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Scottish
Human Rights
Commission

Annual Report 2016–17

health
accessibility





The Scottish Human Rights Commission

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Foreword

2016-17 was characterised by two things: the uncertainty generated by the UK vote to leave the European Union and, pulling in the other direction, the ongoing opportunities to build a human rights culture in Scotland.

Brexit raised significant questions about the future of a broad range of rights and social protections in Scotland.

As the uncertainty related to Brexit unfolded throughout the year, the Commission continued to pursue opportunities to strengthen the domestic legal, policy and practical framework for protecting human rights in Scotland, in line with our Strategic Plan for 2016-20.

We continued to build the case for the incorporation of further international human rights into Scots law, in particular economic, social and cultural rights. We also provided expert evidence on the human rights dimensions of a range of law and policy developments, including social security, Scotland's mental health strategy and justice for survivors of historic abuse.

The Commission maintained coordination and support for the delivery of a range of activities as part of Scotland's National Action Plan for Human Rights (SNAP), which entered its fourth year in December 2016. SNAP remains a key vehicle for collaboration across the public sector and civil society, in pursuit of a stronger human rights culture in Scotland. Key areas of progress this year included developing a national baseline assessment report on business and human rights; building a stronger rights-based National Performance Framework; the adoption of rights-based approaches by an increasing range of health and social care bodies; and work with residents in Leith on the right to housing, in partnership with the Edinburgh Tenants Federation and the Participation and the Practice of Rights Project. Challenges remain in relation to ensuring a sustainable and effective National Action Plan into the future.

We progressed our well-established programme of training and capacity building with public sector bodies and civil society organisation. This included working in partnership with the Scottish Independent Advocacy Alliance to deliver training in human rights and a human rights based approach to 120 advocacy workers from across Scotland. In addition we worked to support and empower people with direct experience of human rights issues to understand and claim their rights.

As an accredited National Human Rights Institution, the Commission is uniquely placed to monitor and report on human rights in Scotland within the United Nations system. This year, we contributed to reviews of Scotland's implementation of the Convention on the Rights of Persons with Disabilities, and the International Covenant on Economic and Social Rights, with the subsequent recommendations from the United Nations reflecting many of our concerns. In December 2016, we submitted evidence to the United Nations Universal Periodic Review of the UK's human rights progress as a whole. We highlighted a series of areas where the Scottish Government and Parliament can and should do more to address key issues affecting people across Scotland.

A new Scottish Parliament was elected in May 2016, bringing with it a significant number of new Members of the Scottish Parliament and a new Equality and Human Rights Committee to engage with. The Scotland Act 2016 passed new powers to the Parliament in key areas affecting human rights such as social security and taxation. With these developments, the Commission focused attention on engaging with the Parliament around its role as a guarantor of human rights.

As we look ahead to 2017-18 and beyond, it is clear that the political and societal context for our work will continue to be turbulent. At a global level, several pressing challenges pose a threat to the realisation of people's rights. Closer to home, the impact of Brexit will continue to unfold. Meanwhile, where it matters – in people's lives – there remains a need to improve the way that rights are respected, protected and fulfilled.

The Commission looks forward to working with all of our stakeholders to advance progress on all these fronts.

We welcome feedback on all aspects of our work. If you would like to offer comments, suggestions or feedback on anything in this Annual Report, please email hello@scottishhumanrights.com or write to us at the address on the back of this annual report.

Scottish Human Rights Commission

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About the Commission

The Scottish Human Rights Commission is an independent public body, accountable to the people of Scotland through the Scottish Parliament.

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. Our full duties and powers are set out in the Scottish Commission for Human Rights Act 2006.

The Commission is accredited as an ‘A Status’ National Human Rights Institution (NHRI) within the United Nations (UN) system. This means we can report directly to the UN on human rights issues. We are the only Scottish organisation that can make direct contributions to the UN Human Rights Council.

The Commission has powers to recommend changes to law, policy and practice; promote human rights through education, training and publishing research; and to conduct inquiries into the policies and practices of Scottish public authorities.

The Commission is a member of the European Network of National Human Rights Institutions (ENNHRI) and the Global Alliance of National Human Rights Institutions (GANHRI) – sharing and learning from best practice around the globe.

The Commission also coordinates and supports Scotland’s National Action Plan for Human Rights (SNAP), which has been recognised internationally as a model of good practice.

The Paris Principles

The Commission's work complies with a set of criteria called the Paris Principles. These were adopted by the United Nations General Assembly and set out specific requirements that an 'A Status' National Human Rights Institution such as the Commission must fulfil.

The Paris Principles require the Commission and other NHRIs to:

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



Strategic Priorities and Operational Outcomes

Our Strategic Plan 2016-20, which was laid before the Scottish Parliament on 27 October 2016, sets out our current priorities.

Having helped to lay the groundwork for national engagement, capacity building and commitments from those responsible for protecting human rights in Scotland, the Commission has moved into a phase where we are increasing our focus on monitoring and accountability.

1. Building a human rights culture

We will contribute to building a human rights culture in Scotland where human rights are respected, protected and fulfilled.

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

We 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

We 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

We will support the increased accountability of those with responsibility for human rights through the development and implementation of rights-based laws, monitoring, regulation and inspection frameworks.

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

We 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.

The Commission has developed an operational plan to guide the delivery of our strategic priorities. This Annual Report provides details of our work in 2016-17 in pursuit of the following ten operational outcomes.

- 1. The UK and Scottish governments and public authorities more effectively implement international human rights obligations.**
- 2. The Scottish Parliament acts as a human rights guarantor through improved structures, procedures and awareness.**
- 3. More people have a better understanding of international human rights and what they mean.**
- 4. People with lived experience of human rights issues increasingly influence decisions that affect their human rights.**
- 5. More organisations apply a human rights based approach throughout their work.**
- 6. More people feel confident and equipped to claim their rights and hold government, parliament and other public bodies to account.**
- 7. Human rights standards are embedded and used more explicitly in regulation, inspection and monitoring frameworks.**
- 8. Scotland's National Action Plan for Human Rights (SNAP) is achieving its medium term outcomes.**
- 9. International human rights standards and good practice are developed, informed by and better understood by relevant domestic and international stakeholders.**
- 10. The Commission builds its strength as an organisation to support the effective and efficient delivery of the Strategic and Operational Plan.**

OUTCOME 1

The UK and Scottish governments and public authorities more effectively implement their international human rights obligations

The UK and Scottish Governments and public authorities have legal duties to observe and implement the international human rights obligations that Scotland, as part of the United Kingdom, has agreed to. In international human rights, they are known as 'duty bearers'.

The Commission engages with duty bearers in a range of ways including:

- + promoting human rights based policy making and legislation;
- + monitoring and reporting on implementation of rights; and
- + making the case for further incorporation of international human rights standards into Scots law.



Our Work in 2016-17

Promoting human rights based policy making and legislation

We continued to promote human rights based policy making and legislation through a range of consultation responses, policy submissions and evidence statements to the Scottish Parliament and Scottish Government. During 2016-17, the Commission made policy submissions and statements to the following:

- ✦ Scottish Government Consultation on the Scottish Law Commission Report on Adults with Incapacity
- ✦ Scottish Government Review of the Scottish Social Housing Charter
- ✦ Scottish Government Consultation on a ten year vision for the Mental Health Strategy
- ✦ Scottish Parliament Health and Social Care Committee Call for Evidence on the Mental Health Strategy – joint response convened by the ALLIANCE
- ✦ Scottish Parliament Call for Evidence on a Scottish approach to taxation
- ✦ Scottish Government Consultation on A New Future for Social Security in Scotland
- ✦ Scottish Government Consultation on the new National Health and Social Care Standards
- ✦ Scottish Parliament Justice Committee Consultation on the Limitation (Childhood Abuse) (Scotland) Bill
- ✦ Scottish Parliament's Equality and Human Rights Committee Inquiry into Brexit
- ✦ Scottish Parliament's Equality and Human Rights Committee Evidence Session on Refugees and Destitution
- ✦ Commission on Parliamentary Reform Consultation on Parliamentary Reform
- ✦ Scottish Government Consultation on the Land Rights and Responsibilities Statement
- ✦ Scottish Parliament Social Security Committee on a Child Poverty Bill



Building on previous work, we continued to advocate for greater accountability for survivors of historic abuse through participation in the Historic Abuse InterAction Review Group. This year, the Scottish Government brought forward legislation to remove limitation, or time bar, in relation to cases of historic childhood abuse. This directly responded to calls from the Commission over an extended period of time, and is an important step forward in ensuring access to justice for survivors of historic abuse.

Reflecting the political and media discourse over the year, we defended and continued to advocate for the protection and strengthening of the Human Rights Act 1998, both through public advocacy and meetings with Ministers of both UK and Scottish Governments. No further specific plans to weaken the Human Rights Act were advanced by the UK Government this year. The Commission's position on the Human Rights Act continues to be affirmed and publicly shared by the Scottish Government, across the Scottish Parliament and across Scottish civil society.

Monitoring and reporting on implementation of rights

As Scotland's National Human Rights Institution, the Commission plays a unique role in monitoring and reporting on the implementation of rights to international human rights treaty monitoring bodies and others, such as the United Nations (UN) Human Rights Council.

This year, our monitoring and reporting work included submitting evidence to the UN Universal Periodic Review (UPR) of the United Kingdom to ensure that Scottish-specific rights issues were identified and understood by other states, and that appropriate recommendations to the UK and Scottish Governments were made. Our submission and supporting briefing papers were well-received by civil society organisations and diplomatic missions who were involved in the process. The impact of this work will be reported on in 2017-18.

We also submitted reports to the UN Committee on the Rights of Persons with Disabilities (CRPD) and Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Rights of the Child (CRC). We contributed to the Equality and Human Rights Commission's submission to the Committee on the Elimination of Racial Discrimination (CERD). Many of the issues we raised were reflected in subsequent recommendations made by the UN Committees to government.

Through involvement in the Independent Monitoring of Prisons Advisory Group, we continued to support independent prison monitors in helping to ensure that the human rights of prisoners in Scotland are upheld and that life in prison contributes to their rehabilitation. Independent prison monitors are volunteers, and provide feedback on the treatment and conditions for prisoners, including considering concerns raised by prisoners. The Advisory Group, which regularly reviews the service, includes representation from the Commission, alongside other agencies and civil society organisations. The group is chaired by our Commissioner Alan Mitchell.

Making the case for incorporation of international human rights into Scots law

This year we delivered various activities to highlight the opportunities for further incorporation of international human rights in Scots law, including:

- ✦ Supporting recommendations made to government by the UN treaty bodies CESCR, CERD and CRC to fully incorporate their respective Covenants into domestic law. This helps to ensure that standards are implemented and victims of human rights violations have full access to effective legal remedies.
- ✦ Co-hosting a public event with the Jimmy Reid Foundation which explored the potential loss of legal protections as a result of Brexit, as well as the opportunities to mitigate some of these losses through further incorporation of rights into law.
- ✦ Co-hosting the United Nations Special Rapporteur on the Right to Food on a visit to Scotland, where she highlighted Scotland's opportunity to lead on the right to food through the forthcoming Good Food Nation Bill.
- ✦ Publishing and disseminating a series of case studies highlighting the importance of economic and social rights to people's lives in Scotland.
- ✦ Hosting a Scottish Parliament reception to mark International Human Rights Day, attended by national politicians, senior civil servants and civil society.

Increased awareness of international human rights is becoming more evident in both law-making processes and wider debates within civil society about the potential to better protect rights through their full incorporation into law. This year, the Scottish Government built on its previous statements on this issue by including a commitment to “establish a set of social and economic rights for all of Scotland's citizens” in its Programme for Government.

Our Plans for 2017-18

In the year ahead, the Commission's activities will include:

Promoting human rights based policy making and legislation

- + Providing evidence and expertise to the Scottish Parliament and Scottish Government as required, including the development and implementation of the Social Security and Civil Litigation Bills.
- + Developing and publishing key context and agenda setting reports that: identify key issues; promote a human rights based approach; and identify key recommendations in relation to health, social care, poverty and social justice.

Monitoring and reporting on implementation of rights

- + Working with civil society to follow up on UPR and UN treaty body recommendations.
- + Monitoring the Scottish Government, Scottish Parliament and public authorities in relation to relevant UPR and treaty body recommendations.
- + Preparatory work for the review of the Convention on Elimination of Discrimination Against Women and Convention Against Torture.
- + Establishing internal processes to use our statutory legal powers to conduct inquiries into the operations of Scottish public authorities, and intervene in civil proceedings.

Making the case for incorporation of human rights into Scots law

- + Delivering a series of interactive workshops on economic and social rights (including the right to social security, food, housing and health) and exploring the benefits, challenges and mechanics of their incorporation into Scots law.
- + Convening a Steering Group of key stakeholders involved in advancing the case for incorporation.

Other

- + Supporting the development, with others, of an action plan on business and human rights.
- + Partnership working with the Equality and Human Rights Commission on a range of initiatives that cross both devolved and reserved human rights issues, including social security.

OUTCOME 2

The Scottish Parliament acts as a human rights guarantor through improved structures, procedures and awareness

National Parliaments have an important role to play as guarantors of human rights. This year, to coincide with a new intake of Members of the Scottish Parliament, the Commission built on its previous parliamentary engagement by developing a more strategic approach to improving:

- + awareness of human rights among parliamentarians; and**
- + the parliamentary structures that support the protection of human rights.**



Our Work in 2016-17

This year, the Commission engaged with the Presiding Officer of the Scottish Parliament, relevant Members of the Scottish Parliament and key officials to raise awareness of good practice standards for the relationship between Parliaments and National Human Rights Institutions. We also engaged with the Scottish Parliament's newly established Equality and Human Rights Committee and the independent Commission on Parliamentary Reform to recommend improved parliamentary structures and processes to support human rights.

Internal training for Commissioners and staff took place to improve our knowledge and understanding of the Belgrade Principles, which provide guidance on the relationship between parliaments and National Human Rights Institutions, ensuring that international best practice is built into our future activity.

We also held a roundtable event for civil society organisations to explore and capture civil society perspectives on how the Scottish Parliament can improve its effectiveness as a guarantor of human rights.

Our Plans for 2017-18

In the year ahead, the Commission's activities will include regular engagement with the Scottish Parliament through legislative processes, Committee Inquiries, Consultations and Calls for Evidence. We will also provide regular briefings to MSPs on key human rights issues through events, publications and individual engagement. The Commission will continue to engage with all of the Parliamentary Committees as appropriate and specifically the Equality and Human Rights Committee in relation to accountability for human rights obligations, and to account for our own activity and impact.

OUTCOME 3

More people have a better understanding of human rights and what they mean

The Commission has a general duty to promote human rights. Part of this involves raising awareness of rights with the wider public so that people understand and are more empowered to claim their rights in practice.

Human rights in practice: Poverty



Adequate standard of living

Poverty is a human rights issue. International human rights laws set the standard for what we all need to live in dignity. Putting these into practice will help governments meet their obligations to tackle poverty and better enable those living in poverty to make their own choices and have their voices heard.



As part of Scotland's National Action Plan for Human Rights (SNAP), a group of people from across Scotland, who have lived in poverty shared their experiences to influence change for the better.

Our concerns

Stigma



Food Poverty



Impact of welfare reform



Adequate income

£5



Lack of participation



Rural Poverty



and more...

Our rights to:

- Food
- Adequate housing
- Adequate income
- Accessibility
- Participate



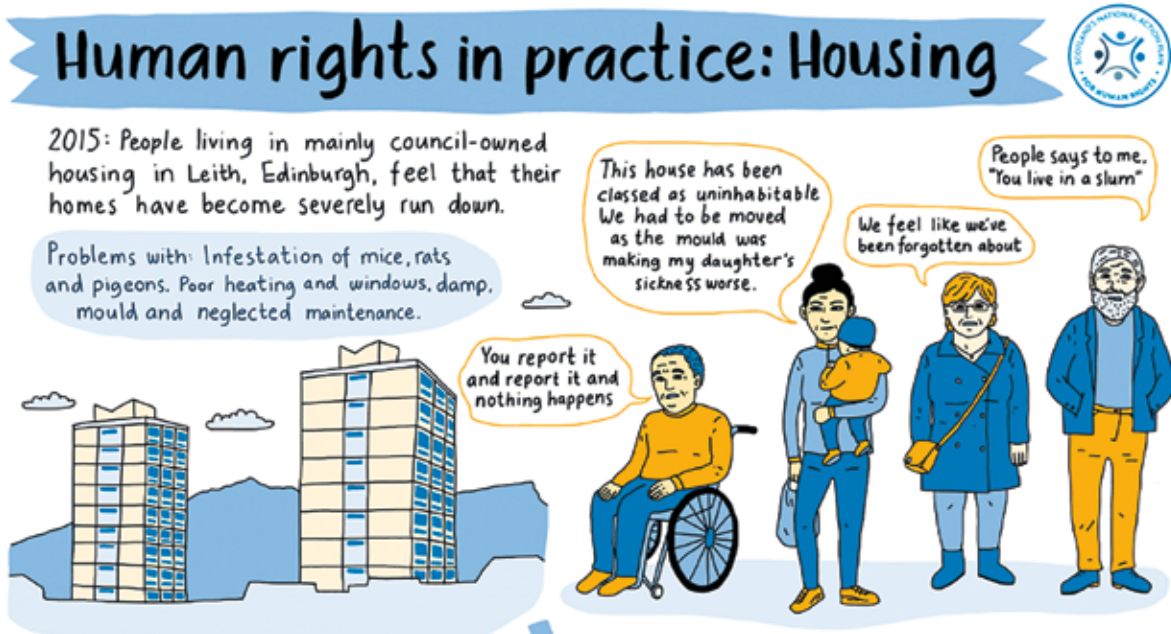
Think differently
Adequate standard
of living is a
human right

Our Work in 2016-17

This year, we commissioned research into levels of awareness, understanding and support for human rights in Scotland. This will provide us with insights for future strategic communications work and a baseline to measure success in awareness raising and empowerment of individuals to claim their rights.

To promote key successes of Scotland’s National Action Plan for Human Rights (SNAP), we produced illustrated case studies on the Right to Housing, the Right to Health and the Right to an Adequate Standard of Living. These were printed and distributed widely via SNAP partners (including representation from civil society and public authorities) and a range of events. We further publicised this work through a week of heightened social media and media activity in the run-up to International Human Rights Day on 10 December. The focal hashtag #AllOurRights generated over 800 Twitter engagements and achieved 2 million opportunities to see or hear about the work. This included engagements with high profile opinion formers such as director Ken Loach, author Irvine Welsh, actor Iain Robertson, MSPs, civil society, lawyers, human rights activists, academics and media outlets.

Supporting our Housing Rights in Practice project with the Edinburgh Tenants Federation and the Belfast-based Participation and the Practice of Rights, we produced a short film about the human rights issues experienced by residents in Leith and their efforts to hold their local authority to account for inadequate housing conditions. The video was viewed over 1,100 times and secured interest on Twitter, Facebook and various media outlets including BBC Radio Scotland and local radio.



We engaged with media throughout the year to raise awareness of human rights including in relation to housing, the human rights implications of Brexit, social security and our submissions to the United Nations on a range of human rights issues.

We generated over 60 items of media coverage across print, online and broadcast platforms, achieving an audience reach of over 4 million. This included items of coverage on BBC Radio Scotland, The Herald, The Scotsman, the Daily Record and BBC News Online, as well as regional and specialist titles reaching a wider range of communities across Scotland.

This year, we focused on improving the accessibility of our information and publications. We produced a short animation to accompany our report to the United Nations on disabled people's rights, illustrating key human rights issues experienced and our recommendations to the UK and Scottish Governments. We also produced a series of short briefings with accompanying infographics to illustrate the Commission's recommendations to the United Nations Universal Periodic Review of the United Kingdom's human rights record. These were shared widely in print and online with key stakeholders.

In October 2016, we launched a new website to communicate the Commission's work in a more accessible, user-friendly format. Finally, this year, we launched a monthly e-newsletter to provide bite-size information about the Commission's work and key human rights issues.

Our Plans for 2017-18

In the year ahead, the Commission's activities will include:

- + Developing a public-facing communications strategy to better promote human rights.
- + Disseminating the learning from our baseline audience insight research into current levels of public understanding of rights, and how to improve them.
- + Continued regular promotion of the Commission's work on key human rights issues through events, media and digital communications.

OUTCOME 4

People with lived experience of human rights issues increasingly influence decisions that affect their rights

Everyone has the right to participate in decisions that affect their human rights. This right is established in international human rights laws and standards but is not yet fully realised in Scottish public policy and decision-making. The Commission has a strategic priority to improve participation in our own work, and to develop and share good practice in participation with public authorities across Scotland.

LACK OF THINGS
STUFF TO GO ON
DO IN
EVENING
FOR EVERYONE

CAN'T
CHANGE
LACK OF
SUPPORTED
LIVING

SANCTIONS
& RISKS
HAVE TO
TRAVEL FOR
ID GRANTS
FOR SOME
NEAR MIND

HARD TO
CONNECT
TO SERVICES
FOR RURAL

JOINING
UP
DOTS OF
SERVICES

ENJOY CARE
SUPPORT
SUPPORT
TO LIVE

NHS
STAFF +

BRING
INFO
CENTRAL



Our Work in 2016-17

This year the Commission supported the development of a pilot process with City of Edinburgh Council, working with the Children and Young People's Commissioner for Scotland. This transferred the participative methodology developed as part of a previous process in Perth and Kinross into the context of children's services planning. This process will help to identify further learning about what works to ensure meaningful participation and outcomes. A report comparing and contrasting the lessons learned from both pilots will be published in 2017-18.

The Commission also supported the direct participation of people affected by key areas of our work, including in relation to housing rights and the right to an adequate standard of living. See Outcome 6 for more information.

Reflecting the priority given to increasing and improving people's participation in our own work over the course of our current Strategic Plan, the Commission began work on developing a new participation strategy. This will take effect in 2017-18.

Our Plans for 2017-18

The Commission's activities in the year ahead will include packaging and disseminating learning from the pilot participation activities described above, and the implementation of a new participation strategy for our work as a whole.

OUTCOME 5

More organisations apply a human rights based approach throughout their work

A human rights based approach is about going beyond the letter of the law so that the underlying principles of human rights are embedded into the way organisations operate and make decisions. The Commission has extensive experience of supporting organisations to embed a human rights based approach into their work.



Our Work in 2016-17

This year, we continued to provide training, education and capacity building support to a wide range of external organisations:

- ✦ We worked in partnership with the Scottish Independent Advocacy Alliance to deliver training in human rights and a human rights based approach to 120 advocacy workers from across Scotland.
- ✦ We delivered training and provided follow-up support as a ‘critical friend’ to Healthcare Improvement Scotland, leading to the development and initial implementation of a plan to take forward a human rights based approach across their operations.
- ✦ We provided training for City of Edinburgh Council staff in relation to their housing and other human rights obligations.
- ✦ We provided continued input and support to the SNAP Health and Social Care Action Group including work on National Care Standards, support to NHS Health Scotland’s development of a human rights based strategic plan, input into the Mental Health Strategy consultation and engagement with the Western Isles Health and Social Care Partnership in relation to human rights budgeting.
- ✦ We contributed expertise and strategic advice to UNICEF, See Me, the Mental Health Implementation Group and Police Strategic Priorities as member of advisory and reference groups.

Finally, the Chair and staff of the Commission delivered a wide range of presentations, speeches and contributions on human rights and a human rights based approach to a variety of external organisations and networks. Further details are provided in the External Engagement section of this report.

Our Plans for 2017-18

In the year ahead, the Commission’s activities will include holding a peer-to-peer learning event to exchange good practice and experience, the development of a suite of resources to support organisations to take a human rights based approach, and a particular focus on influencing the Scottish Government to take a human rights based approach to social security.

OUTCOME 6

More people feel confident and equipped to claim their rights and hold government, parliament and other public bodies to account

As a National Human Rights Institution, the Commission is uniquely-placed to act as a bridge between civil society and the state, engaging with each, but independent from both. Part of our mandate involves equipping and building the capacity of those whose rights are directly affected by state decisions to hold decision-makers to account.



Our Work in 2016-17

Through a pilot project, Housing Rights in Practice, the Commission continued to support residents in Leith to understand their rights and hold their local authority to account for inadequate housing conditions. This included awareness raising activity about the project in December 2016. The local authority has committed to replace all kitchens, bathrooms, heating and windows in the affected properties, and has implemented a programme of works to take place in 2017-18. The residents now plan to continue to monitor their housing conditions and engage constructively with the Council.

This year, the Commission supported a delegation of representatives from Scottish civil society to take part in the United Nations (UN) a review of the UK's implementation of the Convention on the Rights of People with Disabilities. This included attending the relevant session held by the UN in Geneva. The resulting List of Issues report produced by the UN better reflected the concerns and experiences of disabled people.

The Commission further developed and supported a Reference Group on the Right to an Adequate Standard of Living, comprised of people with lived experience of poverty, including supporting the Group to contribute to the Scottish Government's consultation on new social security powers. The Group also addressed the Poverty Alliance Scottish Assembly on Tackling Poverty during Challenge Poverty Week 2016.

The Reference Group has now developed outcomes and indicators for its work, engaged on issues relating to the right to food, is supporting broader participation processes and has identified a range of priority activities to take forward in 2017-18.

We also worked with the Mental Welfare Commission to produce guidance on patients' rights care pathways to improve knowledge and understanding of rights within the Commission. When tests of change were carried out, there was evidence of demonstrable increased awareness of human rights from promoting advance statements and helping informal patients understand their rights.

MECOPP supports black and minority ethnic carers. This year, the Commission began working with MECOPP to support their work on a project on Self Directed Support, with a view to building capacity within their network around human rights.

Our Plans for 2017-18

In the year ahead: the Commission will continue to support participants in the Housing Rights in Practice project to understand their rights and hold their local authority to account. We will publish more information about the outcomes of this project so that residents in other parts of Scotland can learn from them.

We will support the Adequate Standard of Living Reference Group to take forward the priorities they have identified in relation to economic and social rights. We will also continue to support survivors of historic abuse to access justice and remedies through the Historic Abuse InterAction review group.

OUTCOME 7

Human rights standards are embedded and used more explicitly in regulation, inspection and monitoring frameworks

Embedding international human rights standards into regulation, inspection and monitoring frameworks helps to ensure that human rights are guaranteed in practice. The Commission provides expertise and advice to a range of external organisations to build their knowledge and understanding of human rights, and to support them to embed human rights standards into their own work.



Our Work in 2016-17

Regulation

The Commission continued to work with the Scottish Government and other relevant public authorities to ensure that human rights are embedded in the new National Care Standards.

As a follow on from our Housing Rights in Practice partnership project, the Commission contributed suggested changes to the Scottish housing legal and regulatory framework to anchor it in a rights based approach.

Inspection

Her Majesty's Inspectorate of Prisons in Scotland (HMIPS) invited the Commission to join prison inspectors on a number of prison inspections this year. We took part in four prison inspections throughout the year in Edinburgh, Polmont, Barlinnie and Kilmarnock. Our recommendations were reflected in inspection reports and carried forward to improve prison regimes. Our input helped to improve prison standards around accommodation, food and recreation.

This year, following our recommendations, HMIPS began a process of embedding human rights into their draft prison standards. The new standards adopted the principles of a human rights based approach, which will improve the prison service's ability to deliver their functions and provide greater accountability in the system.

Monitoring – national outcomes

Through our work on Scotland's National Action Plan for Human Rights, we participated in a consultation on Scotland's National Performance Framework (NPF), which sets out what the Scottish Government aims to achieve and how they measure their success. As a result, the Scottish Government has committed to integrating human rights and the United Nations Sustainable Development Goals (SDG) within the new framework. Done properly, this will ensure human rights are at the heart of policy-making and delivery for government and public sector. Scotland's work in this area was recognised when the Commission and the NPF lead at the Scottish Government were invited to present at the Council of Europe.

Monitoring – detention conditions

We also provided expertise and analysis on the monitoring of detention conditions in Scotland as part of the UK National Preventative Mechanism (NPM). The NPM was set up to strengthen the protection of people in detention through independent monitoring. This year, the NPM called for a time limit on immigration detention in line with international human rights standards. This was a result of engagement by the Commission with other members of the NPM on the issue. Human rights standards were also reflected in a new draft of the Independent Custody Visitors Training package, following expertise and advice provided by the Commission.

Our Plans for 2017-18

In the year ahead, the Commission will:

- + Provide input into the implementation of the National Care Standards through our membership of an oversight group and project board.
- + Take part in further prison inspections with HMIPS.
- + Work with HMIPS to develop prison standards that reflect best practice in human rights.
- + Further develop work with the Scottish Government to embed human rights standards into Scotland's National Performance Framework.
- + Continue to participate in the National Preventive Mechanism.

OUTCOME 8

Scotland's National Action Plan for Human Rights (SNAP) is achieving its medium term outcomes

SNAP – Scotland's National Action Plan for Human Rights – is a central platform for progress on human rights protection and promotion. It brings together civil society, government and public bodies into a collaborative programme of action to build a stronger human rights culture in Scotland.

Launched in 2013, SNAP was initially conceived as a four year programme. In its penultimate year, a pivotal period for the plan, the Commission began detailed work, with current SNAP stakeholders, to develop a longer term strategy and governance structure for SNAP.



Our Work in 2016-17

This year, the Commission developed a strategy for the final year of SNAP's first four-year cycle: which includes: an evaluation of the SNAP process; progress towards outcomes; and a participation process to engage a broad range of people to increase understanding of rights and set priorities for the future.

We continued to provide significant coordinating and operational support to the delivery of SNAP. This included: convening and resourcing biannual meetings of the SNAP Leadership Panel; co-convening Action Groups on Building a Better Human Rights Culture (three meetings) and Building a Better World (three meetings); and contributing as active members of an Action Group on Health and Social Care (four meetings). The Commission also supported the development of an Adequate Standard of Living Reference Group of people with lived experience of poverty (two meetings).

This year, in recognition of the challenge around resourcing the development of Scotland's National Action Plan for Human Rights, the Commission began work with our partners in SNAP to explore options for improving its governance arrangements and ensuring its longer term sustainability.

An evaluation framework for SNAP was further developed and we began work to establish a process for embedding international human rights treaty body recommendations into priority-setting for the next iteration of SNAP.

We also produced and disseminated a SNAP Year Three report and associated series of case studies illustrating the impact of SNAP activities in relation to the right to housing, the right to health and the right to an adequate standard of living. These were shared at a well-attended and well-received evening reception to mark International Human Rights Day – and SNAP's third anniversary – at the Scottish Parliament in December.

Our Plans for 2017-18

In the plan's final year, the Commission will facilitate and resource a participation process involving people whose rights are affected in practice, and organisations with human rights obligations. This will help to shape future priorities for SNAP. We will also work towards the publication of a final report from an independent evaluation of SNAP from 2013-17.

In December 2017, to mark the end of SNAP's first four-year cycle, the Commission will host a national event for around 150 stakeholders to reflect on lessons learned, including from the independent evaluation, and to consider priorities and next steps for SNAP.

OUTCOME 9

International human rights standards and good practice are developed, informed by and better understood by relevant domestic and international stakeholders

International standards set out the human rights of every person in Scotland. One of our roles as Scotland's national human rights institution is to ensure that rights holders and duty bearers in Scotland understand these standards and how they can make the most positive difference.

As part of a global network, we also work closely with other human rights institutions around the globe to share learning and best practice, identify common human rights challenges and inform international processes to address these challenges.



Our Work in 2016-17

In 2016, we provided statements to the United Nations Human Rights Council on the subjects of right to food, children's rights, the Sustainable Development Goals (SDGs), sport and human rights, the environment and adequate housing.

As part of the European and Global Networks of National Human Rights Institution (ENNHRI and GANHRI), we contributed to a number of working groups and conferences throughout the year. Our contribution led to the identification of Sustainable Development Goals and human rights monitoring as topical areas of development.

We engaged over 40 Scottish civil society organisations in the UN's Universal Periodic Review of Human Rights in the UK, and supported them to contribute to the process. We also engaged with diplomatic representatives of other States in Scotland to inform their participation in the process.

The Commission attended advanced international training on the justiciability of economic and social rights in Finland, as well as the monitoring of these rights in Belgrade. In addition to this, we participated in an international knowledge exchange on National Action Plans for Human Rights in Belfast. These were important opportunities to both share the good practice from Scotland and to inform our work to make Scotland an international leader in the implementation of rights.

Our Plans for 2017-18

In the year ahead, the Commission will take part in a range of activities and forums to exchange good practice with international colleagues and help build our own institutional knowledge, learning and practices. This includes:

- + ENNHRI and GANHRI General Assemblies, bilateral meetings and a triennial conference
- + ENNHRI Academy
- + ENNHRI working groups on:
 - Economic, Social and Cultural Rights
 - Sustainable Development Goals
 - CRPD
 - Legal
 - Communications
 - Business and Human Rights
- + ENNHRI Older Persons Project
- + ENNHRI Legal Working Group
- + Commonwealth Forum of National Human Rights Institutions
- + NHRI.net training on Economic, Social and Cultural Rights

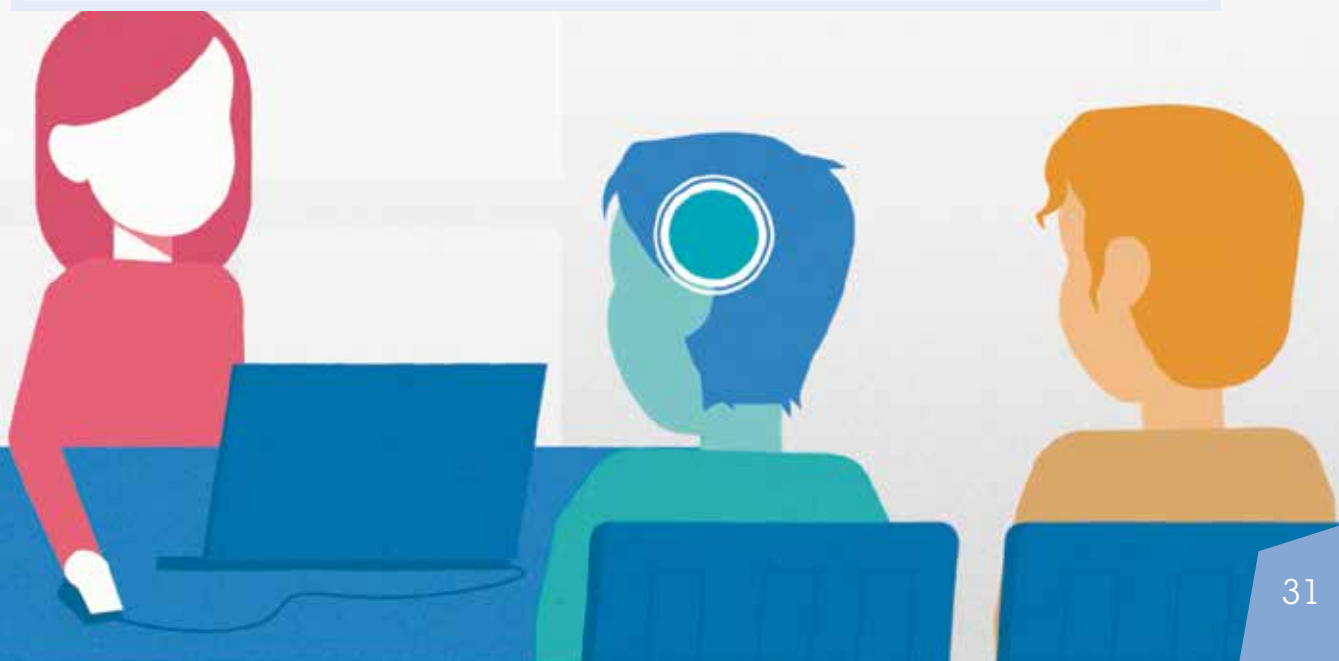
We will also continue to provide statements to the United Nations Human Rights Council.

OUTCOME 10

The Commission builds its strength as an organisation to support the effective and efficient delivery of its strategic priorities

The Commission is an independent public body, accountable to the Scottish Parliament for the discharge of our statutory mandate, as set out in the Scottish Commission for Human Rights Act 2006 and subsequent amendments. As such, we follow the Nolan Principles for Public Life and operate within the various compliance frameworks that govern all Scottish public bodies.

The Commission is also an A-status accredited National Human Rights Institution (NHRI), which enables us to report directly to the United Nations on human rights issues in Scotland. Achieving and maintaining this accreditation reflects our compliance with a set of requirements for NHRIs known as the Paris Principles.



This year, the Commission:

- + Initiated a series of organisational development projects in order to strengthen our operations and improve our effectiveness and efficiency.
- + Began work to carry out an assessment of our activities and processes in relation to the PANEL principles that make up a human rights based approach (Participation, Accountability, Non-Discrimination, Empowerment and Legality).
- + Carried out an initial scoping exercise of contact management systems with a view to streamlining and improving our communications and relationship management.
- + Continued to support staff professional development including training courses in Health and Safety, Participation and Justiciability of Economic, Social and Cultural Rights.
- + Held in-house training on accessible information as part of a wider project to improve the overall accessibility of our communications. This work is ongoing and will continue in 2017-18.
- + Installed a new social research database and held training for all staff in its use.
- + Attended accessible communications training to support the BSL (Scotland) Act
- + Created specific thematic projects for Commissioners relevant to their skills and experience.
- + Updated the terms of reference for our Finance, Risk and Audit Committee as part of an annual process.

The legislation that governs the Commission's work prohibits us from giving advice or assistance on individual legal claims or potential legal proceedings. However, we do signpost people to other sources of support. In 2016-17, we handled 100 public enquiries.

The Commission received and answered seven Freedom of Information requests. One formal complaint was received and handled in line with the Commission's published Complaints Policy. The complaint was rejected as it did not meet the definition of a complaint as outlined in the Complaints Handling Policy.

Our Plans for 2017-18

In the year ahead, the Commission will continue to:

- + assess and improve our activities and processes in line with the PANEL principles.
- + improve the accessibility of our information so it reflects best practice.
- + streamline our contacts management systems, ensuring compliance with new data protection requirements.
- + support professional development.



dignity



fairness



respect

Key Engagements & Events

April

- + Meeting of the Commission
- + Presentation to Poverty Commission East Lothian
- + Presentation to Scottish Government Legal Directorate: Legal Capacity
- + International Convention on Economic, Social and Cultural Rights – List of Issues Meeting (Geneva)

May

- + Meeting of the Commission
- + Presentation to Care Inspectorate on HRBA
- + Presentation on HRBA at NHS Greater Glasgow and Clyde Health and Human Rights Meeting
- + UNICEF Outcomes Framework Roundtable, as part of Child Rights Partners Advisory Group
- + The ALLIANCE AGM – presentation on Rights in Health and Social Care
- + Prison inspection, HMP Barlinnie
- + Global Network of National Human Rights Institutions (GANHRI) meeting (Geneva)
- + Presentation to Human Rights in a Changing Europe Conference, University of Roehampton
- + Office of High Commissioner on Human Rights Workshop on the Right to Participation (Geneva)

June

- + Meeting of the Commission
- + International Convention on Economic, Social and Cultural Rights – Review Meeting (Geneva)
- + Conference Speech on Mental Health and Incapacity Law, University of Nottingham
- + National Care Standards Implementation Group – Project Board Meeting
- + Scottish Government Roundtable with Equality Organisations
- + Scottish Prison Service Symposium
- + Speech at Climate Change and Human Rights Workshop with United Nations (UN) Special Rapporteur

July

- + Visit to Northern Ireland Human Rights Commission (Belfast)
- + Scottish Government Meeting on the European Union

August

- + Meeting of the Commission
- + Presentation to Glasgow City Health and Social Care Action Partnership Equality Group
- + Hosted meeting with leading academic and activist in health and human rights, Alicia Ely Yamin from Harvard & Georgetown University
- + Presentation to Independent Advocacy Perth and Kinross Conference
- + Civil Society Capacity Building Event on the Universal Periodic Review

September

- + Meeting of the Commission
- + Training for Healthcare Improvement Scotland on Taking a Human Rights Based Approach
- + Scottish Government Human Rights Advisory Panel Meeting
- + Presentation to Inclusion Scotland Conference
- + Presentation to Law Society of Scotland Conference
- + Presentation at Mental Welfare Commission Excellence in Practice Seminar
- + Presentation to Holyrood's Law Brexit Meeting



October

- + Meeting of the Commission
- + Attendance at Scottish Government Roundtable on EU Standing Council
- + Scottish Parliament Equality and Human Rights Committee Roundtable
- + Presentation to Brexit and a Bill of Rights roundtable hosted by Edinburgh University
- + UK Independent Monitoring Mechanism for the CRPD – Meeting The ALLIANCE event on Mental Health Strategy
- + UNICEF Child Rights Partners Advisory Group
- + Attendance at International Summit on Intellectual Disability and Dementia in Scotland
- + Presentation to Glasgow Human Rights Network
- + Presentation and development support to Poverty Alliance Conference
- + Participation in ENNHRI Meeting (Croatia)

November

- + Meeting of the Commission
- + Evidence Session on Brexit – Equality and Human Rights Committee, Scottish Parliament
- + Standing Council on Europe Meeting
- + Mental Health Implementation Group meeting
- + ENNHRI CRPD Working Group Meeting (Berlin)
- + Workshop on Incapacity Law Reform
- + Roundtable on Older Person’s Convention, Westminster
- + Presentation at Equal Scotland Live Conference
- + Co-hosted New Zealand Link Foundation Lecture presented by visiting professor Judy McGregor from The Auckland University of Technology (AUT) at the University of Glasgow on “Mainstreaming human rights: challenges, opportunities and pitfalls?”
- + Prison inspection, HMP Kilmarnock
- + Presentation to COP 22 Climate Justice Event
- + Meeting with Anastasia Crickley, president of the UN Committee for the Elimination of Racial Discrimination
- + Participation in advanced course on Justiciability and Economic and Social Rights (Finland)

December

- + Meeting of the Commission
- + Presentation at Inverclyde Anti-Stigma Partnership Conference
- + International Human Rights Day Reception at Scottish Parliament
- + #AllOurRights social media campaign
- + Launch of SNAP Year 3 Report and Case Studies
- + Presentation to Human Rights Consortium Scotland Meeting
- + Speech to Scottish Public Law Group Event on “Human Rights: In Public Law and Public Eye”
- + Presentation to NHRI and Sustainable Development Goals Event (Istanbul)
- + ENNHRI Business and Human Rights Working Group (Copenhagen)
- + Hosted meeting with UN Special Rapporteur on Hazardous Waste
- + ENNHRI/Council of Europe Communications Meeting (Strasbourg)

January

- + Evidence Session with Equality and Human Rights Committee about the Commission’s past and continuing work, as set out in its Annual Report 2015-16.
- + Training for Scottish Independent Advocacy Alliance (various)
- + Presentation to Western Isles Holocaust Memorial event on taking a rights-based approach (Stornoway)
- + Annual Meeting of UK-Irish National Human Rights Institutions (Glasgow)
- + Prison inspection, HMP and YOI (Young Offenders Institution) Polmont

February

- + Meeting of the Commission
- + Training for Scottish Independent Advocacy Alliance
- + Coordination Meeting of UK National Human Rights Institutions (London)
- + Joint Event with Jimmy Reid Foundation on Human Rights and Brexit
- + Attendance at Mental Health Strategy Conference
- + Universal Periodic Review Engagement Meetings with Embassies with Equality and Human Rights Commission and Northern Ireland Human Rights Commission (London)

March

- + Meeting of the Commission
- + Evidence Session on Refugees and Destitution with Scottish Parliament Equality and Human Rights Committee
- + Evidence Session on Limitation Bill with Scottish Parliament Justice Committee
- + Consular Breakfast Meeting in advance of the Universal Periodic Review
- + Engagement Meetings with Permanent Missions on the Universal Periodic Review (Geneva)
- + Presentation to The Institute for Research and Innovation in Social Services Event on rights of Gypsy Travellers
- + National Preventive Mechanism Meeting and Scottish Sub-Group Meeting
- + Prison inspection, HMP Edinburgh
- + CRPD List of Issues Meeting (Geneva)
- + GANHRI Meeting (Geneva)
- + UN Special Rapporteur on Food – Parliamentary Event and Commission visit
- + Participation in ENNHRI/Equinet Meeting (Strasbourg)
- + Attendance at Brexit, Poverty and Social Protection – roundtable hosted by Poverty Alliance and the Scottish Council for Voluntary Organisations (SCVO)

Financial Summary

Funding

The Commission receives funding from the Scottish Parliamentary Corporate Body (SPCB). The SPCB approved a cash budget of £972,000 for financial year 2016-17. This compared to £952,000 for 2015-16.

Financial Position

The financial year 2016-17 was the Commission's eighth full year of operation. The Commission's net expenditure on operating activities for the year to 31 March 2017 totalled £983,000 (2015-16 – £943,000). This was on staff costs £711,000 (2015-16 – £682,000), other operating costs £263,000 (2015-16 – £252,000) and depreciation £9,000 (2015-16 – £9,000).

A further breakdown of expenditure is set out below.

Expenditure	£'000
Staff Costs	711
Recruitment	2
Property Costs	58
IT	18
General Office Costs	10
Printing and Stationery	4
Website	10
Training, Conferences, Subscriptions	15
Auditor Remuneration	13
Project Costs	96
Consultancy / Professional Services	14
Travel	23
Depreciation (non-cash item)	9
Total	983

Who We Are

The Commission team is made up of a full time Chair, three part time Commissioners and 13 members of staff (10 full time equivalent posts).

Chair of the Commission

Judith Robertson took up office in April 2016. She was previously Programme Director of See Me – Scotland’s national programme to end mental health stigma and discrimination. Prior to this, she had a 17 year career with Oxfam as both Programme Manager for Oxfam’s Poverty Programme in Scotland and as Head of Oxfam Scotland. Judith has had a long-standing involvement in international issues, in social justice issues and in advocating for human rights.



Commissioners

Susan Kemp is a lawyer specialising in international criminal and human rights law. She has worked extensively in Latin America, Africa and Europe with non-governmental organisations, the United Nations and the International Criminal Court, representing victims, investigating human rights abuses and providing technical assistance to state prosecutors.



Alan Mitchell has a background in General Medical Practice and was previously Clinical Director of the East Renfrewshire Health and Social Care Partnership. Alan also works within Dungavel House Immigration Removal Centre where he is a GP providing general medical services to those held in immigration detention.



Matt Smith 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, and Scottish Water, and a former member of the Scottish Standards Commission. He serves as a Justice of the Peace in Ayrshire.



Our staff come from a wide range of backgrounds including international human rights law, domestic law, social policy and research, third sector campaigning, civil society advocacy, project management, journalism, PR and public sector management. Together, they bring combined expertise, experience and skills in promoting and protecting human rights through law, policy and practice. Useful contacts include:

Human rights law, policy and practice

Kavita Chetty, Head of Strategy and Legal
kavita.chetty@scottishhumanrights.com

Cathy Asante, Legal Officer – Human Rights Based Approach
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Eleanor Deeming, Legal Officer
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Alison Hosie, Research Officer
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Diego Quiroz, Policy Officer
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Lauren Bruce, Projects Assistant
lauren.bruce@scottishhumanrights.com

Communications and participation

Emma Hutton, Communications and Participation Manager (job share)
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Kirsty Innes, Communications and Participation Manager (job share)
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Chloë Trew, Participation Coordinator
chloe.trew@scottishhumanrights.com

A Business Management team provides human resources, operational, financial and facilities support to the Commission.

Getting Involved in Our Work

The Commission welcomes the opportunity to work with people and organisations affected by human rights issues, and our work to promote and protect human rights more generally. You can keep in touch and get involved in our work in the following ways:

Website

Our website www.scottishhumanrights.com contains all of our policy submissions, reports to international human rights treaty bodies, case studies, training materials and other resources.

Facebook and Twitter

Our Facebook and Twitter (@[scothumanrights](https://twitter.com/scothumanrights)) feeds are updated regularly with news, information about our work and links to other relevant human rights information.

E-newsletter

You can subscribe to our e-newsletter to receive regular updates about our work. Please email hello@scottishhumanrights.com to sign up.

Events

We host and take part in events about relevant human rights issues throughout the year. Please follow our website, Facebook page and Twitter feed for full details.

Projects

If you would like any more information about any of the projects or policy areas we work on, please contact the relevant member of our team, or email hello@scottishhumanrights.com

Annual report

We welcome feedback on the design and content of our annual report, as well as ideas of what you would like to see in it in future years.

Accessibility

We're committed to making our communications easy-to-use and accessible for everyone. Our accessibility policy can be found on our website, along with some support tools:

Browsealoud

Our website includes software called Browsealoud which provides reading, speech and translation support for a range of people including those with dyslexia, low literacy, English as a second language, and/or mild visual impairments. This service is free and will help users to read all the content available on our website (including this annual report).

To begin using Browsealoud please visit our website and click on the logo on the bottom right hand of your browser. Then simply click on any text to hear it read out loud.



British Sign Language (BSL)

In Scotland, British Sign Language (BSL) users can use the contactSCOTLAND Video Relay Service (VRS) to contact all of Scotland's public bodies and third sector organisations for free. This service is available online via <http://contactscotland-bsl.org/> You can also download the app onto your smartphone and/or tablet (iPhones, Android phones, iPads, tablets etc).

If you have any queries about other support needs and would like this publication in another format such as large text, British Sign Language (BSL) or Braille, please contact: hello@scottishhumanrights.com or call 0131 244 3550.

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