

# SHRC

Scottish  
Human Rights  
Commission

Annual Report 2018–19



# Foreword

**This year, the Commission celebrated its tenth birthday on 10 December 2018 – the same day as the 70th Anniversary of the Universal Declaration of Human Rights. On the day itself, we were delighted to welcome a set of bold and significant recommendations from the First Minister’s Advisory Group on Human Rights Leadership.**

Critically, these recommendations include bringing forward a new Act of the Scottish Parliament to put economic, social and cultural rights, as well as environmental rights, directly into Scotland’s law. This important milestone in Scotland’s human rights journey builds on long-standing work of the Commission over many years, including the publication this year of a major research report into models of incorporating these rights into law, and accompanying seminars.

We also marked our tenth birthday with a series of short films sharing ten people’s different perspectives on progress and challenges on a range of human rights issues in Scotland. The films and associated social media campaign – #AllOurRights10 – brought rights to life through the eyes of people whose rights are affected in practice, public authorities with human rights obligations, and civil society organisations.

Our anniversary celebrations also saw the Commission partner with the Scottish Parliament to support a one day conference, billed as a Human Rights Takeover of the Parliament. The Commission’s Chair, Judith Robertson, joined the First Minister and a range of speakers in the Parliament’s Debating Chamber, with a speech highlighting the importance of human rights led approaches in law making and policy development.

Throughout the year, 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. Topics addressed this year included police use of ‘cyber kiosk’ technology, prisoner voting, reforming legislation in relation to adults with incapacity, human rights and the National Performance Framework, and equal protection from assault for children.

In October another of our long-standing programmes of work bore further fruit when Deputy First Minister, John Swinney, announced the development of a Scottish financial redress scheme for survivors of childhood abuse – the culmination of a two year process led by the University of Strathclyde’s Centre for Excellence for Children’s Care and Protection (CELCIS), survivors of historic abuse, the Commission and other members of the Historic Abuse Action Plan Review Group.

We welcomed the publication of the Scottish Parliament Equality and Human Rights Committee’s report *Getting Rights Right: Human Rights and the Scottish Parliament*. The wide ranging recommendations outlined in the report reflected those made by the Commission during the Committee’s inquiry into Human Rights and the Scottish Parliament and our previous input into the Commission on Parliamentary Reform.

The Commission continued to improve our approach to involving people with lived experience of human rights in the way we operate. In particular we supported people with lived experience of rights to participate in our work on housing rights, adequate living standards, and the right to food.

Our work to support others to take a human rights based approach continued. This year, in response to increasing external demand for our advice, we developed and launched a new Self-Assessment Tool on the PANEL principles that make up a human rights based approach.

This year, we worked with the Care Inspectorate to advise on embedding human rights within their inspection of self-directed support in Scotland. We also delivered training for Care Inspectorate staff, and inputted into their own training materials.

Following on from previous work with Her Majesty’s Inspectorate of Prisons in Scotland (HMIPS), we took part in three prison inspections throughout the year in Polmont, Addiewell and Perth. Following the Commission’s input, HMIPS inspection reports now follow the principles of a human rights based approach. Building on this more work can now be done to further embed rights across the inspection regime.

At a national level, following extensive engagement by the Commission, the Scottish Government announced a new National Outcome within Scotland's National Performance Framework (NPF): "We respect, protect and fulfil human rights and live free from discrimination." Again, work remains to be done to develop stronger indicators reflecting the Sustainable Development Goals and the human rights framework.

Scotland's National Action Plan for Human Rights (SNAP) came to the end of its first four-year cycle in December 2017. This year, the Commission invested in supporting the development of a second iteration of SNAP: SNAP 2. We established, chaired and provided secretariat support to a Development Working Group of around twenty people and organisations from across civil society and the public sector to take forward SNAP 2 planning. This work built on a National Participation Process held in 2017-2018.

This year, our international human rights treaty monitoring and reporting work included submitting recommendations to United Nations examination of Scotland's implementation of the Convention on the Elimination of Discrimination Against Women (CEDAW). Many of the issues the Commission highlighted were included in the final report by the United Nations Committee responsible for the examination.

The Commission is also an active member of international networks of National Human Rights Institutions. Commission staff took part in a range of events and activities to share our expertise and to learn from others with a view to strengthening our domestic activities.

Finally, this year, the Commission moved into a new base for its work, relocating to a modern office location with in-house training and event facilities.



Commission Members Jane Claire Judson, Alan Mitchell, Susan Kemp and Judith Robertson (Chair of the Commission)

Moving into 2019-20, we are excited by the opportunities that are fast-emerging to strengthen the protection of people's rights in law, policy and practice, many of which flow directly from our own engagement, advocacy, legal and policy work.

Nonetheless, we remain grounded in the reality that too many people in Scotland still do not have their rights met in many aspects of life. While our vision of a rights-respecting Scotland is shared by an increasing range of stakeholders, much more needs to be done in practical terms to translate that vision into reality. We look forward to playing our part in that as we move into our second decade as Scotland's National Human Rights Institution.



Suki Wan MSYP at Commission's  
10th Anniversary Celebrations



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# About the Commission

The Scottish Human Rights Commission is an independent public body with a statutory mandate to promote and protect all human rights for everyone in Scotland. Our full duties and powers are set out in the Scottish Commission for Human Rights Act 2006.

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The Commission is accountable to the people of Scotland through the Scottish Parliament and is accredited as an A-Status National Human Rights Institution within the United Nations (UN) human rights system. We report directly to the UN on human rights issues in Scotland.

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

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We are committed to sharing, developing and learning from best practice in human rights protection internationally. The Commission is an active member of the European Network of National Human Rights Institutions (ENNHRI), the Global Alliance of Human Rights Institutions (GANHRI) and the Commonwealth Federation of National Human Rights Institutions (CFNHRI).

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The Commission also coordinates and supports Scotland's National Action Plan for Human Rights (SNAP), a framework that brings together government, public authorities, civil society and people with lived experience of rights issues to design and take actions to advance human rights in Scotland.

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# The Paris Principles

**The Paris Principles are the criteria that the United Nations adopted in 1993 to establish the standards that A-Status National Human Rights Institutions, such as the Commission, must meet.**

The Commission was accredited with A-Status in 2010 and re-accredited in 2015.

The Paris Principles require the Commission to:

- + Be given the power to promote and protect human rights and have as broad a mandate as possible
- + Have a foundation in national law
- + Have autonomy from the government with independence guaranteed by statute or constitution
- + Have a mandate based in universal human rights standards
- + Demonstrate pluralism and independence in the selection and appointment of members
- + Have adequate resources and adequate powers of investigation
- + Have a responsibility to work with both civil society and the state



# Strategic Priorities and Operat

The Commission's Strategic Plan 2016-20 was laid before the Scottish We have also developed ten operational outcomes to guide and me All ten outcomes contribute to delivering each of our Strategic Priorit

Strategic Priorities 2016-20	Operational Outcomes
<p><b>Building a human rights culture</b></p> <p><b>Promoting respect for dignity and rights in health and social care</b></p> <p><b>Promoting a rights based approach to poverty and social justice</b></p> <p><b>Increasing accountability for rights</b></p> <p><b>Learning, sharing and promoting our work and human rights internationally and nationally</b></p>	<p><b>UK and Scottish Governments and public</b></p> <p><b>The Scottish Parliament acts as a human</b></p> <p><b>More people have a better understanding</b></p> <p><b>People with lived experience of human</b></p> <p><b>More organisations apply a human rights</b></p> <p><b>More people feel confident and equipped to account</b></p> <p><b>Human rights standards are embedded</b></p> <p><b>Scotland's National Action Plan for Human</b></p> <p><b>International human rights standards and and international stakeholders</b></p> <p><b>The Commission builds its strength as an Operational Plan</b></p>

This Annual Report details our activities and impact in 2018-19 under each of our ten operational In 2019-20 we will begin work to develop our next Strategic Plan, which will be laid before the Sc

# ional Outcomes

**Parliament in October 2016 and establishes our current priorities. Measure the impact of our activities in pursuit of these priorities.**

**authorities more effectively implement international human rights obligations  
rights guarantor through improved structures, procedures and awareness  
of international human rights and what they mean  
rights issues increasingly influence decisions that affect their human rights  
based approach throughout their work  
to claim their rights and hold government, parliament and other public bodies  
and used more explicitly in regulation, inspection and monitoring frameworks  
Rights (SNAP) is achieving its medium term outcomes  
good practice are developed, informed by and better understood by relevant domestic  
organisation to support the effective and efficient delivery of the Strategic and**

outcomes.

Scottish Parliament in March 2020.

# OUTCOME 1

## **UK and Scottish Governments and public authorities more effectively implement international human rights obligations**

The UK and Scottish Government and other public authorities have legal duties to respect, protect and fulfil the rights of everyone in Scotland. These duties are set out in a range of international human rights legal obligations that Scotland, as part of the UK, has agreed to.

The Commission works proactively with these 'duty bearers' to increase their knowledge and understanding of their human rights obligations, and to build their commitment and capacity to implement them more effectively.

This programme of work represents the biggest part of our activity each year, combining proactive initiatives driven by our strategic priorities with responsive engagement on emerging issues.

## **Strengthening economic and social rights**

This year saw significant progress towards the Commission's long-term objective of strengthening protection for economic and social rights, such as the rights to housing, health, food and social security. These rights are not currently directly incorporated into Scotland's domestic laws, which can make them more difficult to enforce. Strengthening their protection is all the more important given the risks to rights from the UK's planned exit from the European Union.

Throughout 2018-19 the Commission contributed significant expertise and evidence on strengthening economic, social and cultural rights as a member of the First Minister's Advisory Group on Human Rights Leadership.

In November 2018, the Commission published the report of research carried out for us by Dr Katie Boyle of Stirling University. The report, *Models of Incorporation and Justiciability of Economic, Social and Cultural Rights*, achieved widespread attention and helped to inform both the recommendations of the Advisory Group, and wider debates about Scotland's future approach to these issues.



We welcomed the subsequent recommendations of the Advisory Group, published in December 2018. They include bringing forward a new Act of the Scottish Parliament to bring these and other international human rights directly into Scotland's law.

**“Today is an important milestone in Scotland’s human rights journey. Seventy years since universal human rights were first enshrined internationally, a persistent gap remains between well-intentioned laws and policies, and the reality for people’s rights in their everyday lives. These significant and bold recommendations, if taken forward by the Scottish Government, have real potential to close that gap.”**

Commission statement responding to First Minister’s Advisory Group recommendations, 10 December 2018

The Commission also continued to build understanding and awareness of economic, social and cultural rights among government officials, public authority representatives, the legal community and civil society organisations.

In May 2018, we held the final workshop in a year-long five-part series aimed at external stakeholders. This workshop, attended by over 70 stakeholders from across government, academia, the public sector and civil society, examined detailed options for making these rights enforceable and included expert input from the then Chair of the United Nations Committee on Economic, Social and Cultural Rights, Virgínia Brás Gomes.

Finally, the Commission contributed to an investigation by the United Nations Special Rapporteur on Extreme Poverty, Professor Philip Alston, into poverty in the UK. We hosted a fact-finding meeting between Professor Alston, civil society groups, people with lived experience of poverty and key public sector stakeholders.

We also worked with a range of civil society organisations to raise awareness of the right to food, and to gather evidence from people with lived experience of barriers to accessing this right. This work fed directly into the development of our own policy proposals to the Scottish Government’s Good Food Nation consultation, which closed in April 2019.

## United Nations Treaty Monitoring and Reporting

As an accredited A-status National Human Rights Institution within the United Nations human rights system, the Commission performs an important role in holding the UK and Scottish Governments to account for their implementation of international human rights treaty obligations.

This year, the United Nations examined Scotland’s implementation of the Convention on the Elimination of Discrimination Against Women (CEDAW). Following an evidence-gathering process including engagement with civil society organisations, the Commission submitted 27 recommendations to the examination. Our recommendations included measures to ensure Brexit has no negative impact on women’s rights; action to mitigate the impact of austerity on women’s economic and social rights; and improvements to law and policy to tackle the high prevalence of violence against women. Many of the issues we highlighted were picked up by the final report by the United Nations Committee responsible for the examination.

**“While the Scottish Government is to be commended for many of its actions to progress gender equality, our latest report to the UN shows that it must now go further, faster, to ensure that all women in Scotland are able to enjoy all of their rights – economic, social, civil and political – on the same terms as their male counterparts.”**

Judith Robertson, Chair of the Commission, commenting on our submission to the CEDAW examination.

We also carried out preparatory work for the next examination of the implementation of the Convention Against Torture (CAT) which takes place in 2019-2020. In November 2018, the Commission hosted an event for a range of Scottish civil society organisations on the Convention, with expert input provided by the Chair of the United Nations Committee Against Torture, Jens Modvig. Participants learned more about the standards contained in the Convention, and explored how these relate to law, policy and practice in Scotland. Issues highlighted included the use of ‘mosquito’ devices aimed at children and young people, detention practices and treatment of people in care homes.

## Promoting human rights based policy making and legislation

The Commission routinely provides expertise and analysis on the human rights implications and opportunities of legislative and policy making processes of the Scottish Parliament and Government.

During 2018-19, we made submissions and/or provided oral evidence to the following processes:

- ✦ Inquiry into 20 years of the Human Rights Act conducted by the UK Parliament’s Joint Committee on Human Rights
- ✦ Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012 by the Scottish Parliament’s Justice Committee
- ✦ A debate on human rights and the National Performance Framework held by the Scottish Parliament
- ✦ Evidence to the Scottish Parliament’s Equality and Human Rights Committee on the draft National Outcomes and Indicators
- ✦ Inquiry into Police Scotland use of ‘cyber kiosk’ technology by the Scottish Parliament’s Justice Committee Sub-Committee on Policing
- ✦ Scottish Government consultation on reforming legislation in relation to adults with incapacity
- ✦ Consultation on Prisoner Voting by the Scottish Government
- ✦ Consultation on the Children (Equal Protection from Assault) (Scotland) Bill by the Scottish Parliament
- ✦ Consultation on regulation of Social Housing

- + Evidence to the Scottish Parliament's Equality and Human Rights Committee on the inquiry into Human Rights and the Scottish Parliament
- + Evidence to the Scottish Parliament's Equality and Human Rights Committee on Draft Budget Scrutiny
- + Evidence to Finance and Constitution Committee on Tax Reform in the context of the budget.

The impact of our work was evident in a number of key policy developments throughout the year, including:

- + The announcement of a major independent review of mental health and incapacity legislation based on human rights developments and taking into account supported decision making, CRPD and economic social and cultural rights.
- + Constructive engagement by government on the issues raised in our consultation on reforming the law in relation to adults with incapacity, with our evidence also well-received by stakeholders.
- + The Scottish Government has identified human rights as a key priority for its mental health strategy, reflecting long-standing recommendations made by the Commission and others.
- + The new Scottish Government Social Security Directorate invited the Commission to provide training for 30 of its staff covering the standards and norms of human rights law in relation to social security, and relevant case studies. This reflects and builds on our previous work advocating for human rights to be embedded in Scotland's new social security system.

## National Preventive Mechanism

The Commission is one of 21 members of the United Kingdom's National Preventive Mechanism (NPM). The NPM was established in March 2009 as part of the UK's commitment under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The NPM examines how people held in places of detention are treated, and makes recommendations to relevant authorities.



This year, the Commission continued to work with other members of the NPM to develop a shared understanding of the human rights issues that arise when people are in detention. We also supported an ongoing dialogue between the NPM and the Scottish Government to aid better understanding and implementation of relevant recommendations for Scotland. We continued to express our view that the NPM should be put on a statutory footing, with adequate resources attached to support it to work more effectively.

## **Business and human rights**

This year, the Commission continued to support and contribute to the development of a National Action Plan on Business and Human Rights.

Our work in this area involves extensive engagement the Scottish Government, business, trade unions and civil society stakeholders. This year we hosted a roundtable meeting with business enterprises, continued dialogue with government and took part in a University of Glasgow Conference on “Human Rights and Corporate Accountability”.

We also commissioned and published the findings of a comparative review of global best practice in Business and Human Rights National Action Plans, and made a series of recommendations to inform developments in Scotland.

## **Human rights budgeting**

Applying a human rights framework to public budgets would add significant value to efforts to realise social justice in Scotland.

This year, we completed an 18 month project to give budget holders the tools they need to ensure their budget decisions have a positive impact on people’s rights. The project was led by the Commission in partnership with the Health and Social Care Alliance for Scotland (the ALLIANCE), funded by the European Union and managed by the Danish Institute for Human Rights. Key outputs from this project included learning materials and guidance from a Masterclass series; draft human rights indicators to support the scrutiny of budget processes; and a short video explaining human rights budgeting.

A Human Rights Budget Working Group (HRBWG) has now been established to take forward work in this area over the longer term; the Group is chaired by the Commission. The Commission also now participates as a permanent member of the Equality Budget Advisory Group.

In March 2019, we hosted an event on human rights budget scrutiny, aimed at building capacity among a range of stakeholders to examine Scotland's public sector budgets through a human rights lens. We also provided keynote input to the Chartered Institute for Public Finance and Accountancy's Annual Conference.

The Commission is also supporting a collaborative PhD with Stirling University and the University of Glasgow on the topic: Minimum Core Obligations: using a sociology of human rights to examine the potential for human rights budgeting in Scotland.

A series of briefing papers – *'Human Rights Budget Work: How? What? Why?'* – was drafted this year to provide information about this work in an accessible format. These will be published and disseminated in 2019-20.

## Using our legal powers

The Commission has powers to intervene in civil litigation where there is a matter of public interest. We also have the power to conduct inquiries into the policies and practices of Scottish public authorities. Our powers are set out in detail and governed by the legislation that established us: the Scottish Commission for Human Rights Act 2006.

Using our legal powers requires a careful analysis of the resources required and the need to ensure maximum impact from such activity. This year, we began work to explore, in detail, how best to deploy our legal powers in the future.

We met with colleagues from the Northern Ireland Human Rights Commission to learn from their experiences of holding an inquiry and scoped out, in depth, the costs and practical considerations for any future inquiry we might conduct.

We also developed relationships with a range of key organisations relevant to the potential use of our powers of intervention in civil cases, as well as key criteria for use in identifying relevant opportunities. Substantial work took place during this year to prepare for the first use of our intervention power in one case.

## OUTCOME 2

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

National Parliaments play an important role in guaranteeing human rights. This year, the Commission continued to engage regularly with the Scottish Parliament’s legislative processes, consultations and committee structures.

We worked particularly closely with the Parliament’s Equality and Human Rights Committee to raise awareness of international best practice in relation to parliaments and human rights protection.

This year, the Scottish Parliament’s Equality and Human Rights Committee (EHRC) published their report *Getting Rights Right: Human Rights and the Scottish Parliament*. The report provides a detailed analysis of many of the steps the Parliament can take to further the goal of becoming a stronger human rights guarantor for the people of Scotland.

The wide ranging recommendations outlined in the report reflect those made by the Commission during EHRC’s Inquiry into Human Rights and the Scottish Parliament, in particular those related to implementation and accountability of international treaty obligations.

The Commission delivered training and capacity-building support to EHRC during 2018-19 to support and inform their inquiry. Topics covered in the training included:

- + An overview of the human rights framework and the United Nations treaty system; standards and mechanisms for realising economic, social and cultural rights;
- + Scotland’s National Action Plan for Human Rights (SNAP); and
- + The role of Parliament in ensuring accountability for human rights.

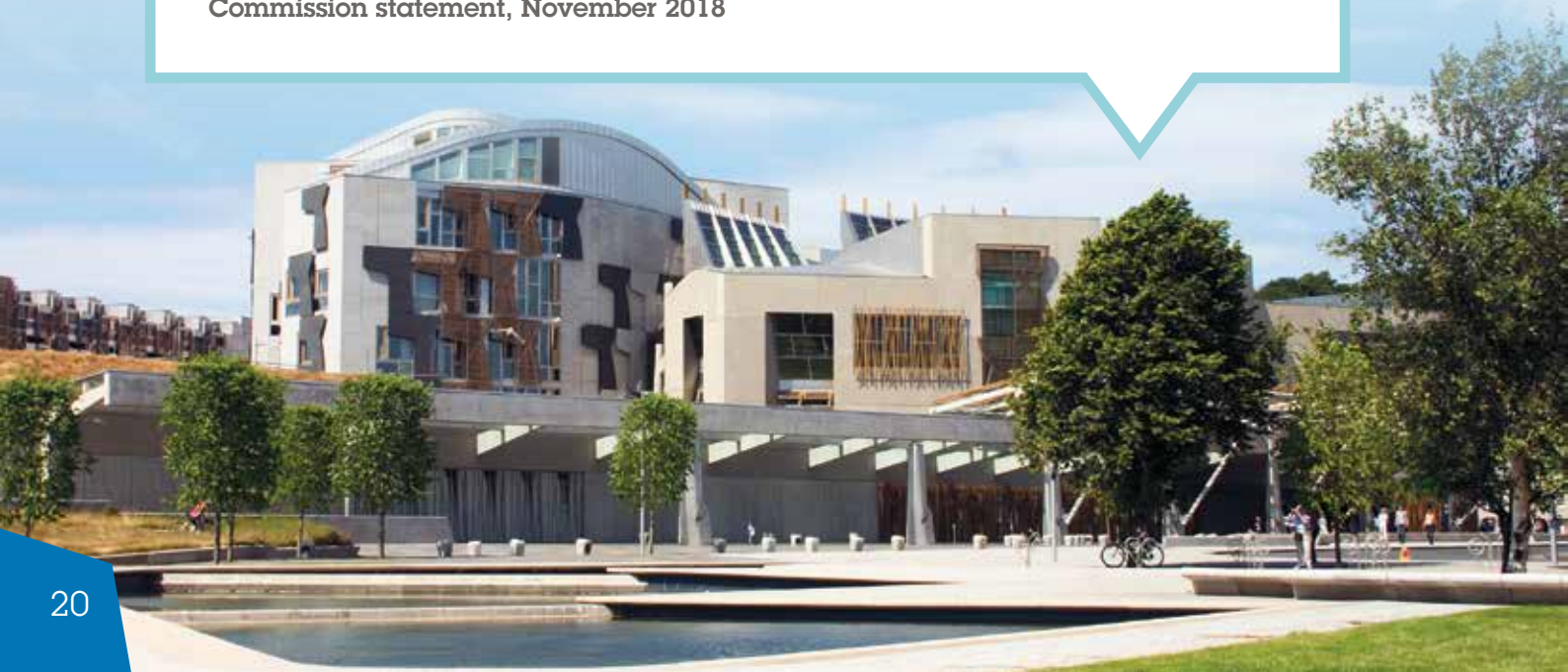
We continued to engage with EHRC throughout the year, updating Committee members and the Convener on the Belgrade Principles which provide guidance on the interaction and cooperation between National Human Rights Institutions (NHRIs) and Parliaments.

Broader engagement with Members of the Scottish Parliament and Parliamentary Committees took place throughout the year as part of the Commission's work to promote human rights based law and policy, as detailed under Outcome 1 above.

**“The Getting Rights Right Report is a detailed and considered analysis of many of the steps the Parliament can take to further the goal of becoming a stronger human rights guarantor for the people of Scotland. The recommendations are wide ranging and have the potential to transform the impact human rights will have on the business of the Parliament and the Government and ultimately on the lives of the people of Scotland.**

**“The Inquiry responded directly to the call the Scottish Human Rights Commission made to an independent Commission on Parliamentary Reform asking for the Scottish Parliament to become a better human rights guarantor. We look forward to working with the Committee to support the delivery of these recommendations.”**

Commission statement, November 2018





## OUTCOME 3

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

Promoting human rights is a core element of the Commission's statutory mandate.

This includes raising awareness of human rights with the wider public so that people understand and are better empowered to claim their rights in practice. It also includes raising awareness of the Commission's work on specific human rights issues.

### **#AllOurRights10 Film Campaign**

On 10 December, International Human Rights Day 2018 marked the tenth anniversary of the Commission and the 70th anniversary of the Universal Declaration of Human Rights. We used the occasion to raise awareness of the value of human rights in people's lives in numerous ways through a film and social media campaign: #AllOurRights10. Ten short films shared ten people's perspectives on progress and challenges on human rights issues in Scotland, from rights in social care to children's rights to privacy to rights in community development. The ten films featured different people and perspectives, including people with lived experience of rights issues, civil society advocates and people working in public authorities.

### **Human Rights 'Takeover' of the Scottish Parliament**

The Commission partnered with the Scottish Parliament to support their own celebration of the 70th anniversary of the Universal Declaration of Human Rights – a one-day conference, billed as a Human Rights Takeover of the Parliament, which was also live-streamed online. Our Chair, Judith Robertson, joined the First Minister and a range of other speakers in the Parliament's Debating Chamber, with a speech highlighting the importance of human rights led approaches in law making and policy development.

On the same evening, the Commission hosted a reception for around 200 people from across Scottish society, including people with lived experience of a range of rights issues, civil society activists, campaigners and community groups, senior leaders from the public sector, MSPs and Members of the Scottish Youth Parliament.

**“It is a time to mark and celebrate progress. A time to remind ourselves of the importance of the rights we all have by virtue of our equal status and equal worth as human beings. Rights enshrined in law to ensure that we can all live free from oppression in all its forms. Free to live dignified lives where we can all flourish and fulfil our potential, both individually and collectively.**

**It is also a time to recognise the progress we have made in securing people’s rights by sharing ideas, challenging decisions, scrutinising and revisiting laws and policies and by working together on solutions to improve people’s lives.”**

Judith Robertson in a speech to the Scottish Parliament’s Debating Chamber, December 2018

## **Promotion of human rights and the Commission’s work to protect them**

Through the continued implementation of our communications strategy we increased our coverage within print and broadcast media, highlighting the Commission’s work and activities across a range of platforms.

We continued to pursue objectives focused on influencing public authorities to take action on human rights; amplifying the voice of people with lived experience in human rights discourse; improving popular understanding of human rights and a human rights based approach; supporting the exchange of good practice in human rights communications between domestic and international stakeholders; and raising awareness of the Commission itself and its work.

Activities throughout the year included:

- + Media, publications and social media activity raising awareness of the UN Special Rapporteur on Extreme Poverty's visit to the UK and findings.
- + Media and social media promotion of a major report on models for incorporating economic and social rights, produced for the Commission by Dr Katie Boyle.
- + Promotion of the Chair of the United Nation's Committee on Economic, Social and Cultural Rights visit to Scotland, including proactive media work generating engagement and national coverage of incorporation arguments and the Housing Rights in Practice project.
- + Media, social media and online promotion of the Convention on the Elimination of All Forms of Discrimination Against Women and the Commission's response to the Scottish Government consultation.
- + Media and social media activity to highlight the Commission's work around police use of cyber kiosks.
- + Media and social media engagement on the human rights implications of Serco's policy of changing the locks of people seeking asylum in Glasgow.
- + Delivery of audience insight research into how people in Scotland perceive and understand human rights to the Scottish National Action Plan on Human Rights Health and Social Care Action Group; the Equality and Human Rights Commission (EHRC); the 13th International Conference of National Human Rights Institutions and a network of numerous advocacy organisations.
- + Continued promotion of the human rights issues raised by the Housing Rights in Practice project (see outcome 6).
- + Production and dissemination of the Commission's Annual Report 2017-18 and regular promotion of the Commission's policy, project and public engagement activities through social media, website and media.
- + Re-election as Chair of the Communications Working Group of the European Network of National Human Rights Institutions.

## OUTCOME 4

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

Everyone has the right to participate in decisions that affect their human rights. To further realise this right in Scotland, the Commission continues to improve opportunities and support for people to participate in our own work. We also continue to capture and share lessons about good practice with other public authorities in Scotland and international human rights networks.

This year, the Commission continued to implement our three year participation strategy to improve our own approach to involving people with lived experience of human rights issues in the way we operate.

Key activities this year included:

- ✦ A joint conference with the Scottish Centre for Community Development and Edinburgh Tenants Federation to support around 50 community development practitioners to learn about and adopt a rights based approach.
- ✦ Trialling a participative approach to our own policy development, focused around the Scottish Government's consultation on a Good Food Nation. We worked with partners in civil society to engage with people with lived experience of food poverty and insecurity. Their experiences and perspectives helped to shape and illustrate our subsequent policy submission and accompanying advocacy.
- ✦ We continued to support people with lived experience of rights issues to participate in our work as a Commission, including our work on housing rights, adequate living standards and the future development of Scotland's National Action Plan on Human Rights.

- ✦ Our work with a community of residents in Leith, Edinburgh on Housing Rights in Practice approached a conclusion this year. We provided support to the residents to carry out a final monitoring survey of their housing conditions, and carried out evaluation interviews with key project stakeholders. The evaluation and learning from this project will be shared in 2019-20. This year, the project attracted attention from the Chair of the United Nations Committee on Economic, Social and Cultural Rights, who visited in May 2018 to hear from residents and other stakeholders about their experiences.
- ✦ We continued to work with an Adequate Standard of Living Reference Group of people with lived experience of poverty. This year, the Reference Group explored the potential for greater participation by rights holders in the Commission's governance and decision-making structures.
- ✦ We also engaged with a participation network supported by CELCIS and the National Care Review, to share our practice and learn from theirs.
- ✦ We began preparatory work to address gaps in our engagement with particular groups of people and communities; a programme of longer-term engagement is planned for 2019-20.



# OUTCOME 5

## **More organisations apply a human rights based approach throughout their work**

Taking a human rights based approach means going beyond the letter of the law to embed human rights principles into the way an organisation operates and makes decisions. The Commission supports other organisations to take a human rights based approach in a variety of ways.

Demand for our support and advice on taking a human rights based approach has increased significantly in recent years. To enable us to maximise the impact of our resources and expertise, this year we established a peer network of organisations with practical experience of and interest in strengthening their human rights based approach.

We also developed and launched a new Self-Assessment Tool on the PANEL principles that make up a human rights based approach:

- + Participation
- + Accountability
- + Non-discrimination and Equality
- + Empowerment
- + Legality

The Tool was launched online on 10 December 2018, as part of wider events marking International Human Rights Day. On the same day, it was also shared at a workshop for civil society and public sector organisations, held at the Scottish Parliament.

We continued to deliver training and capacity building directly to organisations interested in taking a human rights based approach to their work, including PKAVS, Forth Valley Third Sector, Citizens Advice Scotland, Fife Voluntary Action, and the Scottish Child Law Centre. Demand for this kind of support exceeds our capacity to deliver it.

## OUTCOME 6

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

The Commission operates 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 people whose rights are directly affected by state decisions, so that they can better hold decision-makers to account.

This year, our work neared conclusion on Housing Rights in Practice, a major project to support residents in Leith, Edinburgh to understand their rights and hold their local authority to account for inadequate housing conditions.

Our previous three years of support and engagement led to investment by the local authority in housing improvements. This year, residents were supported by the Commission and the Edinburgh Tenants Federation to monitor the implementation of this work, and to decide on future monitoring activities.

We also carried out a range of evaluation interviews with project participants and stakeholders. A communications package to disseminate the learning and impact of this project continued to be developed for release in 2019-20, following the final evaluation of the project.

The Commission continued to work with a Reference Group of people with lived experience of poverty. This year, members participated in the Commission's Economic and Social Rights Steering Group and were supported to engage in discussions around the future development of Scotland's National Action Plan for Human Rights.

We also supported Reference Group members to respond to the Scottish Government's Fuel Poverty Strategy Consultation and to subsequently meet with the Minister for Housing & Local Government, articulating their concerns around the lack of a rights based approach.

In October 2018 the Commission welcomed the announcement from Deputy First Minister, John Swinney, on the development of a Scottish financial redress scheme for survivors of childhood abuse – the culmination of a two year process led by the University of Strathclyde’s Centre for Excellence for Children’s Care and Protection (CELCIS), Reference Group members and the Commission.

Following recommendations from the Historic Abuse InterAction Action Plan Review Group, it was announced that legislation is to be progressed before the end of this parliamentary term, and that advance payments will be made to survivors over 70 and those who are approaching the end of their life through ill-health.

**“The state has an obligation to protect the rights of anyone in care. While historic abuses cannot be reversed, it is right that today’s government takes all possible action to deliver justice for those affected, and to prevent further abuses in the future.”**

Commission statement, October 2018



## 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 external organisations to build their knowledge and understanding of human rights and to support them to embed relevant standards into their own work.

The Commission works with Her Majesty’s Inspector for Prisons in Scotland (HMIPS) to support a human rights based approach to the inspection and monitoring of prisons. We provide advice in relation to the inspection standards and have been assisting HMIPS to undertake inspections to ensure that the human rights of prisoners are being respected.

In 2018-19, we were involved in the inspection of HMP Perth, HMP YOI Polmont and HMP YOI Grampian. Following the Commission’s input, HMIPS inspection reports now follow the principles of a human rights based approach; however, work remains to be done to develop stronger human rights indicators.

In May 2018, the Commission welcomed the publication of a new National Outcome within Scotland’s National Performance Framework (NPF):  
“We respect, protect and fulfil human rights and live free from discrimination.”

This followed extensive engagement by the Commission with the Scottish Government team responsible for the NPF. We continued to work throughout 2018-19 to advocate for stronger indicators to measure progress on human rights, both within this outcome and across the NPF as a whole.

**“Scotland has obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that the state must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires the state to protect individuals and groups against human rights abuses. The obligation to fulfil means that the state must take positive action to facilitate the enjoyment of basic human rights. Protection and fulfilment require policy, action and resource. Without these, we will have access to rights in theory, but they will not be delivered in practice.”**

Comment by the Commission on a draft National Outcome on human rights, in a letter to the Scottish Parliament's Equality and Human Rights Committee in April 2018.

This year, the Commission worked with the Care Inspectorate to advise on embedding human rights within their inspection of self-directed support in Scotland. We also delivered training for Care Inspectorate staff, and inputted into their own training materials.

The Commission continued to contribute to the implementation of the Health and Social Care Standards through the Scottish Government's implementation group.



## OUTCOME 8

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

SNAP was originally launched in December 2013 as a roadmap towards building a Scotland where everyone can live with human dignity. It is a collaborative framework for action that brings together government, public bodies, civil society organisations, the Commission and, increasingly, people with direct lived experience of rights violations.

SNAP came to the end of its first four-year cycle in December 2017. This year, the Commission invested in supporting the development of a second iteration of SNAP: SNAP 2.

This work built on a National Participation Process held in 2017-2018 to inform the future of SNAP, which heard from over 1500 people across eight local events, an online survey and a national event. During this work, people identified 25 key themes for SNAP 2.

To take forward SNAP 2 planning, the Commission established, chaired and provided secretariat support to a Development Working Group of around twenty people and organisations from across civil society and the public sector. The Group met six times this year to:

- ✦ Learn from the Independent Evaluation of SNAP 2013-2017;
- ✦ Learn from the 2017 National Participation Process Report;
- ✦ Propose SNAP 2 issues and actions related to the 25 themes; and
- ✦ Recommend a delivery, governance and resourcing model for SNAP 2.

Group members also did significant work in-between meetings, including:

- ✦ Research;
- ✦ Gathering more views from other people and organisations;
- ✦ Analysing sources of evidence on human rights; and
- ✦ Preparing summaries of their work for the rest of the Group.

The Development Working Group will continue its work into 2019-20, with a view to publishing a draft action plan for wider engagement and consultation in Autumn 2019.

## OUTCOME 9

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

Our human rights and the corresponding obligations that states have to respect, protect and fulfil them, are set out in international human rights standards. One of our roles as a National Human Rights Institution is to ensure that these standards are understood as widely as possible. As part of the global human rights community, we work closely with our sister NHRIs to share learning and best practice, identify common challenges and develop solutions to address those.

The Commission is an active member of the European and Global Networks of National Human Rights Institutions (ENNHRI and GANHRI) and the Commonwealth Forum of National Human Rights Institutions (CFNHRI). This year, Commission staff took part in a range of events and activities to share our expertise and to learn from others with a view to strengthening our domestic activities. This included:

- + Participation in the Annual ENNHRI Academy where the focus this year was to celebrate human rights defenders and provide targeted training on the role of NHRIs in the legislative process and in promoting and protecting human rights defenders and the wider democratic space.
- + Active participation in the ENNHRI Economic, Social and Cultural Rights Working Group and subsequent election as co-Chair of the group. Our participation also included attendance at a Council of Europe Platform meeting on social rights.
- + Re-election as Chair of the ENNHRI Communications Working Group, including providing strategic and practical support to an annual exchange of best practice in human rights communications for NHRIs across Europe.

- + Participation in the ENNHRI Working Group on the Convention on the Rights of Disabled People, with a focus on working more effectively with disabled people's organisations and the relevant UN Committee.
- + Participation in GANHRI and ENNHRI General Assemblies as a mechanism for hearing from other NHRIs around the world about best practice in various aspects of protecting and promoting human rights, as well as sharing our own expertise. This year, the Commission's Chair provided high-level input on our strategic communications work and our work to strengthen economic and social rights.
- + Continuing to work with the Danish Institute for Human Rights on an EU-funded project to develop work in Scotland on human rights budgeting and budget analysis (see outcome 1).

Beyond our participation in ENNHRI and GANHRI, the Commission also engaged with the following key international human rights mechanisms this year:

- + Participation in an expert meeting on the development of Guidance on Human Rights Impact Assessment by the UN Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights.
- + Response to the Human Rights Council resolution 39/17 outlining our practice in aligning human rights in Scotland with the Sustainable Development Goals, with a view to sharing our learning with other NHRIs.

# OUTCOME 10

## **The Commission builds its strength as an organisation to support the effective and efficient delivery of the Strategic and Operational Plan**

The Commission is an independent public body. We follow the Nolan Principles for Public Life, operate within the various compliance frameworks that govern all Scottish public bodies, and report to the Scottish Parliament in line with the requirements of the Scottish Commission for Human Rights Act 2006 and subsequent amendments.

The Commission is also accredited as an A-status National Human Rights Institution within the United Nations system. Achieving and maintaining this accreditation reflects our compliance with a set of requirements known as the Paris Principles (see page 9).

This year, the Commission:

- + Relocated its office to a new location, shared with the Scottish Public Services Ombudsman and the Children and Young People's Commissioner for Scotland.
- + Carried out activity to ensure our compliance with the General Data Protection Regulation (GDPR) including participation in a joint working group with other public bodies.
- + Continued to support staff professional development including training courses in GDPR, British Sign Language, management and leadership.
- + Continued work to improve the accessibility of our communications. This year we published our first BSL Plan and began to implement the actions identified to improve the range of BSL content we provide.
- + Reviewed our flexible working policy and practice, with support from Close the Gap, to identify areas for improvement. A revised flexible working policy will be implemented in 2019-20.
- + Restructured our corporate services team to provide more flexible and appropriate support to meet the organisation's needs into the future.

# Financial Summary

## Funding

The Commission receives annual funding from the Scottish Parliamentary Corporate Body (SPCB) and occasional small grants from other sources.

## Financial Position

Financial year 2018-19 was the Commission's tenth full year of operation. The Commission's net expenditure on operating activities for the year ended 31 March 2019 totalled £1,010,000.

A further breakdown of expenditure is set out below.

<b>Expenditure</b>	<b>£'000</b>
Staff costs	750
Operational costs	127
Property costs	44
IT costs	15
Website	1
Training and subscriptions	17
Auditor's remuneration	15
Printing, stationery and library costs	3
General office costs	8
Travel	18
Legal and consultancy fees	5
Recruitment costs	4
Loss on disposal of fixed assets	3
<b>Total</b>	<b>1,010</b>



# Who We Are

**The Commission team comprises 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 and leads the Commission's strategy and operations. She represents the Commission in a range of national and international contexts, provides leadership to the staff team and has overall responsibility for the Commission's accountability. Previously, Judith ran the See Me campaign to end mental health stigma and discrimination. She has also held senior leadership and management roles with Oxfam including as Head of Oxfam in Scotland.



## Commissioners

**Jane-Claire Judson** joined the Commission in September 2017. Jane-Claire is the Chief Executive Officer for Chest Heart and Stroke Scotland. She was previously National Director for Diabetes Scotland, responsible for leading and managing Diabetes UK's activities in Scotland. Jane-Claire is also currently a Board member at NHS Health Scotland.



**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** is a General Medical Practitioner at Dungavel House Immigration Removal Centre and Member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). He was previously Clinical Director of the East Renfrewshire Health and Social Care Partnership.



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 and public sector management. Together they bring combined expertise in promoting and protecting human rights through law, policy and practice.

### Key contacts

Kavita Chetty, Head of Strategy and Legal  
**[kavita.chetty@scottishhumanrights.com](mailto:kavita.chetty@scottishhumanrights.com)**

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General Enquiries  
**[hello@scottishhumanrights.com](mailto:hello@scottishhumanrights.com)**

**Please see our website for full details of our current staff team.**

# 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](http://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.

## 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](mailto: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](mailto:hello@scottishhumanrights.com) or call **0131 297 5750**.

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