

A human rights-based approach to the Minimum Income Guarantee: Briefing on Poverty Alliance member's seminar

January 2025

1. Introduction

Poverty is a human rights issue. Fundamentally, human rights are about ensuring that we are all able to lead decent and dignified lives, something which poverty denies. The ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) by the UK Government made a commitment to respect, protect and fulfil our rights through concrete steps. The Scottish Government must also observe and implement this international law. However, as poverty rates in Scotland remain high, people are increasingly denied their rights and progressive realisation is not being achieved.

Making the connection between poverty and human rights is vital as human rights frameworks can be a powerful tool to hold our government and our public bodies to account. Using human rights frameworks allows us to see anti-poverty demands as fulfilments of legal obligations on the part of Government and public bodies, rather than 'merely' political requests.

The Poverty Alliance's membership have shown enthusiasm for the Minimum Income Guarantee (MIG) as a proposal to realise our human rights. The policy could undoubtedly progress our right to an adequate standard of living by securing adequate incomes and our right to social security. Research has also highlighted the potential of major income supplementation programmes to further realise the right to the highest attainable standard of health.

In November 2024, Poverty Alliance members came together as part of the second phase of the Poverty Alliance's 'Drawing a Line Under Poverty' project¹ to discuss taking a human rights-based approach to the MIG. With representation from both organisations and individual activists, this session provided an opportunity for members to share their thoughts on how we can ensure the MIG can progress human rights in Scotland, and how we can build support for the policy among human rights organisations and advocates. This briefing summarises the key points from speaker contributions and small group discussions.

¹ The Poverty Alliance (2024) *Drawing a Line Under Poverty with a Minimum Income Guarantee – Interim Report*. Available at <https://www.povertyalliance.org/wp-content/uploads/2024/10/Drawing-a-line-under-poverty-with-a-MIG-Interim-Report-Oct-2024.pdf>

2. A Minimum Income Guarantee Commission: Dave Hawkey, Senior Researcher, IPPR Scotland

The delivery of a MIG in Scotland was an idea first explored by Institute for Public Policy Research (IPPR) Scotland during the Covid-19 lockdown, reflecting the need for a fundamental change to our social contract in Scotland. Their proposal and recommendations for a MIG were incorporated into the Scottish Government's 2021/22 Programme for Government, signaling a commitment to delivering the MIG as a long term goal.

This commitment has been taken forward through different working groups including an Expert Group which has representation from academia, think tanks and the third sector and is, crucially, informed by an Expert by Experience Panel. Whilst the Expert Group's interim report² outlined initial thinking, it also raised questions around the MIG including how we pay for it, ensure it delivers to the diverse needs of households across Scotland and communicate it in a way that is accessible and meaningful. These questions are now being explored through further research and engagement and were key points of discussion in the first phase of this project.

As well as the required systems change, the MIG level - and how this drives policy - is also an ongoing question; Dave was clear that there is different thinking about where a MIG level should be initially set. Ideally the MIG level would be set at Minimum Income Standard (MIS) level, but current thinking is that it would initially be set at the relative poverty level to ensure that everyone who has access to the MIG would be lifted out of poverty. It is in this context that the Expert Group is proposing a MIG Commission to recommend MIG levels, uprate those levels where needed and provide independent feedback and scrutiny on the Scottish Government's delivery of the MIG.

Current social security spend in Scotland is around £6 billion. Bringing everyone up to the MIS - without any other systems change being made - would cost that again. It is clear that, whilst delivering a MIG will form part of the Scottish social contract, it also has significant cost so not only needs a strong political and public support base but also space for constructive conversation and deliberation. Facilitating that deliberation is a role that a MIG Commission could play, for example embedding a citizens' jury approach to ensure that changes reflect the wants and needs of Scottish society.

A Commission is also useful in thinking about how human rights are embedded in the MIG process to inform decision making, rather than just principles. For example, they could be tasked to answer the question of what constitutes that minimum acceptable income level, where below that level, it is not possible to live in dignity and have human rights met.

² Scottish Government (2023) *Minimum Income Guarantee Expert Group: interim report*. Available at: [Minimum Income Guarantee Expert Group: interim report - gov.scot](https://www.gov.scot/publications/minimum-income-guarantee-expert-group-interim-report/pages/1/)

3. Realising our economic rights through a Minimum Income Guarantee: Oonagh Brown, Policy and Participation Officer, Scottish Human Rights Commission

“Any meaningful commitment to human rights must start from the ground up, with recognising the humanity of the people standing beside you.”

Oonagh set out that taking a human right-based approach has two objectives: to empower rights holder to claim and exercise their rights *and* strengthen the capacity of duty bearers to respect, promote and fulfil human rights. This can be done through the PANEL principles:

- **Participation:** where people should be involved in decision that affect their rights;
- **Accountability:** there should be monitoring of how people’s rights are being affected as well as remedies when things go wrong;
- **Non-discrimination and equality:** all forms of discrimination must be prohibited, prevented and eliminated and 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; and
- **Legality:** approaches should be grounded in the legal rights that are set out in domestic and international laws.

In Scotland, we are good at talking about human rights-based approaches. However, there is a significant gap between policy intent and practice, which the Scottish Human Rights Commission’s work consistently points to. Scotland recently had the opportunity through a proposed Human Rights Bill to address this implementation gap, but this legislation has been delayed which is of huge disappointment across civil society. However, in the meantime, Oonagh made clear that we can work together to encourage engagement, foster the capacity of human rights defenders and hold duty bearers to account.

Adopting a human rights-based approach to MIG may not necessarily be straight forward, but it is achievable. It is about creating services where rights holders inform services and policies, decision makers are held to account, everyone’s needs are considered, and everyone is supported to contribute and challenge injustice. All of this underpinned by international and domestic human rights law which can be used to access justice when things go wrong.

There are already good examples of ways in which we could think about a human rights-based approach to the MIG, including the Office of UN High Commissioner for Human Rights’ (OHCHR) *“Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies”*³ and the European Network of National Human Rights

³ Available at: <https://www.un.org/disabilities/documents/workshops/principles-guidelines-hr.pdf>

Institutions' *"Applying a Human Rights Based Approach to Poverty Reduction and Management"*.⁴ Both documents are clear that poverty results from a denial of human rights. Poverty is both a cause and consequence of human rights violations and can be described as the denial of a person's rights to a range of basic capabilities such as being adequately nourished, to live in good health, and to take part in decision-making processes and in social and cultural life.

Oonagh stated that ICESCR includes the rights we should enshrine through a MIG, including our rights to: education; fair and just conditions of work; an adequate standard of living; the highest attainable standard of health; and social security.

Oonagh identified eight guidelines which the OHCHR promote and which might be useful to consider in the context of a MIG:

1. Identification of attributes of poverty and who is affected.
2. National and international human rights frameworks.
3. Equality and non-discrimination.
4. Setting targets, benchmarks and priorities.
5. Participation.
6. Monitoring and accountability.
7. International assistance and cooperation.
8. Integrating specific human rights standards.

If we begin to apply these eight guidelines, we can begin to assess what a human rights-based approach to MIG would look like in practice:

1. Evidence about who will benefit and how they will benefit.
2. Defined national and international human rights frameworks to support the MIG, such as the ICESCR.
3. Evidence that people facing multiple inequalities can benefit in the same way others can and the MIG is challenging discrimination.
4. Clear and defined targets and indicators to evidence what rights a MIG helps to realise such as food, housing, health, education, and work.
5. Opportunities for rights holders to have designed the MIG and how it is implemented.
6. Implementation that includes ongoing monitoring – perhaps through a MIG Commission - to help ensure duty bearer accountability for implementation.
7. Actions that align with recommendations from UN bodies or international best practices that provide strong frameworks for social detections such as the International Labour Organisation and UN Special Rapporteurs.

⁴ Available at: <https://ennhri.org/wp-content/uploads/2019/11/Applying-a-Human-Rights-Based-Approach-to-Poverty-Reduction-and-Measurement-A-Guide-for-NHRIs.pdf>

8. Integration of other human rights standards, such as the UN Convention on the Rights of Persons with Disabilities.

4. Feedback from discussion

Reflecting on the speakers' inputs, as well as their own work, seminar attendees had the opportunity to discuss the following questions in small groups:

- What would it mean to take a human rights-based approach to the MIG? What are the practical considerations?
- How could the MIG be a vehicle to realise our human rights in Scotland?
- What do you think of the recommendation for a MIG Commission? What should the remit of any Commission be to ensure it take account of human rights?
- What do human rights organisations and advocates need to be able to support the delivery of the MIG in Scotland?

Practical consideration for a human rights-based approach to the MIG

Human rights-based approach is a positive step towards having conversations about poverty that are wider than just employment, and an individual's ability to participate in the formal economy. It would also help us to navigate the tension between emergency responses and longer-term approaches to poverty alleviation, offering the opportunity for a joined-up approach to social issues like childcare and housing.

The MIG should therefore use existing and forthcoming duties and levies - and human rights definitions around 'dignity' and 'participation' - to ensure it goes beyond taking people merely above poverty level, and instead facilitates their participation in society as a basic right, taking inspiration from examples in Canada, Germany and Ireland.

In terms of practical considerations, there are currently barriers to access for some groups, such as disabled people and carers, on the three core strands of the MIG: employment, services and social security. That means that the development and delivery of a MIG must coincide with structural change and reform to current broken - and sometimes exploitative - systems. This reform cannot be kicked into the long grass as it often is, as that would mean that a MIG could not be fully delivered.

When considering what a MIG would look like for different groups – and the changes we need to make for those people – we need to think critically about what we mean by the 'general' population and what a 'general' MIG would look like. This is because groups like disabled people, carers, women and minoritised ethnic communities make up the general population so a 'general' MIG needs to account for this diversity of need.

The need for a narrative framework emerged as a priority, with solid framing needed around:

- The human rights breaches that poverty creates;
- The national economic impact that poverty has; and
- MIG as a social contract and a way to facilitate human rights and dignity for all.

There were questions from attendees about what it means to take a human rights-based approach in the absence of the Human Rights Bill, and particularly what this means for accountability. As such, we should be building in human rights monitoring and the setting of human rights baselines into the design of the MIG.

For attendees, empowerment and accountability were viewed as linked; we need to empower citizens to hold our government to account for our human rights.

MIG as a vehicle to realise human rights

Attendees were clear in the desperate need of change in Scotland, and that the end point of this change must be a new social contract. A quality standard of life is for all people and attendees stated that the MIG is a way to get there. The delivery of a MIG offers the opportunity to show leadership on a human rights-based approach to policy-making, with the potential to influence wider work. Further to this, the MIG could help to realise further rights because universality - in that everyone has this right to a minimum level of income - is an important principle for supporting communities with decency and dignity, and moving beyond the bare minimum. This could further empower people, in that thinking of rights in one area leads to a rights-based approach in others and helps to connect human rights to everyday concerns.

A MIG Commission

While the idea of a commission received mixed feedback, there was strong consensus on the need for accountability mechanisms within the MIG. The implementation gap is a big issue in Scotland, and attendees felt that policy-making and service design is overly focused on short-term electoral cycles rather than long-term thinking and prevention. Some felt the Commission would be a means of embedding that accountability, while others met the idea with real skepticism.

In terms of positive reactions to a MIG Commission, these included the:

- Need for clear structures and roles, and for adequate funding and authority for any Commission to effectively fulfil its role;
- Using examples like the Future Generations Commissioner in Wales as a model of best practice;
- Idea of creating a committee of existing commissioners as the vehicle for setting the levels of the Minimum Income Guarantee, and thus ensuring that those groups particularly at risk of being in poverty are represented;

- Benefit of a commission as a stable and non-political body that would drive forward action on the MIG through political change and instability, which could prevent the policy becoming stuck in a political moment.
- Need for a Commission to be able to hold Government at both a national and local level to account, which makes the monitoring process very important;
- Role of the lived experience of people who access financial support through social security in the work of the Commission; ownership needs to be shared with people at the frontline; and
- The role a commission could play with the credible threat of legal challenge to ensure accountability on MIG.

On negative reactions, feedback included the:

- Idea that commissioners would undermine the role of the democratically elected Scottish Parliament and Government to determine critical parts of public policy;
- Political barriers, given ongoing discussions in the Scottish Parliament about there being too many commissions and commissioners, and whether this was effective use of public money; and
- Need to bring together regulators and public bodies working on fair work, social security and social services outside of the boundaries of a commission to meet the challenge of getting those with lived experience of poverty, as well as the directorates and sectors involved with MIG, at the table.

For some attendees, this question brought up further questions including:

- Is the need for a Commission an admission of failure?
- How are we managing our existing public money?
- Are existing commissions and commissioners effective?
- How will this Commission interact with existing bodies?
- If engagement with lived experience is meaningful, and if policies are truly co-produced, is there a need for a Commission?

Support for human rights organisations and advocates

The key piece of feedback from attendees on what human rights organisations and advocates need to support the delivery of the MIG in Scotland was access to information and opportunities to learn, discuss and debate the MIG and its implications.

There was clear reflection on the complexity of the MIG, and therefore the necessity to capacity build with organisations and individuals - particularly through public deliberation – to encourage buy-in. Lessons can be learnt on this from engagement around the National Care Service, particularly that engagement cannot just be a tick box exercise and must continue to be meaningful throughout development and delivery processes.

Attendees raised questions about whether a MIG would be something that you apply for. If so, we need to make sure that information about how to take-up entitlements reaches all people, and that organisations and advocates are enabled to support people in this process.

Attendees were also clear that a Scottish legal framework, based on existing international legal frameworks, would support the delivery of a human rights-based MIG. They stated that the now postponed Human Rights Bill would have offered a mechanism for this.



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



abrdn Financial Fairness Trust has supported this project as part of its mission to contribute towards strategic change which improves financial well-being in the UK. The Trust funds research, policy work and campaigning activities to tackle financial problems and improve living standards for people on low-to-middle incomes in the UK. It is an independent charitable foundation registered in Scotland (SC040877).