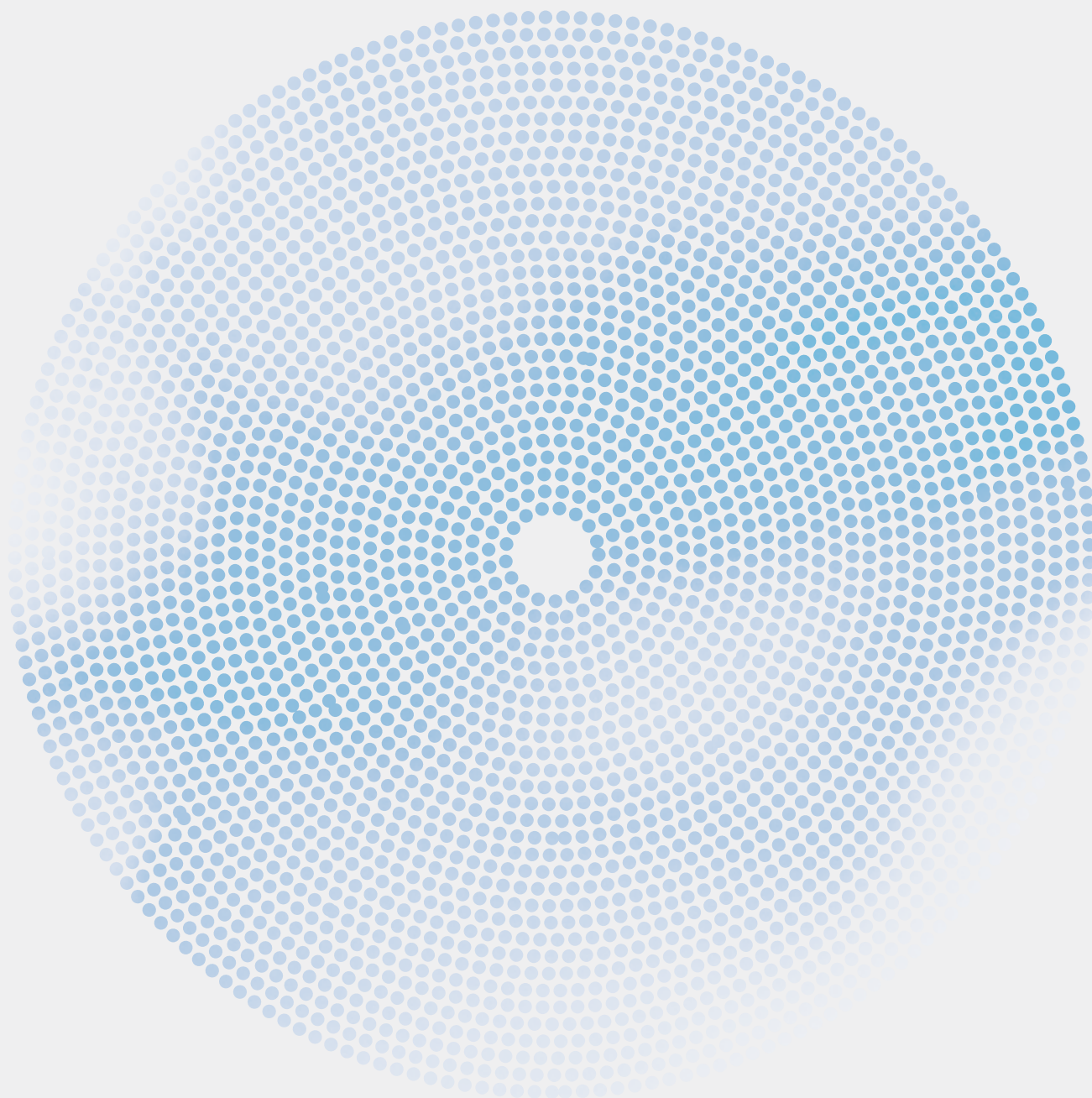


SHRC

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The 30 rings of light on the cover represent the 30 Articles of the Universal Declaration of Human Rights which was adopted by the United Nations on 10 December 1948. International Human Rights Day is celebrated on 10 December each year.

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Scotland is experiencing significant economic, political and constitutional change and we are living through a period of real challenges and opportunities for human rights. Over the past year the Scottish Human Rights Commission has responded to these challenges. In moving forward the Commission plans to facilitate the development of Scotland's National Action Plan for human rights as an opportunity for the progressive realisation of human rights for all in Scotland.

In 2011 / 2012 the Commission continued to promote a human rights based approach centred on the three principles of empowerment, accountability and ability, making significant progress in several areas of its work.

Empowerment is a key element of a human rights based approach. This has been reflected in work to promote the UN Convention on the Rights of Persons with Disabilities. As an independent mechanism the Commission has promoted, protected and monitored the implementation of the Convention. This has included a wide range of activities to engage with disabled people, including the use of online seminars and other forms of outreach with harder to reach individuals, so as to ensure the widest possible involvement.

Accountability is another key element of a human rights based approach. The Commission held the Scottish Government to account in relation to the Cadder judgment on the right of detained persons to access to a lawyer and presented briefings to the Scottish Parliament and the Carloway Review. It has also continued to advocate for access to justice for the adult survivors of historic child abuse in 2011 / 2012, and the next year should see significant progress in the implementation of the Commission's Human Rights Framework for Acknowledgement and Accountability.

Ability is also a key element of a human rights based approach. In promoting the ability of those who provide public services to put human rights into practice, the findings of an independent evaluation of the Care about Rights project has demonstrated significant benefits. The increased awareness and practical understanding of how to respect, protect and fulfil the human rights of older people has contributed to the improvement of the quality of care and has offered best practice guidance to the broader public, private and voluntary sector. Significant progress is also being made in working with others to develop best practice guidance in Equality and Human Rights Impact Assessments. This will enable public authorities, especially in times of public spending constraint, to ensure that policies and decisions make the best use of available resources and do not disproportionately impact upon the most vulnerable.

In these challenging times it is more important than ever for Scotland to be outward and forward looking, especially as its constitutional future is being debated. Promoting and protecting human rights needs to be at the core of Scotland's future.

The Commission continues to defend the Human Rights Act in Scotland and the UK. In 2011 / 2012 the Commission represented Scotland as a member of the Advisory Panel to the Commission of Inquiry on a UK Bill of Rights, due to report later this year. This Commission of Inquiry was initiated in a climate of hostility towards the Human Rights Act within parts of the UK government, and the advice given by the Commission to the Inquiry has been to maintain the Human Rights Act, which plays a particularly important role in Scotland's constitutional arrangements, and to build upon the Act through the incorporation of all of the UK's international human rights treaty obligations.

The work of the Commission in monitoring and making recommendations relating to legislation and policy in Scotland and the UK has also grown in the past year. Several of its consultation and policy responses have impacted on the development of legislation, improved understanding of current issues and added new elements to legislation and ongoing debate at the Scottish Parliament, UK Parliament and with both Governments.

Internationally, as elected Chair of the European Group of National Human Rights Institutions, the Commission has successfully engaged with the Council of Europe process considering reform of the European Court of Human Rights and contributed to the defence of the Court's independence and powers. A Report by the Commission, which is recognised by the UN as a Category A national human rights institution, on the UK's implementation of all of its UN human rights treaty obligations, as well as other engagement with UN member states, will influence the recommendations from the Human Rights Council to the UK Government later this year. In turn, such recommendations will then inform the development of Scotland's National Action Plan for Human Rights.

Looking ahead, facilitating the development of Scotland's National Action Plan for Human Rights will be a priority for the Commission. This work will be based upon the findings of the Commission's "mapping" research project which is due to be published later this year and which has explored the extent to which the UK's international human rights legal obligations are being realised in Scotland. The National Action Plan will then be developed - in a participative and inclusive process - to serve as a roadmap for the progressive realisation of all human rights: civil and political, economic, social and cultural. Its Strategic Plan for 2012-2016 sets out how the Commission intends to take the lessons of its first three years of operation forward, working with others to ensure that human rights increasingly work for us all in these times.

Arguably, there is no greater challenge to the realisation of human rights than the impact of climate change and in 2011 / 2012 the Commission has championed climate justice, a human rights based approach to addressing climate change, both nationally and internationally. There is real potential for Scotland to become a model for promotion of climate justice, as demonstrated in March when the Scottish Parliament became the first legislature in the world to pass a motion - unanimously - to promote climate justice. The Commission will be influencing the next steps to be taken for Scotland to further put this into practice.

The Commission is Scotland's Human Rights Commission, your Commission and we warmly invite you to join with us in a practical way, not least through the development of Scotland's National Action Plan, to take forward a positive agenda of making human rights real for everyone in Scotland and beyond.

Professor Alan Miller, *Chair*
Professor Kay Hampton, *Commissioner*
Shelagh McCall, *Commissioner*
Matt Smith OBE, *Commissioner*
June 2012



Chapter One - The Commission's Performance
Its mandate, powers and duties
Delivering the strategic and operational plan





The Commission is an independent body established by the Scottish Parliament in 2008 to promote and protect the human rights of everyone in Scotland. The functions of the Commission are set out in the Scottish Commission for Human Rights Act 2006 (the Act). Under the Act the Commission has a general duty to promote awareness, understanding and respect for all human rights - economic, social, cultural, civil and political - to everyone, everywhere in Scotland, and to encourage best practice in relation to human rights. The Commission fulfils this duty through education, training, guidance, publications, awareness raising and research, as well as by recommending changes to Scottish law, policy and practice as necessary.

The Commission has the following powers:

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

The Commission is under a duty to ensure it is not duplicating work that others already carry out. An inclusive approach has been adopted so that the expertise and interests of all stakeholders are taken into account and utilised wherever possible in delivering strategic priorities. The Commission promotes and protects the human rights guaranteed by the European Convention on Human Rights, which form part of the law of Scotland through the Human Rights Act 1998 and the Scotland Act 1998, as well as other human rights which are guaranteed by international conventions ratified by the UK.

The Commission also has an international role as the national human rights institution (NHRI) for Scotland. NHRIs are independent organisations, established by law, to promote and protect human rights. The Commission is one of over 100 NHRIs around the world, and one of three in the UK, alongside the Northern Ireland Human Rights Commission and the Equality and Human Rights Commission. In June 2010 the Commission achieved 'A' status as a NHRI, the highest level of accreditation from the United Nations (UN).

When establishing the Commission, the Scottish Parliament took care to comply with the Principles Relating to the Status of National Institutions, known as the Paris Principles. These are a series of recommendations on the role, status and functions of national human rights institutions adopted by the UN General Assembly in 1993. The Paris Principles enable the Commission to represent Scotland within the UN human rights system (a summary of the Paris Principles are included as Annex I on page 32). These principles are a key reference for the Commission.

Delivering the Strategic and Operational Plan

Following a national consultation the Commission laid its Strategic Plan 2008 - 2012 before the Scottish Parliament. The Plan set out four strategic priorities:

- Promoting and protecting human dignity in Scotland.
- Addressing emerging human rights issues.
- Bringing human rights to life.
- Supporting human rights in the world.

To deliver these priorities the Commission developed and implemented two biennial Operational Plans which included a series of projects with specific, measureable, achievable, relevant and time bound (SMART) objectives. The second Operational Plan came into effect in April 2010 and ran until the end of this Annual Report period, March 2012. A new Strategic Plan comes into effect for the Commission in April 2012, to run until March 2016.

The Commission operates within a structure of good governance and strong internal controls, and follows the recommendations set out in the first report of the Committee on Standards in Public Life ('The Nolan Committee'). The Seven Principles for Public Life are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. During 2011 / 2012 the Commission established a Finance, Risk and Audit Committee to work internally in assessing the internal controls on an ongoing basis. A Business Risk Management Group also meets monthly to assess business risks to the Commission.

There is a commitment to training and professional performance and in 2011 / 2012 staff participated in continuing professional development (CPD) training in financial management, policy development and communications management. One staff post was filled for maternity cover. A structured intern scheme operated throughout the year, supporting four post graduate interns in a series of three month placements covering policy support, digital engagement, research and international policy support.

The Commission is restricted from giving advice to individuals or taking on individual cases. In 2011 / 2012 acknowledgement or signposting information was provided to 132 individuals or organisations by direct request (email, letter and telephone calls). The Commission received and answered ten Freedom of Information requests. No formal complaints were received. The audited accounts for the period and a reporting statement relating to the Public Services Reform (Scotland) Act 2010 will be published later in 2012.





Chapter Two - Putting the Human Rights Based Approach into Practice
Promoting a Human Rights Based Approach
Dignity in Care
Human Rights Impact Assessment
Mapping Research
UN Convention on the Rights of Persons with Disabilities

Promoting a Human Rights Based Approach

A Human Rights Based Approach (HRBA) is a way of empowering people to know and claim their rights, and increases the ability and accountability of individuals, public authorities and organisations which are responsible for respecting, protecting and fulfilling rights. This means giving people greater opportunities to participate in shaping the decisions that impact on their human rights. It also means increasing the ability of those with responsibility for fulfilling rights to recognise and respect human rights (for example in the NHS, local authorities, or care providers).

As a partner with the British Institute for Human Rights the Commission co-hosted two public workshops in Glasgow (November 2011) and Dundee (December 2011) as part of the 16 City UK National Human Rights Tour. These events brought together over 120 people from the third sector, civil society, professional activists, campaigners and those wanting to learn more about human rights in Scotland and the UK.

Dignity in Care - Adult Protection

The Commission has been closely involved with the process of acknowledgement and accountability for adult survivors of historic abuse in Scotland. In February 2010 the Commission published a human rights framework that highlighted routes to access to justice. The framework continues to be widely welcomed, particularly by survivors of abuse.

In 2011/12 the Commission called on the Scottish Government and others with responsibilities to take part in human rights interactions with survivors to develop an action plan to implement the framework. In November 2011 the Commission gave oral evidence to the Public Petitions Committee who were examining petition PE1351, Institutional Child Abuse (Victims' Forum and Compensation). During its evidence the Commission reiterated that it is the state which has ultimate responsibility to remedy abuse under international law. As a result of that evidence Scottish Ministers committed to engage with the Commission's proposal to host interactions in 2012. Preparations are underway for the interactions.

The Commission also continued to engage with adult protection and human rights through presentations to adult protection professionals in North Lanarkshire and with the Public Guardian and her staff.

In 2009 / 2010 the Commission established a strategy to develop and deliver high quality training and awareness raising on human rights to older people, their families and carers, care services and workers, NGOs and others. The resulting project, Care about Rights, empowers people to understand their human rights, and increases the ability and accountability of those who hold the duties to respect, protect and fulfil human rights obligations.



In autumn 2010 Care about Rights was successfully launched to the care sector in Scotland as a user friendly resource and training pack. Train-the-trainer events and other modes of training were disseminated to care sector staff and in some instances service users within public, private and voluntary organisations, with around 2,000 interactive training packages distributed and 1,600 copies of the materials in CD/DVD format sent to every registered care and support service for older people in Scotland, as well as a full suite of resources published online (see www.scottishhumanrights.com/careaboutrights).

In November 2011 an independent evaluation of Care about Rights was produced by ekosgen, a social and economic research organisation. The results of the training are impressive, and show that Care about Rights has made a significant contribution to promoting the human rights of older people in the care sector within a relatively short period of time. Evidence from the study shows substantial increases in knowledge and confidence by the training participants who took part in the evaluation. The results of the follow up survey distributed to training participants indicated that:

- 99% said they understood what human rights are and how they are applicable to their work, and two thirds reported that Care About Rights has had a significant positive impact in this area.
- 90% agreed or strongly agreed that they could communicate with colleagues about how human rights could improve the delivery of care.
- 94% said they understood the relationship between human rights and other legislation after taking part in Care about Rights
- 94% said they understood the relationship between human rights and the National Care Standards.
- In all the above more than half of respondents feel that Care About Rights has contributed positively to their increased understanding.
- 97% of respondents to the follow up survey feel that a human rights based approach can help care providers develop positive relationships with service users and their families.

The Commission has put forward a case to the Scottish Government, private, public and voluntary sector care providers as well as care regulators that Care about Rights is continued to be used as a resource, and the materials remain accessible on the Commission website. The results of the evaluation were communicated in a briefing and poster to around 1,800 care providers and outreach participants in March 2012.



Human Rights Impact Assessment

Human Rights Impact Assessments (HRIAs) are one of the key ways in which human rights, and a culture of human rights, can be systematically mainstreamed and embedded into the policies, practices, procedures and priorities of government, public and private bodies.

In February 2011 a research report was published by the Commission which reviewed HRIA practices and methodologies to provide an information base regarding current practice in undertaking HRIAs, across the UK and internationally. In 2011 / 2012 a steering group of key partners was established to look at how to develop best practice on integrated equality and human rights impact assessments for the public sector. Participants included the Scottish Government, the Equality and Human Rights Commission, Scotland's Commissioner for Children and Young Persons, the Convention of Scottish Local Authorities, the Scottish Councils Equality Network, the Association of Chief Police Officers in Scotland, the Scottish Prisons Service, Audit Scotland and Scottish Council for Voluntary Organisations and others. The steering group is anticipated to produce an output of best practice principles and a pilot project with organisations across the public sector over 2012 / 2013.

The Commission has engaged in an in-depth national study to 'map' the current realisation of human rights in Scotland. During the reporting period, which began in 2009, eight thematic areas were explored in depth using a structured methodology and research framework. The themes are:

- Health.
- Dignity and care.
- Education and work.
- Access to justice and the right to a remedy.
- Living in detention.
- Private and family life.
- Where we live.
- Safety and security.

Each theme was explored through academic literature reviews, analysis of evidence from government, parliament, third sector organisations and research bodies, as well as one to one interviews and interviews with focus groups.

The Commission established a Research Advisory Group in 2009 to provide advice and guidance on various aspects of research and evaluation within the project, with membership drawn from external experts as well as internally from the Commission. The Group has met regularly in 2011 / 2012, and the Commission is grateful for the input and expertise from the membership, which is chaired by Professor Kay Hampton, Commissioner: Dr Colin Clark (University of Strathclyde), Dr John Love (Robert Gordon's University), Dr Jill Stavert (Napier University), Professor Rebecca Wallace (University of the Highlands and Islands), Dr Elaine Webster (University of Strathclyde).

The mapping research will inform the development of Scotland's National Action Plan for human rights. The evidence gathered has also been used in reports on the realisation of human rights in Scotland for the United Nations (e.g. the recent submission to the UN Universal Periodic Review) and has assisted the Commission in identifying strategic priorities for the future.

As a first step in raising awareness of the research outcomes and to begin engagement with civil society around Scotland's National Action Plan, the Commission took part in The Gathering, Scotland's largest third sector event, at the SECC in Glasgow in February 2012. The Commission outreach team had contact with around 1,800 people during the event, and hosted a successful seminar presenting initial findings from the mapping research for third sector professionals. The Gathering was a positive event and built on the collaborative process of the mapping project.

The United Nations Convention on the Rights of Persons with Disabilities (the Convention) is an international agreement that became legally binding on the UK in 2009. The Convention was drafted by and for people who have long term physical, mental, learning or sensory impairments and who may face barriers to participating equally in society. Alongside the Equality and Human Rights Commission, the Commission is an independent mechanism responsible for promoting, protecting and monitoring the Convention's implementation in Scotland.

Promotion

The Commission and EHRC co-hosted a series of four interactive web based seminars on the Convention with guest speakers, including from disabled peoples organisations. People asked questions and shared experiences in real time on a range of the thematic areas including independent living, access to justice, the rights of disabled children and young people and the potential impact of financial cuts to services. The seminars then became a permanent resource on the Commission website. An illustrated animation film produced in partnership with EHRC and Glasgow Media Access Centre to raise awareness of the rights covered by the Convention and how they relate to the law in Scotland was produced in March 2012, and a training event was held with people with experiences of mental health care and treatment, in partnership with VOX - Voices of Experience.

Protection

The Commission submitted substantive written and oral evidence to the UK Parliament Joint Committee on Human Rights Inquiry into Independent Living and this evidence is referenced in several places in the Inquiry Report. In addition, People First Scotland published its Citizens Grand Jury Report with evidence from the Commission on the gaps in protection that remain in Scotland. The Commission followed up its evidence with members of the jury.

Monitoring

Evidence relating to the Convention was submitted to the consultation by the Scottish Government on the development of a new Mental Health Strategy and to a United Nations study on disabled people's access to and participation in public and political life.

The Commission gave further critical input during the drafting of the UK State report on compatibility with the UN Reporting Guidelines.



Chapter Three - Emerging Issues and Engagement
Promoting and defending the Human Rights Act
Access to justice
Climate justice
Communications and cultural engagement





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mission

The Commission engages with emerging issues by conducting research, contributing to consultations, giving evidence to Parliamentary committees, providing expertise to the media, promoting best practice in human rights to different audiences through a variety of channels and by participating in and organising events. During 2011 / 2012 the Commission has progressed the promotion and protection of human rights in line with strategic priorities, including addressing emerging human rights issues.

Engagement with Parliaments and Governments

Responding to consultations from the Scottish Parliament, Scottish Government, UK Parliament, UK Government and international bodies is one of the ways in which the Commission gives strategic human rights advice to legislatures and national governments. During 2011 / 2012 the Commission submitted responses to a wide range of consultations and calls for evidence, including Scottish police force reform, the regulation of care of older people, the UK Bill of Rights, European social care procurement, the Scotland Bill, an Inquiry on the right to independent living, and football related offences.

All consultation responses from the Commission highlight and advocate the importance of taking a human rights based approach to law, policy and practice. A full list of consultations that the Commission responded to are on pages 34 - 35.

Promoting and defending the Human Rights Act

The Commission has consistently called for the Human Rights Act to be protected and built upon rather than replaced or weakened. In March 2011 the UK Government launched a Commission of Inquiry into the creation of a UK Bill of Rights, with a remit to examine the fundamental protections which currently fall under the Human Rights Act. In October 2011 the Commission was nominated by the First Minister as one of two Scottish representatives to join the Advisory Panel to the Commission on a UK Bill of Rights. In this role the Commission has advised the Commission of Inquiry on a UK Bill of Rights of the strong opposition which exists to replacing or weakening current human rights protections in the UK and given advice on the special implications of such a change for Scotland.

Visits and meetings with civic society and legal professionals in Scotland were also facilitated as part of the actions within the Advisory Panel, and an extraordinary meeting of the Scottish Parliament Cross Party Group on Human Rights took place during a visit of the Commission of Inquiry on a UK Bill of Rights in December 2011.

In October 2010 the UK Supreme Court ruled that police in Scotland could no longer question suspects without a lawyer being present, overturning a previous judgment by the High Court of Justiciary. In response to that decision the Scottish Parliament enacted emergency legislation. The Commission expressed significant concerns about the use of emergency procedures to enact the Criminal Procedure (Legal Assistance, Detention and Appeals) Scotland Act 2010 and with the Act itself.

Shortly after this Act was passed the Cabinet Secretary for Justice announced a Review of the legislation, current questioning practices and other matters, chaired by Lord Carloway. Shelagh McCall, Commissioner, sat on the reference group to the Review, which reported in November 2011. In considering the recommendations of the Carloway Review the Commission noted that the abolition of corroboration for all crimes would be a radical change in Scots law, and that further detailed consideration should be given to the subject before taking any such step.

Several of the themes of the recommendations were welcomed including the emphasis on the presumption of liberty for suspects, the recommendation that a suspect should be told of his / her right to legal advice when he / she is cautioned, and the affirmation of the importance of protecting the independence of the Scottish Criminal Cases Review Commission.



In 2011 / 2012 the Commission took significant steps to increase the profile of climate justice in Scotland, and internationally.

In May 2011 the Commission submitted evidence to the United Nations High Commissioner for Human Rights in preparation for its detailed analytical study of the relationship between human rights and the environment. As Chair of the group on climate change and human rights within the Commonwealth Forum of National Human Rights Institutions, the Commission submitted recommendations in October 2011 on the importance of national governments working with NHRIs to adopt a human rights based approach to climate change.

The Commission was supportive of the Scottish Government decision to hold a debate on climate justice at the Scottish Parliament in March 2012 - this was the first time a national legislature had debated climate justice and it was very much welcomed by international organisations and campaigners. The Commission contributed a briefing to MSPs ahead of the debate, and has continued to work with Members from all political parties, the Scottish Government and civil society following the debate.



The communications strategy in 2011 / 2012 continued to focus on building the reputation of the Commission, highlighting strategic work and responding to media requests for information and expertise. In September 2011 the Commission began using the social media tool Twitter to strengthen connections with stakeholders, other NHRIs and communities of interest in human rights and the law in Scotland. Twitter is a successful communications tool for the Commission.

As part of the organisational commitment to transparency and accountability the Commission website - www.scottishhumanrights.com - offers users a permanent source of signposting advice on human rights issues, news, research articles and publications, as well as Commission meeting minutes, audited accounts and strategic documents. Unique visitors to the website increased by 57% in 2011 / 2012, with overall website traffic increasing by 51%. One of the structured intern programmes was dedicated to Communications and provided support in digital engagement, video and visual presentations.

Cultural Engagement

In 2011 / 2012 the Commission organised and took part in key events and opportunities to raise awareness of human rights with people in Scotland across different communities of activism, art and culture. In 2011 / 2012 the Commission supported the Document 9 International Human Rights Film Festival, sitting on the Document 9 Jury Award Panel, and co-hosting a workshop as part of the Festival, Learning Through Film. This workshop brought to life creative documentary film making as a means to deliver human rights messages and education to school pupils, young people and community workers. The Commission also participated in the 2011 Festival of Politics at the Scottish Parliament, hosting a discussion on human rights and the Arab Spring with author Ahdaf Soueif and activist and independent film maker Omar Robert Hamilton.

The Commission also took part in Knowing Ways: Critical Thinking in Arts Practice - a conference in association with Amnesty International and North Edinburgh Arts - exploring the role of arts practice in human rights with involvement from human rights activist and author Raja Shehadeh and Malawian poet and former Amnesty Prisoner of Conscience, Jack Mapanje.





Chapter Four - Supporting Human Rights in the World

Playing its part internationally

Chairing the European Group

The Commonwealth Forum

Interaction with the United Nations

Increasing accountability for international human rights in Scotland



Playing its part internationally

Living up to international obligations and participating in the global human rights system is an important strategic priority for the Commission. In addition to taking experiences from Scotland to partners in other countries, there are important international examples of best practice which can be of benefit to Scotland. Around the world there is a growing number of national human rights institutions (NHRIs), organised globally by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and acknowledged by the United Nations. In June 2010 the Commission achieved the highest level of accreditation from the United Nations known as having 'A' status. This status brings the Commission into the heart of the international community of NHRIs.

Chairing the European Group

In May 2011 the Commission was elected as Chair of the European Group of NHRIs, succeeding the Irish Human Rights Commission in the role. The European Group is made up of 36 human rights institutions from across wider Europe¹ and is one of four regional groups which bring together human rights bodies from all over the world, the others being Africa, Asia/Pacific and the Americas. During 2011 / 2012 the Commission has represented the European Group at the UN Human Rights Council, Council of Europe, Organization for Security and Co-operation in Europe, the EU and its Fundamental Rights Agency. There are several thematic Working Groups which the Commission also worked with in 2011 / 2012:

Legal Working Group

The Commission contributed to the ongoing work on the reform of the European Court of Human Rights to ensure that the right of individual petition and the independence of the Court remain the cornerstones of the ECHR system. The Legal Working Group attended meetings of the Council of Europe's Steering Group on Human Rights (CDDH) and highlighted the importance of governments across Europe taking responsibility for ensuring the implementation of their international obligations to promote and protect human rights, including through creating effective measures to prevent violations and ensure effective remedies.

The Legal Working Group also made its second *amicus curiae* intervention at the European Court of Human Rights in the case of *Gauer v France* relating to the enforced sterilisation of intellectually disabled women. The Group also welcomed the judgment in the case of *DD v Lithuania* in which it had made an *amicus curiae* intervention in 2008. That first intervention had drawn the Court's attention to the developments in comparative law, including Scots law, and in the UN Convention on the Rights of Persons with Disabilities, international principles and European law. Many of these issues featured prominently in the judgment. This was the first such application before an international court made by a regional grouping of national human rights institutions.

¹ Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, France, Georgia, Germany, Greece, Great Britain, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Macedonia, Moldova, Netherlands, Northern Ireland, Norway, Poland, Portugal, Romania, Russia, Scotland, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine.

CRPD Working Group

The working group on the Convention on the Rights of Persons with Disabilities (CRPD) met in Brussels in October 2011 to exchange views and experience of the promotion, protection and monitoring role that a number of NHRIs are tasked with under Article 33 of CRPD. There is more about work undertaken to promote the Convention in Scotland on page 18.

Human Rights Education Working Group

The Commission participated in a successful meeting of human rights educators in Dublin in June 2011, which led to the European Group deciding to establish a Working Group on human rights education, recognising the important role that education plays in the promotion and protection of human rights.

Social Care Procurement Guidance

The Commission also supported and coordinated the European Group response to a consultation on the European Commission's Green Paper on the modernisation of EU public procurement policy, 'Towards a more efficient European Procurement Market.' The European Union based NHRIs (EU NHRIs) believe that EU public procurement policy and practice must be aligned with both the regional and international human rights obligations of member states.

Commonwealth Forum of National Human Rights Institutions

In February 2011 the Commission was appointed as Chair of the Working Group on Climate Change and Human Rights within the Commonwealth Forum of National Human Rights Institutions, and work has continued with this group in 2011 / 2012, for example in chairing a meeting of the Forum working group in May 2011 on capacity strengthening and resource sharing (see page 24 for more about climate change actions).



Interaction with the United Nations and Regional bodies

The Commission has worked closely with the UN Office of the High Commissioner for Human Rights (OHCHR) and participated in a number of international meetings and symposiums during 2011 / 2012. These include:

- Meetings of the European Union Agency for Fundamental Rights, Vienna, April 2011 and Copenhagen March 2012.
- Meeting between NHRIs and the Council of Europe, Madrid, September 2011.
- Meeting of the ICC Bureau and the Asia Pacific Forum, Seoul, October 2011.
- Wilton Park Conference - 2020 Vision for the European Court of Human Rights, November 2011.
- Meetings of the Council of Europe's Steering Committee for Human Rights (CDDH), Geneva, December 2011 and February 2012 on the reform of the European Court of Human Rights.
- Meeting with representatives of the European Union, Danish Institute for Human Rights, and Danish Ministry of Justice, Copenhagen, March 2012 to agree the role of NHRIs in the implementation of the EU Charter.

25th Annual Meeting of the ICC

The Commission attended the 25th annual meeting of the ICC at the United Nations, Geneva in March 2012. This meeting overlapped with the 19th regular session of the Human Rights Council, and was a significant opportunity to engage with global partners on current human rights issues. The Commission took part in several high level workshops, presentations and seminars as part of the conference, including chairing a meeting of the European Group of NHRIs, with high level engagement from regional partners including the Organization for Security and Cooperation in Europe, Equinet (European network of equality bodies) and the Fundamental Rights Agency.

During the conference the Commission also presented to the OHCHR and global NHRIs on Scotland's approach to climate change and climate justice, made an oral intervention in the thematic session on the UN Disability Convention, held a series of bilateral meetings with representatives and officers of human rights commissions and organisations from a number of countries and global NGOs, and supported the drafting of an NHRI statement on the situation of human rights defenders in Malawi.



Universal Periodic Review

In 2012 the UK will undergo its second Universal Periodic Review (UPR) at the UN Human Rights Council. The Review considers the implementation of all UN human rights treaties ratified by each member state. In preparation for the Review, the Commission submitted a parallel report in November 2011, outlining its recommendations. It also hosted a briefing meeting for Scottish civil society organisations, attended by around 20 groups, the majority of whom went on to submit parallel reports.

Together with the Equality and Human Rights Commission and the Northern Ireland Human Rights Commission, the Commission hosted a briefing meeting for State representatives on the upcoming Universal Periodic Review (UPR) of the United Kingdom. The event brought together around 40 delegates from different States. The Commission has also held in depth meetings with a range of States. In 2012 the Commission will seek to further influence the process and ensure the outcomes inform the development of Scotland's National Action Plan for human rights.

Convention on the Rights of Persons with Disabilities

The Commission was appointed as an independent mechanism responsible for promoting, protecting and monitoring the implementation of the Convention upon ratification by the UK in June 2009, and throughout 2011 / 2012 significant work has continued under each of these three areas (see page 18).

National Preventative Mechanism

The National Preventative Mechanism (NPM) was established in 2009 by the UK Government to meet its UN treaty obligations regarding the treatment of anyone held in any form of custody under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The Commission is one of 18 members of the NPM. The Commission works with the other members of the NPM to monitor law, policy and practice in relation to detention, including mental health detention, prisons and police custody.

In the NPM annual report for 2011 / 2012 the Commission highlighted the important role of independent custody visitors, the 'Cadder' ruling and its impact on detainees in police custody and plans for a single Scottish police force.



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

- Be established in the Constitution or by a law that clearly sets out its role and powers;
- Be given the power to promote and protect human rights and have as broad a mandate as possible;
- Be pluralist and should co-operate with nongovernmental organisations (NGOs), judicial institutions, professional bodies and government departments;
- Have an infrastructure that allows them to carry out their functions;
- Have adequate funding to allow the institution “to be independent of the government and not be subject to financial control which might affect this independence”;
- Have stable mandates for the members of the Commission provided for by law. They provide that national human rights institution shall have duties and powers including:
- Making recommendations and proposals to Government, Parliament or other competent bodies, on existing and proposed laws, administrative process, or changes to the organisation of the judiciary which will impact on human rights, human rights violations, and the general situation of human rights or specific issues it decides to take up;
- Promoting harmonisation of national law, policy and practice with international human rights law and standards;
- Contributing to international human rights reviews of the state;
- Cooperating with the United Nations and other bodies dedicated to promoting and protecting human rights;
- Promoting teaching and research on human rights and organising public awareness and education programmes;
- To publicise human rights and efforts to combat discrimination by increasing public awareness, especially through information and education and by making use of media channels. They also provide guidance on the methods of operation and powers of national institutions. National human rights institutions should:
- Be entitled to consider any issue falling within their competence without the need for authorisation;
- Be entitled to hear any person or gather any evidence needed to consider matters falling within their competence;
- Publicise their decisions and concerns, as well as meet regularly.

The Commission gave oral evidence to Committees at the UK Parliament on the following topics:

June 2011

Joint Committee on Human Rights: evidence to the Inquiry on the right to independent living.

December 2011

Joint Committee on Human Rights: evidence on human rights in the UK.

The Commission gave oral evidence to Committees at the Scottish Parliament on the following topics:

September 2011

Justice Committee: Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

November 2011

Scottish Parliament Public Petitions Committee PE1351 calling on the Scottish Parliament to urge the Scottish Government to establish for all victims of institutional child abuse, a “Time for All to be Heard” forum incorporating a compensation scheme.

December 2011

Scottish Parliament Justice Committee consultation with devolved administrations on the Commission on a UK Bill of Rights.

Oral evidence was also given to the Commission on Women Offenders, which operated independently of the Scottish Government, in March 2012.

Publications produced in 2011 / 2012

- Care about Rights - Independent evaluation research paper (ekosgen), October 2011
- Care about Rights - Independent Evaluation publication, March 2012
- Participation resources for UNCRPD (jointly produced with Equality and Human Rights Commission), March 2012

Consultation responses submitted in 2011 / 2012

April 2011

- European Commission - consultation response (made with European Group of EU NHRIs) - Green Paper on the modernisation of EU public procurement policy, 'Towards a more efficient European Procurement Market'
- Scottish Government - consultation response - Draft Compulsory Purchase Guidelines for local authorities, Government agencies and other acquiring authorities
- Scottish Government - consultation response - Commission on the Future Delivery of Public Services

May 2011

- Advocate General - consultation response - Draft Clauses for Consultation in relation to proposed amendments to the Scotland Act 1998 concerning the Lord Advocate, Community law and Convention rights (criminal appeals)
- UK Parliament Joint Committee on Human Rights - consultation response - Inquiry on Independent Living

June 2011

- Carloway Review - consultation response
- Scottish Parliament: Open letter on debate UK Supreme Court and the European Court of Human Rights

August 2011

- Scottish Parliament Health and Sport Committee - consultation submission - Inquiry into Regulation of Care for Older People
- Scottish Parliament Justice Committee - consultation submission - Offensive Behaviour at Football and Threatening Communications (Scotland) Bill
- Independent review group examining the law and practice surrounding the jurisdictions of the High Court of Justiciary and the UK Supreme Court - evidence submitted
- United Nations Office of the High Commissioner for Human Rights Joint - consultation response - study following Human Rights Council resolution 16/5 on the human rights of persons with disabilities

September 2011

Scottish Parliament Scotland Bill Committee - evidence submission on the UK Government's Scotland Bill

October 2011

- International Commission of Jurists - Maastricht Principles on Extra-Territorial Obligations
- Consultation response - Patients Rights (Scotland) Act 2011 secondary legislation

November 2011

- Evidence to the Universal Periodic Review process
- UK Government - Submission on a UK Bill of Rights to the Commission of Inquiry on a Bill of Rights

December 2011

Scottish Government - Registration of civil partnerships and same sex marriage

February 2012

- Scottish Parliament Health and Sport Committee - Parliamentary briefing – Inquiry Report of the Regulation of Care for Older People
- Scottish Government - Scotland's Mental Health Strategy 2011–2015
- Scottish Government - Commission on Women Offenders (independently led)

March 2012

- UK Government and Scottish Government - Scotland's constitutional future
- Scottish Parliament Justice Committee - Police and Fire Reform (Scotland) Bill
- Scottish Parliament Health and Sport Committee - Parliamentary briefing - Regulation of Care for Older People
- Scottish Parliament - Parliamentary briefing - Climate Justice debate
- Scottish Parliament Justice Committee: Criminal Cases (Punishment and Review) (Scotland) Bill: Part I

European Commission: Statement of the European Group of National Human Rights Institutions on the Multiannual Framework for the European Union Agency for Fundamental Rights for 2013–2017.

