

SHRC

Scottish
Human Rights
Commission

Annual Report 2014-15



Scottish Human Rights Commission

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SHRC/2015/01

Laid before the Scottish Parliament by the Scottish Commission for Human Rights in pursuance of Section 15 (1) of the Scottish Commission for Human Rights Act 2006 on 21 October 2015.

Design by www.graphics.coop

Photography by Glasgow City Council/Glasgow Life, Maverick Photo Agency, Michael Rea, Press Association, Patrick McGuire, Rex Shutterstock

“Human rights is a framework that provides a steely core to what we do. It stops us from considering that people’s ability to have their rights realised is an option or a gift. We’re supporting them to do what everyone else has the right to do and it’s defined in law.”

Sam Smith, C-Change Scotland



About the Commission

The Scottish Human Rights Commission has a broad remit to promote and protect human rights for everyone in Scotland.

Created by an Act of the Scottish Parliament in 2006, the Commission is accountable to the people of Scotland through the Scottish Parliament.

The Commission began working in Scotland in December 2008. Since then, we have carried out extensive research into how human rights are experienced by people in Scotland, where gaps remain and what can be done to better promote and protect human rights for all. We have also developed practical resources for civil society and the public sector to help improve understanding and awareness of how to put human rights into practice.

Our strategy and legal team regularly identifies and responds to strategic legal and policy issues that affect people's human rights. We raise awareness of human rights through our communications and participation work. The Commission does not handle complaints or provide an advice or help service to individuals.

We are the only Scottish organisation that can make direct contributions to the UN Human Rights Council on issues affecting people here.

We work closely with other organisations and services that do provide advice on human rights issues, so that we can signpost people to them.

Working closely with partners from across Scottish society, we have developed and begun implementing Scotland's first national action plan for human rights.

The Commission plays an important role as a bridge between human rights in Scotland and the international human rights system. We share our experiences with counterparts in other countries and we bring back good practice from elsewhere to support work to realise human rights here in Scotland.

We are accredited as an "A Status" national human rights institution within the United Nations (UN) system. This means we can report directly to the UN on human rights issues such as the rights of older people, health, business, and climate justice. It also puts us in a unique position in Scotland – we are the only Scottish organisation that can make direct contributions to the UN Human Rights Council on issues affecting people here.

The Commission chairs the European Network of National Human Rights Institutions, one of four regional groups which bring together human rights bodies from around the world. The European Network is made up of 40 human rights institutions from all over Europe and works alongside regional groups from Africa, Asia/Pacific and the Americas.

The Commission is proud to play its part in helping build a better Scotland and a better world, where human rights are enjoyed by all people.

Welcome from the Commission's Chair

On behalf of the Scottish Human Rights Commission, I am pleased to report on another productive year for the Scottish Human Rights Commission as we continue to promote and protect human rights for everyone in Scotland.



In 2014 Scotland came alive with debate about its future. Kick-started by the question of whether to remain part of the United Kingdom or not, public debate went much further than that. Around the country, people enthusiastically discussed, explored and debated ideas about the kind of society Scotland should be, the values we should pursue as a country and the role we should play internationally.

Emerging from the unprecedented level of civic debate came a deep-rooted sense that Scotland is a place where equality and social justice are core values, and where people should be able to shape their lives, the decisions that affect them and the services they receive from government and public bodies.

Human rights provide a ready-made vehicle to deliver those values and goals. They provide a non-political legal standard that can be used to underpin the design of policies, and to measure their impact on people's lives.

For the Commission, the debate about Scotland's future was therefore an opportunity to integrate human rights into wider discussions and to think big about how best to realise all international human rights for everyone in Scotland.

Our Insights Paper, "Human Rights in Scotland's Future", provided our assessment of the opportunities for progress, whatever the outcome of the referendum, and has informed our continued engagement with parliament, government and civil society, including the Smith Commission on further devolution.

At the same time, the Commission continued its work to improve the protection of human rights here and now. Issues we worked on during the year included the widespread use of non-statutory stop and search; the increased presence of armed police on the streets; justice for survivors of historic child abuse; changes to mental health laws and practices; climate change and its impact on people; and land reform.

In our role as a bridge between Scotland and the international human rights system, the Commission gave evidence to the United Nations Human Rights Council and reported on the implementation in Scotland of the International Covenant on Civil and Political Rights.

We continued to draw on, and contribute to, international good practice in promoting and protecting human rights through participation in the International Coordinating Committee of National Human Rights Institutions.

We also continued to chair the European Network of National Human Rights Institutions, helping to strengthen the European-wide system of human rights protection.

SNAP – Scotland’s National Action Plan for Human Rights – moved ‘off the page’ this year. In its first full year of implementation, bedding down the architecture for SNAP’s long-term success was a priority. Five Action Groups, a Leadership Panel and a Monitoring Group were established, involving around fifty people and organisations from across Scottish public and civic life. Immediate action also took place to explore how to tackle poverty through human rights, to bring human rights to life through short films and to raise awareness of human rights through a social media campaign.

The progressive approach to realising human rights that SNAP embodies, stood in stark contrast to debates about human rights at UK level. In the run-up to the UK General Election, the Commission continued to express its clear view that negative rhetoric and regressive proposals for changes to the UK’s human rights laws were

deeply unhelpful and damaging.

A well received briefing paper, “Human Rights For All – Forwards or Back?” set out the Commission’s progressive test for any future proposals for change.

Looking ahead, it is clear that much remains to be done to bring human rights home into people’s everyday lives, and to safeguard and strengthen the legal and policy framework that protects those rights. It will be crucial to build on the momentum for action that has been established through SNAP in its first year, harnessing further resources and energy to ensure its long-term outcomes are achieved.

The Commission looks forward to continuing our work, with many others, to build a culture in Scotland where everyone can understand and assert their rights, and where organisations can confidently carry out their duties to respect, protect and fulfil those rights.

Professor Alan Miller
Chair of the Commission

It is clear that much remains to be done to bring human rights home into people’s everyday lives.

Our Strategic Priorities

The Commission works to a set of strategic priorities. These are developed in consultation with our stakeholders and staff team and agreed by our Commissioners.

The Commission's second Strategic Plan covers the period 2012-2016. It sets out the following five priorities:

1 Empowering people to realise their rights through promoting greater awareness and respect for human rights.

2 Supporting the implementation of human rights in practice.

3 Improving human rights protection in Scotland through influencing law and policy.

4 Progressing the realisation of human rights of people in Scotland and beyond through further developing our international role.

5 Ensuring the Commission is effective, efficient, professional and accountable.

The full Strategic Plan is available at
www.scottishhumanrights.com

Human rights in Scotland

This section gives an overview of how well people's rights are protected, respected and fulfilled in Scotland, including future challenges and opportunities.

How well is Scotland doing?

In Scotland, we enjoy a greater degree of protection for our human rights than in many other countries. However, there is no room for complacency.

In 2012, the Commission published the findings of a three year research project, *Getting it Right?*, reviewing the extent to which human rights were being realised in Scotland. It concluded that Scotland had relatively strong human rights laws and institutions, as well as some positive examples of strategies and policies to secure people's rights.

What areas need to improve?

Getting it Right? identified a clear gap between the laws, strategies and policies that protect human rights in theory, and the failures to protect human rights that many people experience in their everyday lives.

Issues identified include (but were not limited to):

- + The continued need to increase respect for dignity, privacy, autonomy and equality of access in the provision of health and care services.
- + Inadequate housing availability, affordability and quality, with particular discrimination experienced by some groups including ex-offenders, minority ethnic communities and Gypsy/Travellers.

- + Barriers to adequate education experienced by particular groups of children.
- + People's ability to secure adequate living standards undermined by low pay, insecure work and inequalities in labour market participation.
- + People's right to family life undermined by issues including domestic abuse, forced marriage, parental imprisonment and legal inequalities relating to marriage and treatment of mothers and fathers.
- + People's right to safety and security undermined by hate crime, human trafficking, excessive use of police stop-and-search and potential increase in police use of firearms and electro-shock weapons.
- + Poor conditions experienced by people living in detention with particular concerns about women, young people and people detained on mental health grounds.
- + Lack of access to justice including legal advice and legal aid.

We enjoy a greater degree of protection for our human rights than in many other countries. However, there is no room for complacency.

What progress was made in 2014-15?

Threats to the laws that protect human rights in Scotland continued to be made during 2014-15, particularly in the run-up to the United Kingdom General Election. Proposals continued to be put forward by leading politicians to repeal the Human Rights Act 1998 and to take steps that could see the UK withdrawing, or risking expulsion from, the European Convention on Human Rights.

More positively, discussions continued within Scotland about incorporating the full range of international human rights obligations into Scotland's domestic laws. In particular, a keynote address by James Wolffe QC, Dean of the Faculty of Advocates, marking International Human Rights Day in December 2014, stressed that discussions should focus on "questions of how, not if" incorporation should be progressed.

The **Marriage and Civil Partnership (Scotland) Act 2014** came into effect in December 2014, legalising same-sex marriage and marking an important step forward towards achieving equality for lesbian, gay, bisexual and transgender people.

Proposals to legalise **assisted suicide** continued to be debated by the Scottish Parliament during 2014-15, stimulating wider public debate about the human rights issues involved.

The **Mental Health (Scotland) Bill** contained some positive measures to improve human rights protection for people being treated for mental health problems. However, the Bill also contained measures that risked restricting people's autonomy and liberty in the pursuit of efficiency, and could have done much more to ensure that services support people to make decisions about their own mental health treatment, in line with their own wishes.

The impact of the UK Government's "**austerity**" economic and social policies continued to have a significant impact on people's rights, including the right to an adequate standard of living in Scotland.

Changes to the social security system left some people without any form of income, at risk of homelessness and reliant on charities for food. These policies included the introduction of benefit sanctions (the stopping or suspending of payments to people who fail to meet particular rules); the continued existence of the bedroom tax (a reduction in payments to people living in council housing deemed to have a 'spare' room); and a cap on the total amount that can be paid in benefits to any family, regardless of need or circumstances. Everyone has economic, social and cultural rights, and these policies have had a disproportionate impact on some groups in society including children, women and disabled people.

Police practices and accountability in relation to arming officers and the use of stop and search were high profile issues during the year. Public concern about the operations and accountability of Police Scotland raised human rights issues around the balance between public safety and individual liberty and privacy.

Scottish Government policy commitments were made to taking forward an action plan for **justice and remedies for survivors of historic abuse**. The range of commitments made represented significant progress and was the culmination of five years' work taking a human rights-based approach to identifying and agreeing actions.

What are the future challenges and opportunities?

Looking ahead to 2015-16, several important challenges and opportunities are clearly on the horizon.

Proposals to introduce a **British Bill of Rights** are expected to be introduced by the UK Government. Engaging with this process in line with our progressive test for change will be a priority for the Commission.

As **further powers are devolved to the Scottish Parliament** following the Smith Commission's recommendations, it will be important to ensure that all possible opportunities are taken by the Scottish Parliament and Scottish Government to advance human rights.

As the **integration of health and social care services** begins to take hold, much work remains to be done to embed human rights into the culture of health and social care services, through the work of integrated joint boards.

Seeking an end to the continued use of **non-statutory stop and search** by Police Scotland will remain a priority for the Commission; we will continue to raise our concerns through all appropriate channels and will engage constructively with any initiatives to review the practice.

A Bill to prevent and tackle **human trafficking** is likely to come before the Scottish Parliament for scrutiny. The Commission will work to ensure that the legislation takes a human rights-based approach to the problems and potential solutions.

The continued impact of **cuts to public spending and services**, including changes to social security, legal aid and advice services, will continue to raise serious human rights issues for people affected, who are often in a deeply vulnerable situation. The Commission will work with the Scottish Government and others to identify ways in which human rights can be used to guide spending decisions in Scotland, and to monitor and assess the impact of particular decisions on people's lives.



Our Work in 2014-15

The Commission promotes and protects human rights in a number of ways.

Our work includes:

- + engaging the Scottish Parliament and Scottish Government on human rights issues in law and policy;
- + engaging with the international human rights system, including monitoring and reporting on the implementation of human rights treaties;
- + supporting other organisations to take a human rights based approach to their own work;
- + raising awareness of human rights and human rights issues with civil society and wider public audiences through our communications and outreach;
- + supporting Scotland's National Action Plan for Human Rights.

The following two pages give an overview of key activities carried out by the Commission throughout the year.

empowerment



	APRIL – JUNE	JULY – SEPTEMBER
Raising awareness of human rights with civil society and wider public audiences	Presented on Climate Justice and Human Rights at an event organised by University of Edinburgh Centre for Population Studies	Published Insights Paper on Human Rights in Scotland's Future, providing analysis of opportunities to advance human rights whatever the outcome of independence referendum.
Supporting other organisations to take a human rights based approach	<p>Launched new website and training resource to help public authorities carry out integrated equality and human rights impact assessment (EQHRIAs).</p> <p>Welcomed adoption of human rights policy for Glasgow 2014 Commonwealth Games – the first in Games history, developed with advice and input from the Commission.</p>	Engaged with development of National Health and Wellbeing Outcomes and guidance supporting them, to outline how they can better align with a human rights based approach.
Supporting the delivery of Scotland's National Action Plan on Human Rights	Established and Co-Convened Action Groups on Building a Better Human Rights Culture, Adequate Standards of Living, Justice and Safety and a Better World.	Established Leadership Panel to oversee SNAP strategic direction and Monitoring Progress Group to develop accountability and monitoring framework.
Engaging with the Scottish Parliament and Scottish Government	<p>Briefed MSPs in advance of Scottish Parliament debate on justice for survivors of historic abuse.</p> <p>Submitted evidence to Scottish Government consultation on Mental Health (Scotland) Bill.</p> <p>Gave evidence to Scottish Parliament's Europe and External Relations Committee as part of their Inquiry into International Policy in an Independent Scotland.</p>	<p>Responded to Scottish Government consultation on National Health Outcomes relating to Public Bodies (Joint Working) (Scotland) Act 2014.</p> <p>Submitted evidence to Scottish Government Consultation on Letter of Rights for suspects held in police detention.</p> <p>Responded to the Scottish Government consultation on proposals to reform Fatal Accident Inquiries.</p>
Engaging with the international human rights system	Briefed UN Independent Expert on Human Rights and the Environment on good practice taking place in Scotland on climate justice.	Submitted report to the UN Human Rights Committee on implementation of International Covenant on Civil and Political Rights, identifying comprehensive "List of Issues".

OCTOBER – DECEMBER	JANUARY – MARCH
Highlighted risks to human rights protections of any moves to repeal the Human Rights Act and risking expulsion or withdrawal from the European Convention on Human Rights.	Published “Human Rights For All – Forwards or Back?” setting out a progressive test for use when considering proposed changes to the UK’s human rights laws. Worked with disabled people’s organisations to raise awareness and prompt action to implement the Convention on the Rights of Persons with Disabilities amongst scrutiny bodies, MSPs and local government.
Responded to Scottish Police Authority consultation on armed policing, highlighting how Police Scotland could improve its human rights based approach to the issues.	Supported See Me to build capacity for community projects to take a human rights based approach to tackling stigma and discrimination.
Hosted and organised National Innovation Forum on Poverty and Human Rights; delivered series of local outreach events and led collaborative social media campaign to celebrate human rights in everyday life. Published Year One Progress Report Briefed MSPs in advance of Scottish Parliament debate on SNAP’s first year.	Published report on “Tackling Poverty Through Human Rights” Innovation Forum. Commissioned series of short films to show human rights in action in range of health and social care settings, and a companion guidebook on putting human rights into practice.
Engaged with Smith Commission on further devolution of powers to the Scottish Parliament. Gave evidence to the Scottish Parliament’s Justice Committee on the Assisted Suicide (Scotland) Bill. Briefed MSPs in advance of Scottish Parliament debate on Human Rights and Rule of Law. Welcomed Scottish Government’s commitment to hold a statutory public inquiry into historic child abuse.	Gave evidence to Scottish Parliament’s Justice Committee on Stage 1 of the Prisoners (Control of Release) (Scotland) Bill. Responded to Scottish Government’s Consultation on the Future of Land Reform in Scotland. Called for an end to the police practice of carrying out non-statutory stop and search.
Encouraged civil society organisations to provide feedback on the Commission as part of reaccreditation of our status within the UN human rights system. Scotland’s National Action Plan for Human Rights is endorsed by the international human rights community.	Delivered oral statements on children’s rights and human rights and climate change, and a video statement on national human rights policies, at the 28th Session of the UN Human Rights Council in Geneva.

Engaging with the Scottish Parliament and Scottish Government

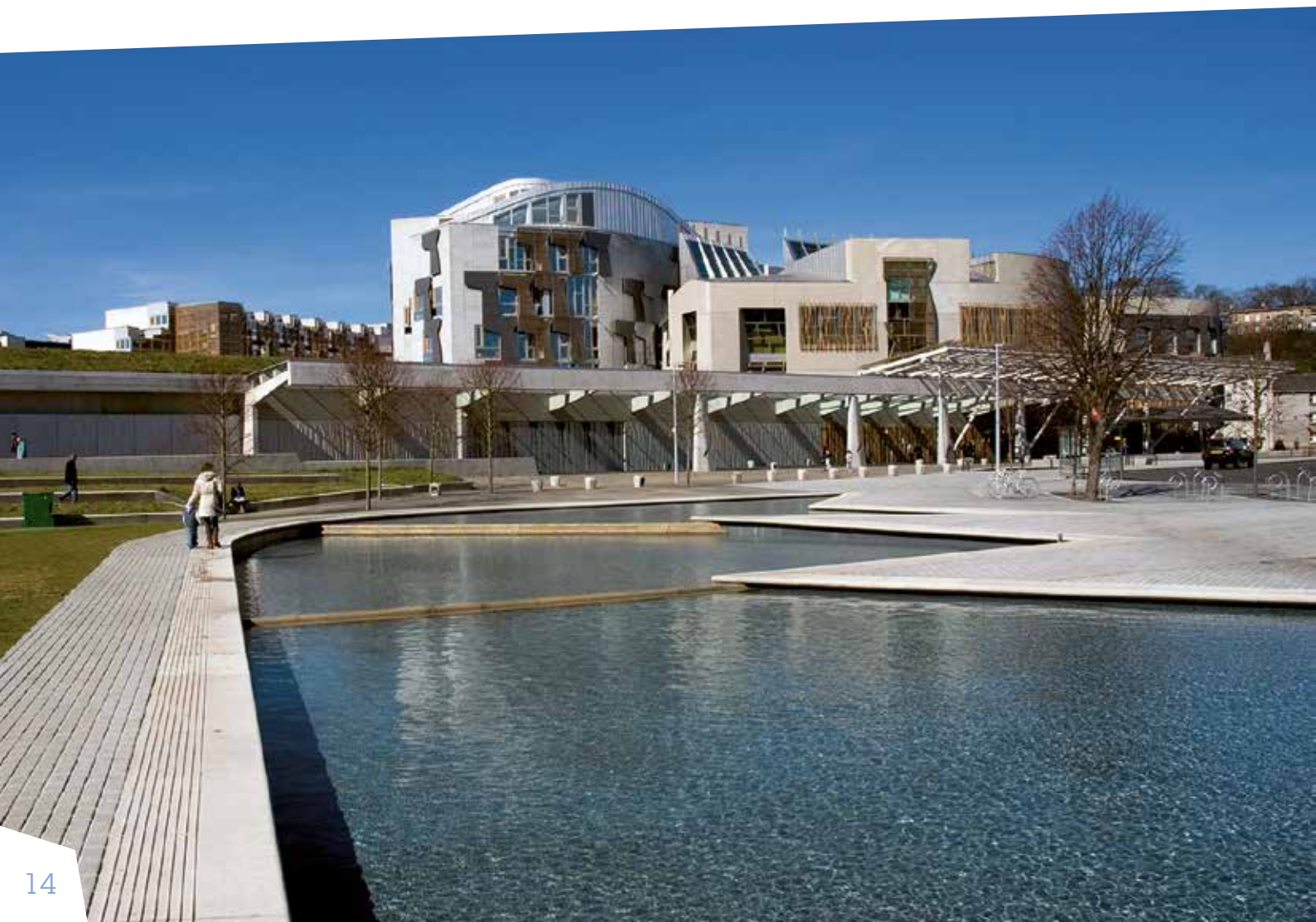
Engaging with legislative and policy processes is an important part of the Commission's work to ensure better protection for human rights.

We prepare and submit responses to Scottish Parliament and Scottish Government consultations, provide evidence to Scottish Parliamentary Committees and engage directly with the Scottish Government on specific human rights issues.

To make best use of the resources available to us, we prioritise the issues we respond to according to a set of criteria including the seriousness of

the issues at stake, and the scale of the potential impact on people, including those who are in particularly vulnerable positions.

In developing our responses, we work with relevant civil society organisations and public bodies to explore the human rights issues involved and make considered recommendations for changes.



FOCUS: Improving mental health legislation

One in four people will experience mental health problems during their lives. Poor mental health services and treatment can cause significant breaches of people's privacy, autonomy and dignity. Good services can help realise people's rights to take part in community life, make decisions for themselves and live in good health.

We engaged with the Scottish Parliament as it considered the Mental Health (Scotland) Bill, highlighting its potential impact on people's human rights. We recommended a series of actions including encouraging greater use of Advance Statements; developing an opt-in approach to nominating Named Persons; and strengthening the duty to provide independent advocacy for people with mental health problems. We supported calls for a wider review of mental health and incapacity law to ensure our legislation in Scotland continues to keep up with international human rights standards, and we were pleased to see a commitment to such a review as the Bill progressed.

As the Bill progressed, we also welcomed the Health and Sport Committee's recognition that the new legislation should have a strong focus on people's rights and were pleased to see the government respond to concerns around increases in timescales for detaining people which restricted patient's rights. We were also pleased to see other improvements during the course of the Bill on supported decision making mechanisms under the Act, including clarifying the appointment of Named Persons, introducing a duty on Health Boards to publicise support for making Advance Statements and introducing a scrutiny mechanism for the provision of advocacy services. However, welcome as these changes are, there remains much to be done in this area to fully realise supported decision making and to ensure the principles of the legislation are experienced in practice.



FOCUS: Widening the debate on land reform

Looked at through a human rights lens, land is seen as a national asset – part of the resources available to realise everyone's rights. Taking a human rights based approach to land reform opens up dialogue about the best way to serve the wider public interest.

In December 2014, the Scottish Government launched a consultation on land reform in Scotland, seeking views on a number of proposals including a Land Rights and Responsibilities Policy and legislative changes.

The Commission submitted a response to the consultation and also provided evidence to the Scottish Parliament's Rural Affairs, Climate Change and Environment Committee.

In our submissions, we stressed the need for the international human rights framework to become more visible in land reform debates, noting that debates had been narrowly framed so far in terms of landowners' rights to property and community rights to buy land.

The Commission explained that, for example, the UN International Covenant on Economic, Social and Cultural Rights states that individuals have the

right to an adequate standard of living – including the right to adequate housing, food, decent work and the highest attainable standard of health. Governments have a duty to use the maximum available resources to progressively realise these rights. Land is part of the national resource available to realise everyone's rights and should serve the public interest, however it is owned.

The Commission also stressed that the right of public participation means that everyone should have the opportunity to have a say in deciding where the public interest lies on land reform.

The Commission will continue to engage with the Scottish Government and Scottish Parliament as legislation and policy develops throughout 2015-16.



FOCUS: Securing justice for survivors of historic abuse

The Commission has been working since 2009 to promote effective access to justice and remedies for survivors of historic child abuse. This year saw significant progress made with commitments made by the Scottish Government to take forward all key elements of an Action Plan for Justice and Remedies.

The Action Plan was developed following an “InterAction” process that brought together survivors of abuse, institutions, government, residential care workers, civil society and others. The process was based on a human rights framework published by the Commission in 2010. The InterAction process was facilitated by the Commission and the Centre of Excellence for Looked After Children in Scotland (CELCIS).

The Action Plan developed through this process agreed two outcomes:

- ✚ Acknowledgement of historic abuse of children in care and effective apologies are achieved.
- ✚ Accountability of historic abuse of children in care will be upheld, including access to justice, effective remedies and reparation.

To achieve these outcomes, the Action Plan included recommendations to develop a survivor support fund, resolve issues with the time-bar on civil cases, establish a suitable commemoration, take forward an Apology Law and take action to ensure consistency in investigation and prosecution of alleged perpetrators.

The Commission and others also called for a national inquiry into historic abuse to be established.

Throughout 2014-15, the Commission continued to engage with survivors, government and others on all of the issues involved. In October, we welcomed commitments to taking action on most key elements of the Action Plan made by Mike Russell, then Cabinet Secretary for Education and Lifelong Learning. In December, we welcomed the Scottish Government’s announcement, following further engagement with survivors, that it would establish a national inquiry.

We stressed the need for the international human rights framework to become more visible.

Engaging with the international human rights system

As an accredited “A Status” national human rights institution (NHRI), the Commission contributes to monitoring the implementation of United Nations (UN) human rights treaties in Scotland.

We work with civil society organisations and others to identify issues and concerns about the implementation of each UN human rights treaty. We collate and analyse this evidence before presenting it to the relevant UN committee in report form.

In 2014-15 we submitted evidence to the UN Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights.

Our “List of Issues” identified gaps and concerns in current policy and practice in areas including access to justice for survivors of historic child abuse; suicide prevention; deaths in mental health settings; stop and search practices; the law on corroboration and freedom of expression.



The Commission's report will inform a review of the UK's implementation of its international obligations under this important human rights treaty, ratified in 1976.

The Commission also has speaking rights at the UN Human Rights Council, which is the inter-governmental body responsible for strengthening the promotion and protection of human rights around the globe.

In 2014-15 the Commission gave evidence to the 28th meeting of the UN Human Rights Council.

Professor Alan Miller, Chair of the Commission, spoke on the progress of Scotland's National Action Plan for Human Rights (SNAP), highlighting its distinctive role as a tool for integrating human rights into national policies. The Commission also delivered statements on climate change and children's rights and contributed to joint statements on counter-terrorism and detention with the UK's two other National Human Rights Institutions (NHRIs).

This year, we also took part in the 28th meeting of the International Coordinating Committee of NHRIs, which brings together over 100 organisations like the Commission from around the world.

Good practices and lessons were exchanged and there were wide-ranging discussions, including a focus on the role of national human rights institutions in contributing to the implementation of the UN's Sustainable Development Goals to be launched in September 2015.

The Commission plays an important role as a bridge between Scotland and the international human rights system.



“This [Scottish] Parliament must always be on the side of victims of abuse. We must have the truth of what happened to them and how those organisations and individuals into whose care the children were entrusted, failed them so catastrophically. And to get to that truth we will be establishing a national public inquiry into historical abuse of children in institutional care...

As a society we have an opportunity to confront the mistakes of our past and to learn from them. It will not be easy but only by shining a light on the darkest recesses of our recent history will we fully understand the failures of the past, enabling us to prevent them happening again and ensure a brighter future for every child and young person in Scotland, today and in the future.”

Angela Constance MSP

Cabinet Secretary for Education, speaking in the Scottish Parliament on 17 December 2014

Supporting other organisations to take a human rights based approach

FOCUS: Developing resources for public authorities

In 2014-15 the Commission, in partnership with the Equality and Human Rights Commission, launched a new website and training resource to help public authorities carry out integrated equality and human rights impact assessments.

Some public authorities are choosing to address both the equality and human rights implications of proposed, new or revised policies or practices when they assess impact. The online resource was designed to support them to do exactly that. Based on pilot projects in Fife and Renfrewshire, the website provides extensive guidance and tools for public bodies to use, available at www.scottishhumanrights.com/eqhria.

Assessing impact in this way can help public authorities achieve better outcomes by taking account of the rights of individuals whose interests may otherwise be overlooked. It can also improve performance by making sure that action taken is effective and efficient. It also means developing better policies and practices, based on evidence, and being transparent and accountable to stakeholders. It can also encourage individuals and communities to participate in decision making processes, giving them ownership of decisions and transforming institutional cultures and decision making.

This work was supported by a steering group of members including, the Scottish Government, Convention of Scottish Local Authorities (COSLA), NHS Health Scotland, Scotland's Commissioner for Children and Young People, the Scottish Councils Equality Network, Police Scotland, the Scottish Prison Service, Audit Scotland and Scottish Council of Voluntary Organisations (SCVO).

Using equality and human rights impact assessments can help public authorities achieve better outcomes.

FOCUS: Influencing Police Scotland policy and practice

The police have an important role to play in protecting everyone's human rights including ensuring public safety, supporting access to justice for victims of crime and respecting the rights of people suspected of committing a crime.

The creation of Police Scotland as a national police service has brought both opportunities and challenges when it comes to realising human rights.

In 2014-15, the Commission continued to express concerns about both the scale and legality of Police Scotland's use of 'stop and search'. While stop and search has a part to play in public safety, the Commission is clear that it should only be carried out where there is a clear legal basis for interfering with someone's basic right to privacy. We should all be free to go about our daily business unless the police have reasonable suspicion that we are doing something illegal. That right is protected by Article 8 of the Human Rights Act and European Convention on Human Rights.

During the year, the Commission called for an end to the use of non-statutory stop and search, engaged with Police Scotland's leadership on this issue and included our concerns about the practice in a report to the United Nations Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights.

The Commission was pleased to note that the Cabinet Secretary for Justice subsequently announced in September 2015 that the practice of non-statutory stop and search was to be brought to an end and that all stops and search would in the future be statutory.

Changes to policy and practices for arming police officers came to light in the media in 2014-15. Responding to this, the Commission made clear our view that any change that increases the presence of lethal weapons on Scotland's streets should only take place with caution, appropriate scrutiny and meaningful dialogue with the public about the changes.

We welcomed reviews of the changed practice by Her Majesty's Inspectorate of Constabulary in Scotland and the Scottish Police Authority, and Police Scotland's subsequent announcement that armed police officers were only to be deployed to firearms incidents or where there is a threat to life. However, we remain of the view that decisions of this kind are not simply an operational matter for Police Scotland and should take place within a broader framework of engagement with the public.

More widely, the Commission continued to work with Police Scotland through Scotland's National Action Plan for Human Rights with the aim of embedding better protection of human rights within police structures and culture, including through police training and development.



FOCUS: Embedding human rights into major events

Major sporting events can have a big impact on human rights, both good and bad. In the run-up to the Glasgow 2014 Commonwealth Games, the Scottish Human Rights Commission worked with the Games Organising Committee to address key human rights concerns.

This collaboration led to the adoption of a human rights policy for the Games, for the first time in over 80 years of Commonwealth Games history. The policy set out how human rights were considered in the preparation and delivery of the Glasgow Games.

Important human rights concerns identified by the Commission included:

- + forced evictions – when people are made to give up their homes to make way for venues and athletes' accommodation;
- + forced labour and trafficking – when people are brought to Scotland and submitted to exploitative labour conditions;
- + procurement – how the money that is spent on the Games can be used to buy goods and services from businesses that uphold high standards of human rights protection;
- + policing and security – how to protect the public's security while respecting personal freedom;
- + the Games' legacy – how Scotland can be a beacon to future Games when it comes to upholding high standards of human rights protection.

Following the Games, a post-Games update was published by the Organising Committee. Lessons learned and suggestions for future actions were then identified at a Scottish Government conference in Glasgow in March 2015 and are being taken forward by Legacy partners.



Raising awareness of human rights with civil society and the wider public

The Commission promotes human rights to a wide range of external audiences through its communications and outreach activities.

During 2014-15, the Commission provided commentary to print and broadcast media on a wide range of human rights issues affecting people's lives including changes to police policy on arming officers, developments to secure justice for survivors of historic abuse, police stop and search, land reform, assisted suicide, proposals to repeal the Human Rights Act and proposals in the Mental Health (Scotland) Bill.

The Commission's website grew in popularity, with a 50% rise in the number of people visiting the site. Popular sections of the website included training materials and news articles about the Commission's legal and policy work.

The Commission uses social media to share information and updates about its work. On average, three new people followed us each day on Twitter and we ended the year with almost 4,000 followers.

Commissioners and Commission staff spoke at, hosted or took part in a wide range of events with civil society, academic and legal stakeholders around Scotland. These included seminars on specific aspects of human rights law and policy, roundtable discussions on broader public policy issues and awareness-raising events about human rights.

The Commission also produced a series of publications in 2014-15 including an Insights Paper on 'Human Rights in Scotland's Future', a General Election Briefing Paper, 'Human Rights For All – Forwards or Back?', and a booklet to provide 'Help with Human Rights'.

The Commission provided commentary to print and broadcast media on a wide range of human rights issues.

FOCUS: Collaborative communications

A social media campaign – **#OurRightsSNAP** – was developed as a collaborative initiative by the Commission and around ten other organisations involved in delivering Scotland's National Action Plan for Human Rights (SNAP). It aimed to raise awareness of human rights in everyday life, and of SNAP itself, by encouraging people to take a picture of what human rights mean to them, linked to the **#OurRightsSNAP** hashtag and hashtags of individual rights.

Nearly 1,000 tweets were generated over a nine-day period, reaching a potential 350,000 Twitter accounts. A wide range of different rights were represented by people's tweets, showing the importance of human rights to people in their everyday lives.

Learning from **#OurRightsSNAP** has been used to guide plans for future awareness-raising by the Commission and other partners in SNAP, including the Scottish Government.



#OurRightsSNAP



Supporting SNAP – Scotland's National Action Plan for Human Rights

SNAP was launched in December 2013 as a roadmap towards a Scotland where each person can live a life of human dignity. 2014-15 marked the first full year of SNAP's implementation.

SNAP is a collective initiative bringing together nearly fifty organisations from across Scottish public and civic life.

Different organisations lead on different initiatives, all under the shared umbrella of SNAP. While the Commission plays a coordinating role, ownership and accountability for SNAP's delivery is shared by all partners, with more networks and organisations becoming involved as SNAP evolves.

Actions delivered through SNAP in 2014-15 included:

- + interrogating and helping to shape existing strategies and policies from a human rights perspective e.g. violence against women, police use of stop and search powers, Commonwealth Games procurement;
- + exploring how to tackle poverty through human rights at a major event bringing together people with experience of poverty, people working for government and public bodies, charities and community groups and people with experience of using human rights to tackle poverty in other countries;
- + producing and disseminating a series of short films and companion guidebook on human rights in health and social care settings;

- + running a collaborative social media campaign to raise awareness of human rights in everyday life;
- + convening roundtable discussions on implementing Scotland's international human rights obligations, business and human rights and climate justice.

SNAP's first year was also characterised by building partnerships and solidifying the architecture needed to deliver collective action.

A Leadership Panel formed of 25 public sector and civil society leaders met for the first time in October 2013 and will now meet bi-annually to review progress and advise on strategic direction.

Five Action Groups were convened to take forward SNAP commitments. The Action Groups bring together those whose rights are affected in practice with organisations who have duties to protect and respect those rights.

A full report on SNAP's progress in Year One is available at www.scottishhumanrights.com/actionplan. A Year Two Report will be published in December 2015.

“In SNAP’s first year, let us recognise the progress that it is beginning to make by bringing together organisations to identify best practice, exchange experience and identify solutions that tackle the big human rights challenges in our society; by creating opportunities for people whose rights are affected to shape the way in which things are done; by interrogating and challenging existing ways of doing things; by seeking to embed a common understanding of human rights in all that we collectively do; and by learning from and participating in the global drive to extend human rights to the whole of humanity.”

Alex Neil MSP

Cabinet Secretary for Social Justice, Communities and Pensioners' Rights speaking in the Scottish Parliament, 4 December 2014

Who We Are

The Commission team is made up of a full time Chair, three part time Commissioners and 11 members of staff.

Chair of the Commission

Professor Alan Miller has a combination of experience and expertise in the field of human rights grounded in 25 years involvement with the legal, academic and voluntary communities within Scotland.

He previously ran a law practice in Castlemilk, Glasgow and is a past President of the Glasgow Bar Association and former Director of the Scottish Human Rights Centre. He also teaches human rights on the LLM programme at the University of Strathclyde where he is a member of the Centre for the Study of Human Rights Law.



Commissioners

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



Kay Hampton is Professor of Communities and Race Relations and holds a PhD in Sociology. Kay works as a freelance social researcher, trainer and special advisor on fair and accountable governance; risk and outcome-based business development strategies; and the realisation of equality, diversity, human rights and social justice outcomes.



Shelagh McCall is a qualified lawyer. She began her career practising as a criminal defence solicitor in East Lothian before being called to the Scottish Bar in 2000. In January 2006 Shelagh joined the United Nations as a prosecution appeals counsel at the International Criminal Tribunal for the former Yugoslavia, where she handled appeals in cases of crimes against humanity and war crimes. In 2009, she was appointed as a part-time Sheriff. Shelagh has been a legal member of the Mental Health Tribunal for Scotland since 2013.



During 2015-16 two new Commissioners will take up posts, replacing Kay Hampton and Shelagh McCall, whose terms come to an end.

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



Alan Mitchell has a background in General Medical Practice and is currently Clinical Director of the East Renfrewshire Community Health and Care Partnership. Alan's clinical work is mainly within Dungavel House Immigration Removal Centre where he is a GP providing general medical services to those held in immigration detention.



Commission staff

The day-to-day work of the Commission is delivered by a small staff team of eleven, organised into three teams: Strategy and Legal; Communications and Participation; Business Management.

Our staff come from a wide range of backgrounds including international human rights law, domestic law, social policy and research, third sector campaigning, journalism and public sector management. Together, they bring combined expertise, experience and skills in promoting and protecting human rights through law, policy and practice, and in delivering the functions required of an independent national human rights institution.

Our website gives full details of the Commission's staff team.

Our staff come from a wide range of backgrounds including international human rights law, domestic law, social policy and research, third sector campaigning, journalism and public sector management.

Accountability

The Commission operates within a structure of good governance and strong internal controls. We strive to lead by example.

The Commission is an independent public body, established by an Act of the Scottish Parliament (the Scottish Commission for Human Rights Act 2006).

We are accountable to the Scottish Parliament. We follow the recommendations set out by the Nolan Committee, adhering to the Seven Principles for Public Life: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

The Commission works to a Strategic Plan covering 2012-2016 and, this year, carried out activities in line with our fourth Operational Plan, spanning 2014-16.

The Commission meets monthly (apart from August) to review progress and plan ahead, in line with this framework. Minutes of each meeting are published on our website.

An internal Finance, Risk and Audit Committee assesses the Commission's internal controls on an on-going basis. A Business Risk Management Group also meets monthly to assess business risks to the Commission.

The Commission is committed to continuous improvement and to training and professional performance. All Commission staff have access to continuing professional development and in 2014-15, staff took part in training in records management, legal training and in audit committee and finance standards.

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 2014-15, we handled 205 public enquiries.

The Commission received and answered 11 Freedom of Information requests.

No formal complaints were received. Any complaints received are handled in line with the Commission's published Complaints Policy.

The Commission's Audited Accounts for 2014-15 and a reporting statement relating to the Public Services Reform (Scotland) Act 2010 will be published in November 2015.



