across Scotland regularly support people with their complaints against a wide range of public services providers.** In 2023/24, bureaux provided nearly 10,000 pieces of complaints advice. This included complaints against social security benefit providers, schools, care providers, local authority housing and homelessness services, police, and NHS Scotland.

Rights-holders we support usually require information about their rights alongside advice on ways to raise concerns or complaints, how to articulate/present their complaint, navigate and engage in accountability processes, and how to escalate their issue if it remains unresolved.

Those facing rights violations often experience their relationship with public bodies as deeply unequal. For many, barriers to action include fear of repercussions. Rather than enabling accountability, public bodies seem to operate multiple barriers, including use of inaccessible communication/language; complex processes and systems; increasingly digital-by-default services/systems; unduly long delays in accountability mechanisms; or ineffective remedies for rights violations. The following Citizens Alert<sup>11</sup> illustrates these issues:

A West of Scotland CAB supported Linda who has been dealing with a housing issue for the past two years; her council house has a host of issues such as missing roof slates, a hole in the roof, black mould in all rooms, doors that are not sealed properly, and no gutters on the side of building. Linda has spoken to Environmental Health, and – supported by the CAB – has already exhausted the council complaints procedure and been to the SPSO who confirmed the house is not meeting the

<sup>11</sup> Citizens Alerts are based on a real-time case reporting system operated by the Citizens Advice network in Scotland. These qualitative cases are shared with us from individual Citizens Advice Bureaux (CAB) and provide CAS with unique insight into the lived experiences, situations and detriment which individuals seeking our support are facing. While Citizens Alerts represent individual client experience, they can also highlight patterns and structural issues which need to be addressed. We anonymise this data, compile and analyse it to effect change in policy, law and practice.

tolerable standard. The SPSO upheld her complaint and recommended Linda and her partner to be decanted for major repair works to be carried out. Three months later, the local council has still not implemented SPSO recommendations which has led to the breakdown in Linda’s relationship with her ex-partner. He is experiencing deteriorating health as he has remained in the property.

Moreover, rights-holders most at risk of human rights violations often find themselves without the necessary financial and social resources and stability, mental/physical health, time, and the adequate support they need to successfully challenge a decision, pursue accountability and an effective remedy when they experience human rights denials.<sup>12</sup> Such barriers can be compounded and long-standing as exemplified in the following Citizens Alert.

Paul has been released from prison several months ago and currently lives in temporary accommodation. He had a traumatic childhood and has suffered from poor mental health, which was not dealt with properly, resulting in addiction to drink and drugs, and time in prison. There, he witnessed a lot of violence, which has increased his anxiety. He suffers from depression, is unmotivated to wash and dress or leave the house. Paul is currently taking medication and was referred to the local Crisis Assessment and Treatment team and another addiction support service but feels they’re ignoring him, and he is drinking again. He feels that, throughout his life, ‘the system’ has badly let him down; he lacks life skills and chances and is pushed to the margins. He has come to his local West of Scotland CAB for support to access the services he needs to cope and help his recovery and rehabilitation.

People we support often report that once they have raised a complaint, they needed public services to provide clear timeframes within which the complaint would be addressed and to give regular updates on progress. Ideally, the public services provider should share lessons learnt and changes made with the wider public, so that trust could be built and care demonstrated.

CAB advisers across the network also regularly highlight transparency and accountability concerns around:

- **Long delays in responses to Subject Access Requests** as the following Citizens Alerts illustrate;

John is being assisted by a South of Scotland CAB with a DWP appeal. The appeal relies on him proving that he was incarcerated during a specific time period and therefore not in receipt of benefits. The Scottish Prison Service was contacted with a request for this information but 8 months later, neither John nor the CAB have

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<sup>12</sup> This echoes findings of the Lived Experience Boards for the Human Rights Bill.

received it. The standard time limit for response to a Subject Access Request is one month. This excessive delay is causing John considerable stress and additional financial hardship.

A North of Scotland CAB supported Erin, a teenager (16+) in full-time education, who has received her Adult Disability Payment (ADP) determination letter and wanted to challenge it. However, the 'Decision Report Pack' she had been sent did not contain all information/reports on which the ADP decision was based, so with Erin's consent the CAB adviser phoned Social Security Scotland (SSS) to request the missing information. The SSS Helpline operator advised Erin would need to make a Subject Access Request in order to obtain that information. The CAB adviser helped Erin to submit a request. Erin returned to the CAB 10 weeks later as she still had not received the information she had requested from SSS.

- **Wrong information regarding/refusals of FoI requests** which can make it difficult for rightsholders or CAB to access information to scrutinise or challenge (the impacts of) a decision or policy;

An East of Scotland CAB submitted a FoI request to the Scottish Courts and Tribunal Service (SCTS). To assess the impacts of longstanding gaps in the availability of legal aid solicitors in their community, the bureau asked SCTS for the number of cases brought to the local Sheriff court for the past 2 years, broken down by category of law and the percentage of unrepresented parties. While some information was provided in response, the request for the latter information was refused. The explanation that was given was that SCTS did not automatically record this data, and that it would require manual extraction of the files pertaining to each case to provide the information requested – however, it appeared other options such as drawing from a randomised sample of court cases to report a percentage of unrepresented parties had not been considered at all.

- **Access to Justice barriers within the justice system:** CAS has continuously highlighted the need for urgent and cohesive Access to Justice reforms to ensure the right to remedy is a reality for everyone in Scotland, including reforms of the legal aid system (e.g. regarding eligibility criteria, administration, fees, shift towards early intervention and prevention approaches), current levels and exemptions from court fees, criteria for standing in Judicial Review proceedings, as well as proactive steps towards digital inclusion in the justice system.<sup>13</sup> Without such reforms, the lack of accessible, affordable, timely and effective remedies will be a serious hurdle to the success of the Mainstreaming Strategy.

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<sup>13</sup> [CAS evidence on Access to Justice Issues to Equality, Human Rights and Civil Justice Committee \(March 2023\)](#); [CAS Response to Scottish Human Rights Bill Consultation \(Oct 2023\)](#); [CAS Response to the Scottish Court Fees 2024-25 Consultation \(June 2024\)](#).

## Questions 10-12

CAS agrees that an effective regulatory and policy environment is a key driver of mainstreaming equality and human rights. The UNCRC (Scotland) Act 2024 represents an important achievement and milestone for human rights in Scotland, and we continue to urge and stand ready to work with Scottish Government and civil society to make meaningful progress towards the introduction of a Scottish Human Rights Bill (see above) and to improve implementation of international human rights standards in Scotland.

We agree that formal processes such as Equality Impact Assessments (EQIAs) play an important role to ensure that equality and human rights impacts and outcomes are properly considered, and that people affected are meaningfully consulted and heard before these decisions are made.

However, CAS is aware of various instances where EQIAs required by law have not been carried out/are overdue or are of low quality.<sup>14</sup> Processes such as these don't have the suggested transformative impact if public bodies do not comply with and fully support their requirements and objectives. CAS is also concerned that current standards in EQIA, for example, do not allow for a legal challenge on the basis of quality or relevance of EQIA content to the specific groups affected. We continue to support proposals to establish a more robust set of requirements around depth and quality of consultation and involvement of those affected by such policies and decisions, including specific protected groups.<sup>15</sup>

Learning from issues around EQIAs should also inform the development of the proposed pilot of a human rights impact assessment framework, so these key accountability and review mechanisms are not just seen as a burdensome tick box exercise with no or limited consequences in case of non-compliance.

## Questions 13-15

The Citizens Advice network has longstanding experience in using our unparalleled and distinct insight into the experiences of people across Scotland and the problems and issues they face to advocate for positive change – and therefore agrees that utilising evidence and experience is a key driver for mainstreaming equality and human rights. We welcome the stated commitment to strengthen and improve the collection and production of equality and human rights data across the public sector, as there is an urgent need for more

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<sup>14</sup> See, e.g. *McHattie v South Ayrshire Council* [2020] CSOH4; *AB v Scottish Borders Council* [2022] CSOH 68. In both cases, the Court of Sessions overturned decisions by local authorities to close adult care centres because they failed in their legal duty to conduct an EQIA or to consult the families of people they cared for. The Equality and Human Rights Commission (2023) also reported that the SQA had not carried out EQIAs for several of its policies and practices ([Equality and Human Rights Monitor: Is Scotland Fairer?](#)).

<sup>15</sup> For more detail, see [CAS Response to Scottish Human Rights Bill Consultation \(Oct 2023\)](#), p. 26.

disaggregated data and intersectional analysis using a human rights lens, as well as the development of robust human rights indicators that can be monitored over time.<sup>16</sup>

We believe this crucial evidence base can be significantly enhanced through close collaboration with and capacity-building across civil society organisations and community groups who hold evidence and data based on longstanding relationships in and with the communities they serve.

### Questions 16-19 (and 3-6)

CAS agrees that Scotland needs a major cultural shift to fully implement a human rights-based approach across government and the public sector. Embedding human rights and equality into all decision-and policy making requires clear leadership and bold action – at all levels and across all functions. We therefore welcome the stated commitment to equip all public sector staff, at all levels, with the skills, knowledge, and motivation to fully integrate equality and human rights into everything they do.

For example, CAB advisers regularly raise concerns about instances when frontline staff in public bodies and service providers provide wrong or misleading information, make unreasonable requests, seem to discriminate against rights-holders, misinterpret regulations and criteria, are dismissive of rights-holders concerns or complaints, etc., often resulting in detriment or harm for the people we support.

Recent **YouGov polling CAS commissioned in 2024 to better understand people’s awareness, understanding and experiences of human rights in Scotland**<sup>17</sup> also showed that:

- 1 in 5 respondents said they had experienced unfair treatment by a public services provider, half of whom said it happened once, while the other half said it had happened multiple times.
- Those who said they have been treated unfairly by a public services provider (n=225) were asked what kind of issue(s) this related to, thinking about the most recent occasion. The below table highlights the most common issues:<sup>18</sup>

Unfair treatment by public services provider related to the following issue	%
Discrimination of any kind (e.g. ethnicity, gender, disability, etc.)	26

<sup>16</sup> See e.g. [Equality and Human Rights Monitor: Is Scotland Fairer?](#) (2023) and our [Submission to UN Committee on Economic, Social and Cultural Rights \(Jan 2025\)](#).

<sup>17</sup> Total sample size was 1,076 adults. Fieldwork was undertaken between 25 March – 2 April 2024. The survey was carried out online. The figures have been weighted and are representative of all adults in Scotland (aged 18+).

<sup>18</sup> Other issues in relation to which people had experienced unfair treatment by a public body/public services provider included asylum, immigration and detention; the care system and adoption; social care; education; data protection and privacy issues.

Mental health	22
Physical health	20
Disability	17
Criminal justice	16
Housing	14
Workers rights	14
Social security and benefits	12

The consultation paper mentions developing the understanding and knowledge of equality and human rights amongst rights-holders but is light on how this will be achieved. More detail is required on how delivery of information and support can be improved and sustained, as the above YouGov polling on Human Rights we commissioned in 2024 also found:

- Three quarters of Scottish adults felt they have some knowledge of human rights. However, there is ample room and need to improve people’s human rights knowledge, with 6 in 10 respondents saying they knew ‘a little’ and a quarter saying they knew ‘not much’ or ‘nothing at all’.
- This differed notably between socio-economic groups, with 83% of those in more professional and managerial roles stating they knew about human rights compared to 68% of skilled, unskilled manual workers, state pensioners and those receiving only state benefits.
- Even after more than 25 years of the Human Rights Act 1998 and Scotland Act 1998, we found varying levels of awareness of these human rights protected in domestic law. While the great majority of respondents correctly identified some Convention rights (e.g. freedom from torture, from slavery, right to a fair trial), half to three quarters of respondents got it wrong or were unsure about other rights (e.g. right to privacy, to join unions and organisations). Across all the rights we asked respondents about, those in lower socioeconomic groups were notably less well informed.
- Concerningly, almost 1 in 5 of all respondents said they did not know who they would turn to if faced with a human rights violation. This response was more prevalent among respondents in the lower socioeconomic category (23%) compared to those in the higher socioeconomic category (15%). We also found that advice charities (such as CAB, Scottish Women’s Aid, Inclusion Scotland) would be the first port of call for most Scots to receive advice and support on their human rights.<sup>19</sup>

<sup>19</sup> The next most common sources of advice and support people would turn to for advice and support on human rights were - in descending order - legal professionals (33%), Scottish Human Rights Commission (25%), MP (25%), MSP (24%), Equality and Human Rights Commission (20%), Human Rights charities (such as Liberty, Amnesty

We believe rights-holders' access to information and advice on equality and human rights is crucial; more work needs to be done to raise people's awareness and understanding to enable them to name and claim their human rights. While everyone would clearly benefit from more information and education on these fundamental rights, any such measures should especially address those in lower socio-economic groups as these were shown to be less well informed – while they may also be more likely to experience denials of their human rights and may find it harder to claim them. The vital role of third sector advice and support organisations in reaching and working with rights-holders across Scottish society needs to be acknowledged more explicitly in the Mainstreaming Strategy (and funded accordingly).

### Questions 20-22

CAS agrees that improving capacity is a key driver for equality and human rights mainstreaming and welcome the recognition that this requires Scottish Government and public sector bodies to support civil society in their mainstreaming efforts through fair and sufficient grant funding, in line with NPF ambitions and Scottish Government priorities.

Stable, multi-year funding is crucial to build a more resilient and effective third sector. Funding for civil society organisations should also provide resources and programmes to further develop the third sector's equality and human rights capabilities, including on the PANEL principles, relevant international and domestic human rights law and developments, as well as on intersectional data analysis and human rights monitoring.

We are supportive of enabling and adopting human rights budgeting approaches to clearly align the raising and allocation of financial resources with improving equality and human rights outcomes. However, potential tensions between prioritising funding for services and programmes for those facing the greatest barriers to justice and equality and more generalist services for all have to be carefully considered, so as not to perpetuate/increase the stigmatisation of those most at risk of rights violations nor inadvertently result in the exclusion/deterioration of the life chances and rights of others who are similarly disadvantaged.

### Questions 23-28

CAS fully supports the Mainstreaming Strategy's ambition to place equality and human rights at the heart of decision- and policy-making across Scottish Government and the public sector. We know that Scotland urgently needs to tackle persistent inequality and the

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International) (18%), family member (16%), trade union or other membership organisation (15%), Scottish Public Services Ombudsman (14%).

multiple, intersecting barriers that deny too many people in our communities their human rights.

We therefore welcome the proposed comprehensive approach to embed human rights and equality across leadership, accountability and transparency mechanisms, the regulatory and policy environment, the use of evidence and experience, and the strengthening of capability, culture, and capacity. The action plan and public sector toolkit which are proposed to accompany the Strategy are promising if they can translate the Strategy's ambitions into practical, clear, measurable and time-bound actions with review and monitoring mechanisms as well as meaningful participation of rights-holders built-in to proactively and progressively move us towards the full realisation of human rights for everyone.

CAS believes that, for equality and human rights mainstreaming to have real-life impacts, strengthening the accountability of public bodies and enforceability of human rights and equality provisions is fundamental. Within and alongside the Mainstreaming Strategy, we urge the Scottish Government to prioritise urgently needed Access to Justice reforms as well as bold and decisive leadership towards the introduction of a Scottish Human Rights Bill.

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