

# SHRC

Scottish  
Human Rights  
Commission

# Strategic Plan 2016 - 2020

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# Foreword

The Scottish Human Rights Commission is pleased to present its Strategic Plan for 2016 to 2020. This is the Commission's third Strategic Plan. It sets out how we will promote and protect human rights in Scotland over the next four years.

We hope that the ideas and activities expressed here resonate with all those we work with, and with communities throughout the country. The Commission will strive to deliver these commitments to advance human rights and human dignity for each of us in Scotland.

The Commission would like to acknowledge and thank the former Chair of the Commission, Professor Alan Miller, for his dedicated work during his term of office from 2008 – 2016. His leadership in establishing the Commission as an authoritative voice on human rights, and in developing Scotland's National Action Plan for Human Rights, provides a strong platform for the Commission's continued progress in the coming years.

**Scottish Human Rights Commission**  
**March 2016**

Judith Robertson, Chair of the Commission  
Susan Kemp, Commissioner  
Alan Mitchell, Commissioner  
Matt Smith, Commissioner

# Contents

|  |           |
|--|-----------|
| <b>1. Background analysis</b> .....  | <b>4</b>  |
| <b>2. Introduction</b> .....   | <b>6</b>  |
| What is the Scottish Human Rights Commission? .....                        | 6         |
| The Commission's values .....  | 7         |
| The Commission's work to date .....  | 8         |
| Developing our Strategic Plan .....  | 8         |
| <b>3. Strategic Priorities 2016 - 2020</b> .....                           | <b>9</b>  |
| Building a human rights culture – SNAP and beyond .....                    | 11        |
| Promoting respect for dignity and rights in health and social care .....   | 12        |
| Promoting a rights based approach to poverty and social justice .....      | 14        |
| Increasing accountability for rights: law, regulation, monitoring .....    | 16        |
| and accessing rights   |           |
| Learning, sharing and promoting our work and human rights .....            | 18        |
| internationally and nationally   |           |
| <b>4. Organisational development</b> .....                                 | <b>19</b> |
| Annex 1 – The Commission .....   | 20        |
| Annex 2 – The Paris Principles .....                                       | 21        |
| Annex 3 – Participation and consultation in shaping this Strategic Plan .. | 22        |
| Annex 4 – Timeline of key milestones .....                                 | 24        |
| Annex 5 – Estimated cost of delivering this Strategic Plan .....           | 26        |

# 1. Background analysis

There is a vibrant and progressive conversation taking place about human rights in Scotland. Civic and political Scotland is asserting its commitment to implementing the full range of human rights – civil, political, economic and social – to benefit us all.

Scotland's positive ambitions were epitomised by the First Minister's comments on 9 December 2015. Speaking at a major conference in Edinburgh, she welcomed the exploration of "implementing and incorporating into Scots law some of the key international human rights treaties – for example the Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of People with Disabilities, the Convention on the Rights of the Child, and the Convention to Eliminate Discrimination Against Women." She went on to recognise that making these international treaties enforceable in domestic law has "a role to play alongside other substantive steps we must take. It is an important part of the debate on how we go further in ensuring that people's rights are at the heart of everything we do."

The constitutional landscape also continues to shift. Scotland is grappling with the implications of the revised devolution settlement, the imminent referendum on the UK's continued membership of the European Union and the possible repeal and replacement of the Human Rights Act. These intertwined debates encompass questions of sovereignty, distribution of power and decision making. It is clear that democracy, the rule of law and human rights must inform our country's response. Accountability and responsibility for human rights must be retained and built on to make progress in realising human rights in people's lives.

The launch of SNAP – Scotland's National Action Plan for Human Rights – in 2013 was an important landmark during the Commission's second Strategic Plan. Facilitated by the Commission, SNAP is a collaborative approach to making human rights a reality in practice – in schools, hospitals, care homes, workplaces and beyond. Around fifty organisations from across the public sector, civil society and business are working together on a range of projects to improve human rights in practice.<sup>1</sup>

The significance of this collective effort cannot be overstated. It is critical in resisting any efforts to undermine or weaken the human rights legal framework. It counters negative, skewed rhetoric and reporting about human rights. It shows how human rights laws can be made a reality beyond courtrooms, in the culture of Scotland's public services.

SNAP has been welcomed internationally as an example of good practice, including by the United Nations Human Rights Committee and the Council of Europe High Commissioner for Human Rights.<sup>2</sup> It is a tangible illustration of Scotland's progressive approach to human rights.

The Commission is developing how it measures progress on human rights through the SNAP measurement framework. This learning can inform human rights monitoring as part of Scotland's National Performance Framework and human rights reporting requirements to both the United Nations (UN) treaty monitoring bodies and the UN Sustainable Development Goals. This is an approach which has also been endorsed to be taken forward by the First Minister.<sup>3</sup>

<sup>1</sup> SNAP: Scotland's National Plan for Human Rights; Year 2 Report, December 2015

<sup>2</sup> Council of Europe, Commissioner for Human Rights, Press release, Ref. CommDH 003 (2016) UK: Forthcoming reforms to human rights law must not weaken protection

<sup>3</sup> "We should integrate our performance framework with the sustainable development goals and the action plan." First Minister Nicola Sturgeon, Dynamic Earth, Edinburgh, 9 December 2015

Globally, there is a pressing need to take collective responsibility for protecting human rights. In an interdependent world, international human rights provide a set of standards to govern our response to global challenges including conflict, immigration and asylum, climate justice, development, surveillance, terrorism and extremism. Scotland can play a positive role by taking a human rights based approach when it speaks and acts on these issues. As a National Human Rights Institution, accredited within the United Nations system, the Commission will continue to be a bridge between Scotland and international human rights. This means promoting and advising where appropriate for international human rights law to inform Scotland's actions.

The priorities set out in this Strategic Plan build on the Commission's work to date. We maintain our commitment to building a human rights culture and improving rights in health and social care, mental health care and treatment, and housing. We are committed to raising awareness of poverty as a human rights violation and using human rights as a way to eradicate it. We will focus on accountability for human rights through legal, monitoring, regulation and inspection frameworks. We will improve the ways in which people can claim their rights in practice. We will continue to learn, share and promote our work both nationally and internationally.

Some themes run through all of our priorities. The Commission will sharpen its focus on holding to account those with responsibilities to respect and protect rights. We will work closely in partnership with others to deliver our strategic priorities. Finally, we will do more to involve people with personal, lived experience of the issues we are working on, in our own decisions and actions.

## 2. Introduction

### What is the Scottish Human Rights Commission?

*“The Commission’s general duty is, through the exercise of its functions under this Act, to promote human rights and, in particular, to encourage best practice in relation to human rights.”*

Scottish Commission for Human Rights Act 2006, section 2(1)

The Scottish Human Rights Commission is an independent public body, accountable to the people of Scotland through the Scottish Parliament. The Commission is accredited as an ‘A Status’ National Human Rights Institution (NHRI) within the United Nations (UN) system.

The Commission’s duties and powers are set out in the Scottish Commission for Human Rights Act 2006. These are informed by and comply with international guidelines (see below). The Commission has a general duty to promote awareness, understanding and respect for all human rights – economic, social, cultural, civil and political – to everyone, everywhere in Scotland, and to encourage best practice in relation to human rights.

We fulfil this duty through recommending appropriate changes to Scottish law, policy and practice, education, training, guidance, publications, raising awareness and research.

The Commission has the powers to:

- + Conduct inquiries into the policies or practices of Scottish public authorities.
- + Enter some places of detention as part of an inquiry.
- + Intervene in civil court cases where relevant to the promotion of human rights and where the case appears to raise a matter of public interest.

The Commission acts as a bridge between Scotland and the international human rights system. We monitor the implementation of international human rights treaties in Scotland, working closely with and supporting civil society to gather evidence and produce recommendations for change. The Commission’s ‘A Status’ accreditation means we can report directly to the UN on human rights issues. It also means that we are the only Scottish organisation that can make direct contributions to the UN Human Rights Council on issues affecting people in Scotland.

The Commission is one of over 100 NHRIs around the world and one of three in the UK, alongside the Northern Ireland Human Rights Commission and the Equality and Human Rights Commission.

The way we work, and the law that governs our work, both comply with a set of guidelines called the Paris Principles. These were adopted by the UN General Assembly in 1993. These set out specific requirements that an “A Status” NHRI must fulfil in order to demonstrate that they:

- + have a foundation in national law;
- + are independent from government;
- + have a mandate to cover a broad range of international human rights standards;
- + can demonstrate pluralism and independence in the selection and appointment of members;
- + have a responsibility to work with both civil society and the state.

Further details of the Paris Principles are set out at Annex 2.

## The Commission's values

The Commission promotes a human rights based approach through all of our external work and in our own ways of working. This means putting five principles into practice:

### 1. Participation

We promote the principle that everyone has the right to participate in decisions which affect their human rights.

In our own work, the Commission aims to enable a wide range of people and organisations to take part in our work, including those with personal, lived experience of human rights issues.

### 2. Accountability

We promote the need for those with a duty to protect rights to be held accountable. This requires effective monitoring and effective remedies.

In our own work, the Commission aims to be accountable and transparent in our decisions and actions.

### 3. Non-discrimination

We promote the principle that all forms of discrimination must be prohibited, prevented and eliminated when it comes to realising people's rights.

In our own work, the Commission seeks to advance equality across our work and internal processes.

### 4. Empowerment

We promote the principle that everyone should know their rights, be supported to take part in decisions that affect their rights, and be able to claim their rights when needed.

In our own work, the Commission aims to empower its staff to carry out their functions and claim their rights.

### 5. Legality

We promote the need for public authorities to expressly apply and interpret the law in accordance with the Human Rights Act and international and regional human rights standards.

All of our own work is grounded in the international framework of human rights law, as well as our governing statute. The Commission acts within the law at all times in the discharge of its mandate.

## The Commission's work to date

Since the Commission was established in 2008, our work has spanned:

- + engaging the Scottish Parliament and Scottish Government on human rights issues in law and policy;
- + monitoring the implementation of human rights treaties in Scotland and reporting findings to key international human rights bodies;
- + supporting other organisations to take a human rights based approach to their own work;
- + raising awareness of human rights and related issues with civil society and wider public audiences through our communications and outreach;
- + carrying out research into how human rights are experienced by people in Scotland, where gaps remain and what can be done to better promote and protect human rights for all;
- + facilitating the development of Scotland's National Action Plan for Human Rights and supporting its progress;
- + developing practical resources for civil society and the public sector to improve understanding and awareness of how to put human rights into practice.

Full details of the Commission's work and its impact are set out in our Annual Reports. These are available on our website or on request from our office.

## Developing our Strategic Plan

The Commission lays a Strategic Plan before the Scottish Parliament every four years. We are required to do this by law. Our Strategic Plan sets out how we propose to fulfil our general duty to promote and protect human rights.<sup>4</sup>

The Strategic Plan sets the direction and focus for our work, ensuring we are transparent and accountable in all that we do.

This third Strategic Plan runs from 1 April 2016 until 31 March 2020. It will be supported by a series of annual Operational Plans.

To help develop this Strategic Plan, the Commission hosted four public consultation events in different parts of Scotland – Aberdeen, Galashiels, Clydebank and Lerwick in Shetland. We also carried out an online consultation. A short summary of the main points raised through this public consultation is set out in Annex 3. We would like to thank everyone who contributed their views.

The Commission also carried out a review of data available about the progress made on human rights since we published *Getting it Right?* in 2012. This analysis has been used to inform our priorities in this Strategic Plan.

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<sup>4</sup> Section 7 Scottish Commission for Human Rights Act 2006

# 3. Strategic Priorities 2016-2020

In this Strategic Plan, the Commission seeks to sharpen its focus on holding to account those with responsibilities to implement human rights. This approach builds on our previous work to demonstrate the value of taking a human rights based approach to the delivery of public services. We have invested significant effort in supporting organisations with human rights obligations to increase their capacity to deliver on them.

Holding those with responsibility for human rights to account means harnessing our powers and resources in new ways. It means being targeted in our use of research. It will involve building on our experience of supporting constructive dialogue between people affected by human rights violations and public bodies with responsibilities to protect them. It could also mean intervening in civil court cases and using our inquiry powers where we think these mechanisms will make a wider impact and be appropriate.

During the period of this Strategic Plan, the Commission will do more to involve people with direct, lived experience of the human rights issues we are working on. Making their participation in our work meaningful will mean changing the way we plan, design and deliver our activities.

We will also continue to build and work through strategic partnerships, maximising the impact of our work and supporting others to take a human rights based approach to their work.

In doing all of this we will continue to be an authoritative voice on human rights issues in Scotland. We strive to be a catalyst and an inspiration for transforming human rights laws into improvements in people's lives in Scotland, and beyond.

The Commission's five Strategic Priorities for 2016 – 2020 are:

## **1. Building a human rights culture – SNAP and beyond**

*The Commission will contribute to building a human rights culture in Scotland where human rights are respected, protected and fulfilled. This means working towards a Scotland where people are empowered to claim their rights, where government, public bodies and others know how to respect rights, and where they are held to account for violations of human rights.*

## **2. Promoting respect for dignity and rights in health and social care**

*The Commission will work with others to embed human rights in practice throughout health and social care services.*

## **3. Promoting a rights based approach to poverty and social justice**

*The Commission will influence approaches to tackling poverty, social exclusion and social justice to be human rights based at local, national and international levels.*

## **4. Increasing accountability for rights: law, regulation, monitoring and accessing rights**

*The Commission will support the increased accountability of those with responsibility for human rights. This can be achieved through the development and implementation of rights based laws, monitoring, regulation and inspection frameworks. We also aim to improve the routes and means by which people can effectively claim their rights.*

## **5. Learning, sharing and promoting our work and human rights internationally and nationally**

*The Commission will learn from international and national good practice in encouraging greater respect, protection and fulfilment of human rights. We will also share our learning with others domestically and internationally to promote the realisation of human rights.*

To support the delivery of these strategic priorities, the Commission will continue to focus on its own organisational development. Further details can be found in Section 6 of this Strategic Plan.

# Strategic priority area 1: Building a human rights culture – SNAP and beyond

*The Commission will contribute to building a human rights culture in Scotland where human rights are respected, protected and fulfilled. This means working towards a Scotland where people are empowered to claim their rights and government, public bodies and others know how to respect rights and are held to account for violations of human rights.*

This strategic priority informs all of the work outlined in this Strategic Plan and is central to fulfilling the Commission's mandate to promote awareness, understanding and respect for human rights in Scotland.

The Commission will work to advance this priority in several ways:

## **SNAP – Scotland's National Action Plan for Human Rights**

SNAP is the major vehicle for delivering a better human rights culture. Launched in December 2013, SNAP brings together government, public bodies and civil society to deliver a collaborative programme of actions to build a Scotland where everyone can live with human dignity.

The Commission remains committed to contributing towards the strategic leadership of SNAP. We are also committed to providing human rights guidance and expertise to support the actions being delivered by partners in SNAP.

## **Improving participation by people affected by human rights issues**

The meaningful participation of people affected by human rights issues is fundamental to building a strong human rights culture in Scotland. The Commission will support and empower people affected by the issues we work on, to take part in our work. We will also support and encourage other organisations to take a participative approach to their own work on human rights challenges.

## **Raising the profile of human rights and our work to protect them**

We will work to ensure that human rights are part of public, political and media debates around the issues affecting people's lives in Scotland. The Commission will continue to be an authoritative voice for human rights in Scotland with the Scottish Parliament, media and civil society.

## **Training and support to others**

The Commission will offer training and support in a human rights based approach to public bodies such as the Scottish Prison Service, Police Scotland and local authorities. We will also support the development and implementation of a Business and Human Rights National Action Plan, enabling business to contribute to a stronger human rights culture.

## **Influencing law and policy**

The Commission will provide human rights analysis of relevant issues being considered by the Scottish Parliament and Scottish Government. We will also raise human rights issues that we think should be on their agenda. This means responding to relevant consultations on changes to law and policy. We will also continue to brief and provide evidence to Scottish Parliament Committees on relevant human rights issues.

## Strategic priority area 2: Promoting respect for dignity and rights in health and social care

*The Commission will work with others to embed human rights in practice throughout health and social care services.*

Scotland has a poor health record compared to other western European countries. Healthy life expectancy – the length of time someone can expect to live free from chronic or debilitating illness – is not keeping pace with our rapidly ageing population. This will continue to put pressure on public services, particularly health and social care.<sup>5</sup>

Health inequalities persist. For example, life expectancy is significantly lower in the poorest areas of Scotland than in affluent areas. Some groups of people experience particular problems accessing health and care services, including Gypsy/Travellers, transgender people and people who need palliative care.<sup>6</sup>

Integrating health and social care has been a recent major reform in Scotland. This approach aims to put individuals at the centre of all decision making, to make sure the care and support they need at every stage is indeed integrated. The move towards self-directed social care support is an intended example of such person-centred empowerment.

The proportion of adults aged 25 to 34 at risk of poor mental health has increased between 2008 and 2012<sup>7</sup>. Mental health care and treatment engages a range of human rights including the rights to life, liberty, freedom from inhuman or degrading treatment, and respect for private and family life. We recognise the need to address issues of mental health stigma, access to mental health care, quality of treatment, and specific concerns for people with dementia.

During this Strategic Plan, the Commission will build on our strong track record of work in health and social care. For example, work under our last Strategic Plan 2012 – 2016 included the development of Care About Rights, a resource for older people, carers, care workers, managers, inspectors, policy makers and care commissioners<sup>8</sup>. More recently, we developed a series of short film case studies to raise awareness of human rights in health and social care settings<sup>9</sup>.

### Working with others to achieve change

The Commission is committed to working with others to ensure that delivery of our health and social care system is based on rights. We want all care services – across the public, private and third sector – to respect all rights, including the right to the highest attainable standard of physical and mental health. We want to see that approach taken in hospitals, healthcare settings and in the community.

<sup>5</sup> Scottish Parliament Finance Committee, 2nd Report, 2013 (Session 4), Demographic change and an ageing population

<sup>6</sup> *Is Scotland Fairer? The state of equality and human rights 2015*, Equality and Human Rights Commission, January 2015

<sup>7</sup> *Is Scotland Fairer? The state of equality and human rights 2015*, Equality and Human Rights Commission, January 2015

<sup>8</sup> Care about Rights, SHRC, 2010, [www.scottishhumanrights.com/careaboutrights](http://www.scottishhumanrights.com/careaboutrights)

<sup>9</sup> SNAP Health and Social Care Acton Group Case Studies, 2015, [www.healthandsocialcare-snap.com/case-studies](http://www.healthandsocialcare-snap.com/case-studies)

The Commission will continue to work with public bodies including NHS Health Scotland, the Mental Welfare Commission and Healthcare Improvement Scotland to promote human rights in the way healthcare strategy and policy is developed, designed and delivered. We will continue to play an active role in the Health and Social Care Action Group, convened through SNAP – Scotland’s National Action Plan for Human Rights.

The Commission will continue to coordinate a human rights reference group for the development of revised National Care Standards. We will also sit on the Project Board for this work to ensure that human rights are at the heart of the new standards.

## **Mental health**

The Commission will take part in the Scottish Government’s Implementation Group for the Mental Health (Scotland) Act 2015. We will use this opportunity to support a rights based approach to implementing the Act. We will also work with and advise others in work to improve mental health care and treatment. This includes initiatives like the Mental Welfare Commission’s Patient’s Rights Pathway project and the See Me campaign to end mental health stigma.

Issues of self-determination, autonomy and participation in decision making are core to human rights. The Commission will take a close interest in reviewing the legal framework around capacity for decision making. We will work to secure supported decision making because we see this as fundamental to realising people’s other rights, including the right to independent living.

## Strategic priority area 3: Promoting a rights based approach to poverty and social justice

*The Commission will influence approaches to tackling poverty, social exclusion and social justice to be human rights based at local, national and international levels.*

Poverty is still a major problem in Scotland. Persistent wide gaps in income and other measures remain, representing a failure to fulfil people's economic and social rights. Younger adults, people in work and people living in private rented housing now form a higher proportion of those affected by poverty<sup>10</sup>. Disabled people and their families continue to face barriers to living a life of dignity. The lack of a living wage contributes to in work poverty. Changes to the welfare system, including benefits sanctions, have had a particularly acute impact on lone parents, women, children and disabled people.

Both civil and political rights such as those that are protected by the Human Rights Act and economic, social and cultural rights enshrined in international law, are powerful tools in combatting poverty and inequality. For example, the International Covenant on Economic, Social and Cultural Rights establishes the right to an adequate standard of living (Article 11). This includes food, clothing, housing and the "continuous improvement of living conditions". The same treaty establishes the rights to work, social security, family life, health and education. It also establishes the right to participate in society and cultural life.

The UK has signed this treaty and has an obligation to fulfil these rights progressively over time to the maximum of available resources. The Commission believes these rights provide both a legal and conceptual foundation to social justice. The standards, elaborated on in detailed commentary from the United Nations and other countries, provide both a minimum level and progressive standard for living with dignity. Tackling poverty through rights based approaches asserts what is a matter of law, rather than a matter of charity, principle or shifting political aspiration.

Following the 2014 independence referendum, Scotland was alive with debate about how to realise social justice and tackle inequalities. This debate must now move from principle to practice as the Scottish Government and Parliament consider how to use both pre-existing and new powers to combat inequality and eradicate poverty. The Commission will seek to ensure a human rights based approach is taken to moving this debate into more practical territory.

### Empowering people affected by poverty

The right to adequate housing is central to the realisation of all other rights, in particular the right to the highest attainable standard of health, effective education and participation in society. In 2015, the Commission began working with the Edinburgh Tenants Federation to support local residents in Leith use a rights based approach to improve the quality of their housing and the realisation of their rights. Drawing on experience and advice from the Participation in the Practice of Rights Project in Belfast, this project will continue through to 2017. We expect this project to generate substantial learning for others, and for the Commission's wider work around housing and poverty.

<sup>10</sup> Monitoring Poverty and Social Exclusion in Scotland 2015, Joseph Rowntree Foundation, New Policy Institute, 2015

## Working towards full incorporation of international human rights

In December 2015, the Commission and the Scottish Government co-hosted a major conference – *Putting the Justice into Social Justice: How human rights can deliver progressive change for Scotland*. This event stimulated debate on how to implement and incorporate all international human rights standards in Scotland. The Commission will build on this, continuing our work to secure domestic enforceability for all international human rights.

## Connecting local and global approaches

The Commission welcomed the First Minister's undertaking to integrate Scotland's commitment to the Sustainable Development Goals (SDGs) with the National Performance Framework and Scotland's National Action Plan for Human Rights (SNAP)<sup>11</sup>.

We believe it will be desirable for any Scottish Government to connect this approach with Scotland's reporting to the UN on the implementation of international human rights treaties. The alignment of these three monitoring and measurement frameworks is ground-breaking internationally. It will be invaluable in ensuring that Scotland's progress towards realising human rights both informs, and is informed by, global efforts to tackle poverty, reduce inequality and advance sustainable development.

## Influencing national debates

The Commission is committed to contributing a human rights perspective to the debate about how Scotland tackles both the causes and consequences of poverty. We will support people directly affected by poverty to guide and deliver action in this area, including through a Reference Group established in 2014. We will also continue to work with other organisations, including our partners in SNAP, to identify opportunities for a human rights based approach to tackle issues like in work poverty, housing, fuel poverty, food poverty and stigma. We will raise poverty-related human rights concerns with the Scottish Parliament and Government.

<sup>11</sup> First Minister Nicola Sturgeon, Dynamic Earth, Edinburgh, 9 December 2015

## Strategic priority area 4: Increasing accountability for rights: law, regulation, monitoring and accessing your rights

*The Commission will support the increased accountability of those with responsibility for human rights. This can be achieved through the development and implementation of rights based legal, monitoring, regulation and inspection frameworks. We also aim to improve the routes and means by which people can effectively claim their rights.*

The Human Rights Act and Scotland Act provide the bedrock for the legal protection of civil and political rights in Scotland. The 15 fundamental rights and freedoms from the European Convention on Human Rights – such as the right to life, free speech and protection from inhuman and degrading treatment – are incorporated directly into Scotland’s own laws.

This provides a direct route to justice in domestic courts for people whose human rights have been breached – one important element of making rights a reality in people’s lives. There is also a duty on public bodies that makes it unlawful for them to act incompatibly with Convention rights. This compliance duty has led to positive changes in laws, policies, practices and culture without the need for individuals to take legal action. Positive changes have been seen, for example, in hospitals and other health and social care settings.

### Defending existing human rights laws

The Commission will continue to strongly oppose any regressive changes to legal protection for human rights. These include moves to repeal the Human Rights Act 1998 and replace it with a weaker British Bill of Rights. Regressive moves would have an adverse impact on the people of Scotland. They would also send a highly damaging message across Europe and beyond, weakening the international system of human rights protection as a whole.

### Strengthening legal protection

The protection for civil and political rights provided by the Human Rights Act is a floor – not a ceiling. These rights are indivisible from the economic, social and cultural rights that relate to housing, education, employment, standards of living and health. The Commission will continue to press for **all** human rights including economic, social and cultural, to be protected and enforceable in Scotland’s domestic laws. This would strengthen accountability for their protection, respect and fulfilment.

### Scrutinising legislation

The Commission works to ensure legislation passed or amended by the Scottish Parliament complies fully and promotes the realisation of all international human rights standards. We will continue to scrutinise and provide human rights analysis of primary and secondary legislation, statutory instruments and guidance where significant human rights issues are engaged.

## Supporting people to claim their rights

Legal protection for human rights provides the backbone of accountability. However, the Commission recognises that for rights to be made a reality, people must be able to claim them effectively. This includes through advice, making complaints, bringing legal cases and advocating with public services.

We will work alongside others, including fellow members of the SNAP Justice and Safety Human Rights Action Group, to contribute to making rights a reality for everyone seeking either redress or access to services. For example, we will work with the Scottish Independent Advocacy Alliance to strengthen human rights advocacy and with others to strengthen complaints systems.

## Monitoring and inspection

The Commission has a distinct role in relation to monitoring and inspecting places of detention. We are one of 20 independent bodies in the UK (including six in Scotland) who draw directly on human rights standards when monitoring places of detention. This work forms part of the National Preventive Mechanism (NPM) for the United Nations Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). An annual NPM report is published giving an overview of the state of detention in prisons, police custody, court cells, customs custody facilities, children's secure accommodation, immigration, military and mental health detention.

The Commission will continue work begun in 2015 to provide expert advice to prison inspectors from Her Majesty's Inspectorate of Prisons for Scotland (HMIPS). The Commission is also a member of the Independent Prisons Monitoring Advisory Group in Scotland.

The Commission is designated by the UK Government as the Independent Monitoring Mechanism for the Convention on the Rights of Persons with Disabilities in Scotland, alongside the Equality and Human Rights Commission. We will use this role as a platform to hold public authorities to account for implementation of the Convention on issues such as adult social care provision, the impact of welfare benefit changes on disabled people, measures to address negative attitudes towards disabled people and disability hate crime.

A further ongoing monitoring role for the Commission will be its continued oversight of the Action Plan for Justice and Remedies for Survivors of Historic Child Abuse through the SNAP Justice and Safety Action Group.

## Research and analysis

The Commission will use its research capabilities to provide evidence of, and draw attention to, issues of importance. We will keep our database of social research updated to assist us in identifying emerging issues and reporting to the UN treaty bodies.

## Spotlighting specific issues and holding to account

Finally, the Commission will also spotlight specific human rights issues of systemic concern. This will involve determining recommendations for action by working alongside people who have been directly affected by the issues, and those with responsibilities towards them. We will build on the 'Interaction' model used by the Commission in previous years, for example in relation to historic child abuse. This model brings together all those with a stake in a situation – individuals affected, practitioners, policy makers, independent experts and others – to develop a shared understanding of the nature of the problem, solutions and responsibilities for action.

# Strategic priority area 5:

## Learning, sharing and promoting our work and human rights internationally and nationally

*The Commission will learn from international and national good practice in encouraging greater respect, protection and fulfilment of human rights. We will also share our learning with others domestically and internationally to promote the realisation of human rights.*

During this Strategic Plan, the Commission will contribute to international reviews of Scotland's progress on human rights. We will also raise awareness and understanding of how the international human rights system works with people and civil society in Scotland.

### Universal Periodic Review (UPR)

The UPR is a review of progress towards all international human rights obligations. The United Nations Human Rights Council will hold the next UPR of the UK in 2017, with a further mid-point review in 2019/20. The Commission will contribute information and analysis to this review in relation to Scotland.

### International human rights treaties

Over the next four years, the Commission will also report on progress and challenges in Scotland in relation to these international human rights treaties:

- + International Covenant on Economic, Social and Cultural Rights
- + Convention on the Rights of the Child
- + Convention on the Elimination of Racial Discrimination
- + Convention on the Rights of Persons with Disabilities
- + Convention Against Torture
- + Convention on Elimination of Discrimination Against Women
- + International Convention on Civil and Political Rights

The Commission will also engage where appropriate with other UN and Council of Europe mechanisms such as special procedures and thematic inquiries.

### European and global networks

The Commission is an active member of the European Network of National Human Rights Institutions, one of four regional groups which bring together human rights bodies from around the world. We will contribute to working groups on, for example, legal policy, disabled people's rights and older people's rights. We will also bring back lessons to Scotland on how to promote respect for human rights.

The Commission will also represent Scotland at the Global Alliance of National Human Rights Institutions.

Finally, we will continue our involvement with the Commonwealth Forum of National Human Rights Institutions, contributing our expertise in areas including business and human rights, and climate justice. We will also bring back learning from others on approaches to these and other issues.

### Sharing our learning and perspective with others

The Commission will intervene and voice its perspective on issues where Scotland can do more to fulfil its international human rights obligations or encourage others to do so.

At a national level we will share our learning and our expertise with others where appropriate. We will share information about our work with various audiences including through academic journals, blogs and other communication activity.

## 4. Organisational development

The Commission will continue to build its strength as an organisation to support the delivery of this Strategic Plan. This will build on previous projects to improve and sustain our performance.

Between 2016 and 2020, the Commission will focus on:

- + Developing our approach to participation i.e. involving people with personal, lived experience of the issues we work on.
- + Investing in our business systems and processes with an emphasis on streamlining, efficiency and creating benefits for users.
- + Developing our processes and systems to support the continued professional development and performance of our staff.
- + Building on our models of operational and project planning to support the delivery of our strategic priorities.
- + Retaining our 'A Status' accreditation with the United Nations, including through dialogue with the Scottish Parliament where required.

### Governance

Members of the Commission convene regularly and are responsible for setting the strategic direction of the Commission and for ensuring the delivery of Strategic Plans. The Commission is also responsible for ensuring the effective and efficient use of Commission resources in delivering the Strategic Plan. The Commission is supported internally in its function by a Finance, Risk and Audit Committee and a Business Risk Management Group, and externally by an Audit Advisory Board. The Commission reviews performance against strategic and operational plans and receives assurances on use of resources, financial performance and on new and ongoing business risk. The Commission has an annual external audit.

### Transparency

The Commission publishes minutes of its meetings, Annual Reports and audited Accounts on its website. Our website hosts the Commission's publications, research, consultation responses and information about the work of the Commission. The Commission is subject to the Freedom of Information (Scotland) Act. Our Publication Scheme is available on our website.

### Skills

The Commission will consolidate and build our skills and knowledge as an institution.

# Annex 1 – The Commission

**The Commission comprises a full-time Chair and three Commissioners.**

## **Chair of the Commission**

Judith Robertson is Chair of the Commission. She was previously Programme Director of See Me – Scotland’s national programme to end mental health stigma and discrimination. Prior to that, she had a 17 year career with Oxfam including nine years as Head of Oxfam Scotland. Judith was a member of the board of the Scottish Refugee Council from 2005 for 10 years and in that time served as vice chair and subsequently chair. She has a long-standing involvement in international issues, social justice and rights based advocacy.

## **Commissioners**

**Susan Kemp** is a lawyer specialising in international criminal and human rights law. For the last 16 years she has worked in Latin America, Africa and Europe representing victims, investigating human rights abuses and providing training technical assistance to state officials and civil society groups.

**Alan Mitchell** is a GP and is Clinical Director of the East Renfrewshire Health and Social Care Partnership. Alan’s clinical work is largely within Dungavel House Immigration Removal Centre. He is an adviser to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

**Matt Smith OBE** was the Scottish Secretary of UNISON (1993 – 2010) and served as President of the STUC (1999 – 2000). He is a member of a number of public bodies including the Employment Appeals Tribunal, Scottish Water and the Scottish Standards Commission. He serves as a Justice of the Peace in Ayrshire.

## Annex 2 – The Paris Principles

When establishing the Commission, the Scottish Parliament took care to comply with the United Nations (UN) Principles Relating to the Status of National Institutions, known as the Paris Principles. These are a series of recommendations on the role, status and functions of NHRIs which were developed in Paris in 1991 and adopted by the UN General Assembly in 1993. They provide that national human rights institutions should:

- + Be established in the Constitution or by a law that clearly sets out its role and powers;
- + Be given the power to promote and protect human rights and have as broad a mandate as possible;
- + Be pluralist and co-operate with nongovernmental organisations (NGOs), judicial institutions, professional bodies and government departments;
- + Have an infrastructure that allows them to carry out their functions;
- + Have adequate funding to allow the institution “to be independent of the government and not be subject to financial control which might affect this independence”;
- + Have stable mandates for the members of the institution provided for by law.

The Paris Principles also provide that NHRIs shall have duties and powers including:

- + Making recommendations and proposals to Government, Parliament or other competent bodies, on existing and proposed laws, administrative process, or changes to the organisation of the judiciary which will impact on human rights, human rights violations, and the general situation of human rights or specific issues it decides to take up;
- + Promoting harmonisation of national law, policy and practice with international human rights law and standards;
- + Contributing to international human rights reviews of the state;
- + Cooperating with the United Nations and other bodies dedicated to promoting and protecting human rights;
- + Promoting teaching and research on human rights and organising public awareness and education programmes;
- + To publicise human rights and efforts to combat discrimination by increasing public awareness, especially through information and education and by making use of media channels.

They also provide guidance on the methods of operation and powers of national institutions. NHRIs should:

- + Be entitled to consider any issue falling within their competence without the need for authorisation;
- + Be entitled to hear any person or gather any evidence needed to consider matters falling within their competence;
- + Publicise their decisions and concerns, as well as meet regularly.

# Annex 3 – Participation and consultation in shaping this Strategic Plan

The Commission carried out an online consultation and held four public participation events in Aberdeen, Clydebank, Galashiels and Lerwick, Shetland. Twenty seven responses were received to the online consultation (18 organisations, 1 MSP and 9 members of the public). Sixty six people attended the events.

## Priority human rights issues

Key human rights concerns identified by respondents included:

### Across Europe and the wider world:

- + Global poverty and economic inequality
- + Gender equality
- + Global conflict, terrorism and refugee crisis
- + International impact of repealing Human Rights Act
- + Supporting human rights defenders abroad
- + Corporate responsibility
- + Abuses of indigenous populations
- + Climate change
- + Data protection and privacy

### In Scotland:

- + Austerity, poverty and changes to welfare
- + Access to / adequacy of public services
- + Gender equality including violence against women
- + Housing and homelessness
- + Aging population and social care system
- + Dignity in care
- + Carers' rights
- + Barriers to independent living for disabled people and older people
- + Integrating displaced people and refugees
- + Stigma and discrimination especially for groups particularly affected e.g. transgender people and disabled people
- + Hate crime against disabled people
- + Particular challenges for BME people and LGBTI people in rural areas
- + Use of blanket 'one size fits all' policies for vulnerable groups

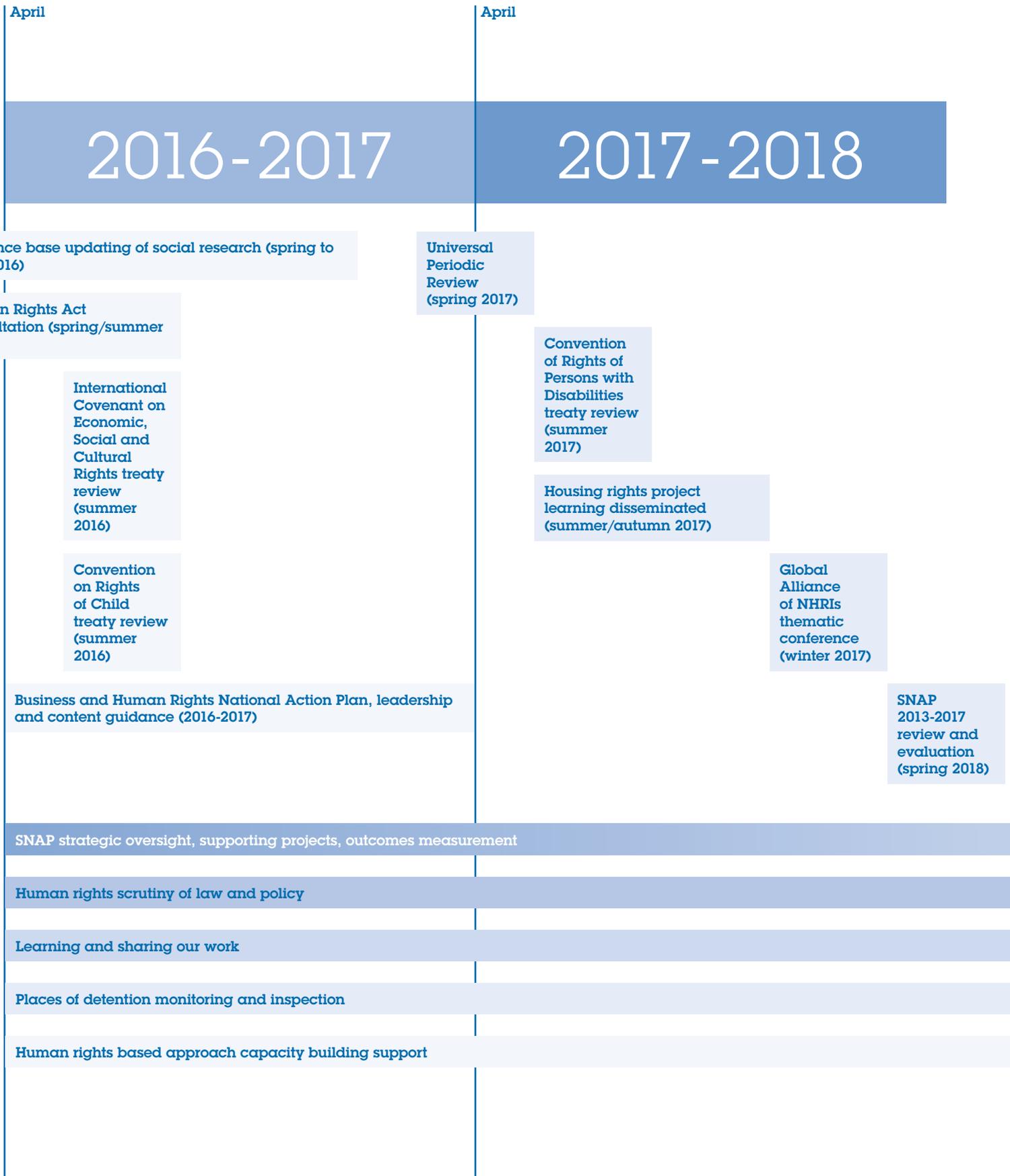
- + Mental health practices – forced medication
- + Health service cuts and inequality of access for different groups
- + Access to justice for particular groups including disabled people
- + Workers' rights e.g. low pay, zero hours contracts, trade union changes
- + Lack of enforcement of health and safety law
- + Racial profiling in stop and search
- + Cost of travel and lack of services in remote / rural areas
- + Data security
- + Corporate responsibility
- + Lessening legal protections for human rights at UK/European level
- + Lack of meaningful consultation and involvement in decision-making

### **Suggested activities and areas of focus for the Commission**

Key themes identified by respondents included:

- + Make communications more accessible, relevant, user friendly and personal
- + Promote human rights and help shift public perceptions
- + Listen as well as educate
- + Focus on vulnerable groups
- + The need for human rights education and training
- + Partnership working and networking to pool knowledge, capacity and resources
- + Improve national visibility of the Commission
- + Increase the Commission's reach to wider audiences and networks

# Annex 4 – Timeline of key milestones



April

April

# 2018-2019

# 2019-2020

Council of Europe – National Action Plan monitoring workshop (summer 2018)

Convention Against Torture treaty review (summer 2018)

Convention on Elimination of Discrimination Against Women treaty review (summer 2018)

SHRC 10 year anniversary (end 2018)

International Convention on Civil and Political Rights treaty review (summer 2019)

International re-accreditation process (spring 2020)

# Annex 5 – Estimated cost of delivering this Strategic Plan

## Explanatory Notes

These tables of estimated costs for 2016 – 2020 show a breakdown of overhead costs and where our resources are anticipated to be used against each Strategic Priority area. These are calculated based on known factors at the time of writing but may vary over time by plus or minus 5-10% to meet external demands and in accordance with strategic decisions of the Commission and chair appointed in March 2016.

This Strategic Plan will be supported by annual Operational Plans which will cost each activity in detail.

| Budget Heading                         | Budget 2016-17  | Estimated 2017-18 | Estimated 2018-19 | Estimated 2019-20 |
|--|-----------------|-------------------|-------------------|-------------------|
| Officeholder Costs                     | 117690          | 118866            | 120055            | 121255            |
| Staff Costs                            | 543189          | 555975            | 569606            | 575463            |
| Staff Related Costs                    | 30500           | 25500             | 22000             | 22000             |
| Property Costs                         | 90000           | 90000             | 90000             | 90000             |
| Professional Fees including audit fees | 21100           | 21310             | 21525             | 21740             |
| IT                                     | 11000           | 11110             | 11220             | 11335             |
| Project Costs                          | 99000           | 99990             | 100990            | 102000            |
| Project Costs – Travel                 | 30400           | 30705             | 31000             | 31310             |
| Communications                         | 38000           | 38380             | 38765             | 39155             |
| Other Running Costs                    | 10950           | 11060             | 11170             | 11282             |
| <b>TOTAL</b>                           | <b>£991,829</b> | <b>£1,002,896</b> | <b>£1,016,331</b> | <b>£1,025,540</b> |

| Strategic Priority  | Activity   | 2016-2017      | 2017-2018      | 2018-2019      | 2019-2020      |
|---|--|----------------|----------------|----------------|----------------|
| <b>SP1 Building a HR culture: SNAP and beyond</b>   | SNAP infrastructure  | 4,500          | 7,500          | 3,000          | 1,500          |
|   | Participation and outreach   | 3,000          | 4,000          | 6,000          | 7,000          |
|   | Measurement and monitoring   | 8,900          | 10,100         | 6,000          | 2,000          |
|   | General education and awareness raising  | 2,100          | 4,500          | 6,000          | 6,000          |
|   | HRBA pilots, training, support and events                                      | 10,500         | 10,500         | 12,600         | 16,500         |
|   | Supporting accessibility   | 1,000          | 1,000          | 1,000          | 1,000          |
|   | Core Comms   | 7,600          | 7,600          | 7,600          | 7,600          |
|   | <b>SP1 TOTAL</b>   | <b>37,600</b>  | <b>45,200</b>  | <b>42,200</b>  | <b>41,600</b>  |
| <b>SP2 Promoting respect for dignity and rights in health and social care</b>                       | HRBA training, support, pilots and events                                      | 10,000         | 10,000         | 12,000         | 15,500         |
|   | Strategy, law and policy support   | 3,500          | 3,500          | 3,500          | 3,500          |
|   | Accessibility Budget   | 1,000          | 1,000          | 1,000          | 1,000          |
|   | Core Comms   | 7,600          | 7,600          | 7,600          | 7,600          |
|   | <b>SP2 TOTAL</b>   | <b>22,100</b>  | <b>22,100</b>  | <b>24,100</b>  | <b>27,600</b>  |
| <b>SP3 Promoting a rights based approach to poverty and social justice</b>                          | Housing project  | 8,200          | 5,250          | 0              | 0              |
|   | Awareness raising ESC rights   | 6,500          | 6,500          | 8,500          | 6,500          |
|   | Strategy, law and policy support   | 3,000          | 2,000          | 4,000          | 4,000          |
|   | Reference group and lived experience group support                             | 2,000          | 2,000          | 2,000          | 2,800          |
|   | Supporting accessibility   | 1,000          | 1,000          | 1,000          | 1,000          |
|   | Core Comms   | 7,600          | 7,600          | 7,600          | 7,600          |
|   | <b>SP3 TOTAL</b>   | <b>28,300</b>  | <b>24,350</b>  | <b>23,100</b>  | <b>21,900</b>  |
| <b>SP4 Increasing accountability for rights: law, regulation, monitoring and accessing rights</b>   | Thematic interaction accountability  | 8,000          | 13,000         | 13,000         | 10,000         |
|   | Research   | 13,800         | 11,000         | 13,500         | 15,000         |
|   | Law and policy scrutiny  | 12,900         | 12,900         | 14,000         | 16,000         |
|   | Supporting accessibility   | 1,000          | 1,000          | 1,000          | 1,000          |
|   | Core Comms   | 7,600          | 7,600          | 7,600          | 7,600          |
|   | <b>SP4 TOTAL</b>   | <b>43,300</b>  | <b>45,500</b>  | <b>49,100</b>  | <b>49,600</b>  |
| <b>SP5 Learning, sharing and promoting our work and human rights internationally and nationally</b> | ENNHRI, GANHRI, CFNHRI membership fees and assembly and working group meetings | 15,200         | 15,200         | 17,200         | 15,200         |
|   | International Accountability – Treaty monitoring                               | 1,800          | 1,200          | 1,200          | 1,200          |
|   | UPR  | 7,000          | 3,400          | 0              | 1,500          |
|   | Participation events, public and speaking engagements and publications         | 2,300          | 2,300          | 4,000          | 4,000          |
|   | Supporting accessibility   | 1,000          | 1,000          | 1,000          | 1,000          |
|   | Core Comms   | 7,600          | 7,600          | 7,600          | 7,600          |
|   | <b>SP5 TOTAL</b>   | <b>34,900</b>  | <b>30,700</b>  | <b>31,000</b>  | <b>30,500</b>  |
| <b>TOTAL</b>  |  | <b>166,200</b> | <b>167,850</b> | <b>169,500</b> | <b>171,200</b> |

