

**Annual Report
2010 / 2011**

SHRC
Scottish
Human Rights
Commission

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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
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Contents

02	Introduction from the Commission
04	Chapter One – Our Performance
-	Our mandate, powers and duties.
-	Delivering the strategic and operational plan
08	Chapter Two – Putting the HRBA into practice
-	Promoting a Human Rights Based Approach
-	Dignity in Care
-	Mapping
-	Human Rights Impact Assessments
-	Convention on the Rights of Persons with Disabilities
20	Chapter Three – Emerging Issues and Engagement
-	Business and Human Rights
-	Promoting and defending the Human Rights Act
-	Access to Justice
-	Double Jeopardy
-	Devolution issues and Acts of the Lord Advocate
-	Electro-shock weapons
-	Climate change and human rights
-	Communications
26	Chapter Four – Supporting Human Rights in the World
-	Playing our part internationally
-	Interaction with the United Nations
32	Annex 1 – Paris Principles
33	Annex 2 – List of publications / consultation submissions submitted in 2010 / 11

Introduction from the Commission

The Scottish Human Rights Commission has come of age over the past year, beginning to make a real impact both within Scotland and beyond.

For example, cooperating with others the Commission has successfully launched its Care about Rights project. This training resource has begun to make a real difference to the level of awareness and understanding of care and support staff responsible for improving the quality of care received by older persons. Its value has been recognised by older people and their advocacy bodies such as Age Scotland, private and public care providers such as Scottish Care and COSLA as well as by the Care Commission and the Scottish Government.

In the course of this work the Commission became aware from service users of the disproportionate emphasis on value for money as criteria within public procurement, which they feel can have an adverse impact on the quality of their care. We were then able to persuade the Scottish Government to strengthen guidance to public authorities, enabling them to include the human rights of service users, including their participation, in the procurement process. Subsequently the Commission, on behalf of all of its European peers, has presented a submission to the European Commission proposing it examines Scottish best practice, and presented the Care about Rights project in New York to the United Nations (UN) working group considering whether to develop an international treaty on the rights of older persons.

In October 2010 the Commission, supported by the Scottish Parliament and the Scottish Government, hosted the 10th International Conference of National Human Rights Institutions (NHRIs). This was the first major United Nations conference to be held in Scotland, and we would like to thank the Scottish Parliament and the Presiding Officers in particular for all their support in staging the event. The Conference has directly contributed to the historic adoption by the UN Human Rights Council of a framework and guiding principles of business and government responsibility to respect human rights. The Commission intends to work with the Scottish Government and the business sector to promote awareness and know-how so as to ensure their compliance with these standards, through for example the use of human rights impact assessments.

During 2010 / 2011 the Commission has been working hard to 'map' the extent to which UN international human rights treaty obligations are being realised within Scotland, particularly by the most vulnerable within our communities. This evidence shall be published in the course of next year and will inform the Commission's next four year strategic plan, enabling it and civic society to participate in the 2012 UN review of the UK's performance and, critically and ambitiously, inform the consultation and development of Scotland's National Action Plan for human rights.

Scotland's National Action Plan - a roadmap for the progressive realisation of human rights for everyone, particularly the most vulnerable - will stand out as a forward and outward looking initiative in contrast to the backward and inward approach being promoted elsewhere of repealing the Human Rights Act and substituting that legislation with a weaker British Bill of Rights.



The Human Rights Act has an unfulfilled potential. For example, in these times of austerity an increased and improved awareness of it by all can help protect the most vulnerable against a disproportionate impact of public service cuts. The Commission has begun to work with others to promote the development of human rights impact assessments to assist budget decision making and policy making.

The Commission itself is also facing budget cuts of 15% over the next three financial years. An initial cost saving step will be the relocation of our office in July 2011 to co-locate in Edinburgh with the Scottish Public Services Ombudsman.

Marking what has then been a successful year of coming of age, starting last June by gaining Category A status from the UN Office of the High Commissioner for Human Rights, the Commission has recently been elected to the role of Chair of the European Group of national human rights institutions.

In these times of what may be described as an easy cynicism towards human rights, promoting and protecting them within the UK poses real challenges. A confident, practical and balanced approach is needed so as to make human rights real. This has been, and will continue to be, the approach promoted by the Commission – we are a body with a positive agenda for making human rights real for everyone in Scotland, as well as playing our part internationally. In the coming year we warmly encourage you to join with us in helping develop Scotland's National Action Plan for human rights so as to make a real difference to us all, particularly the most vulnerable within our communities.

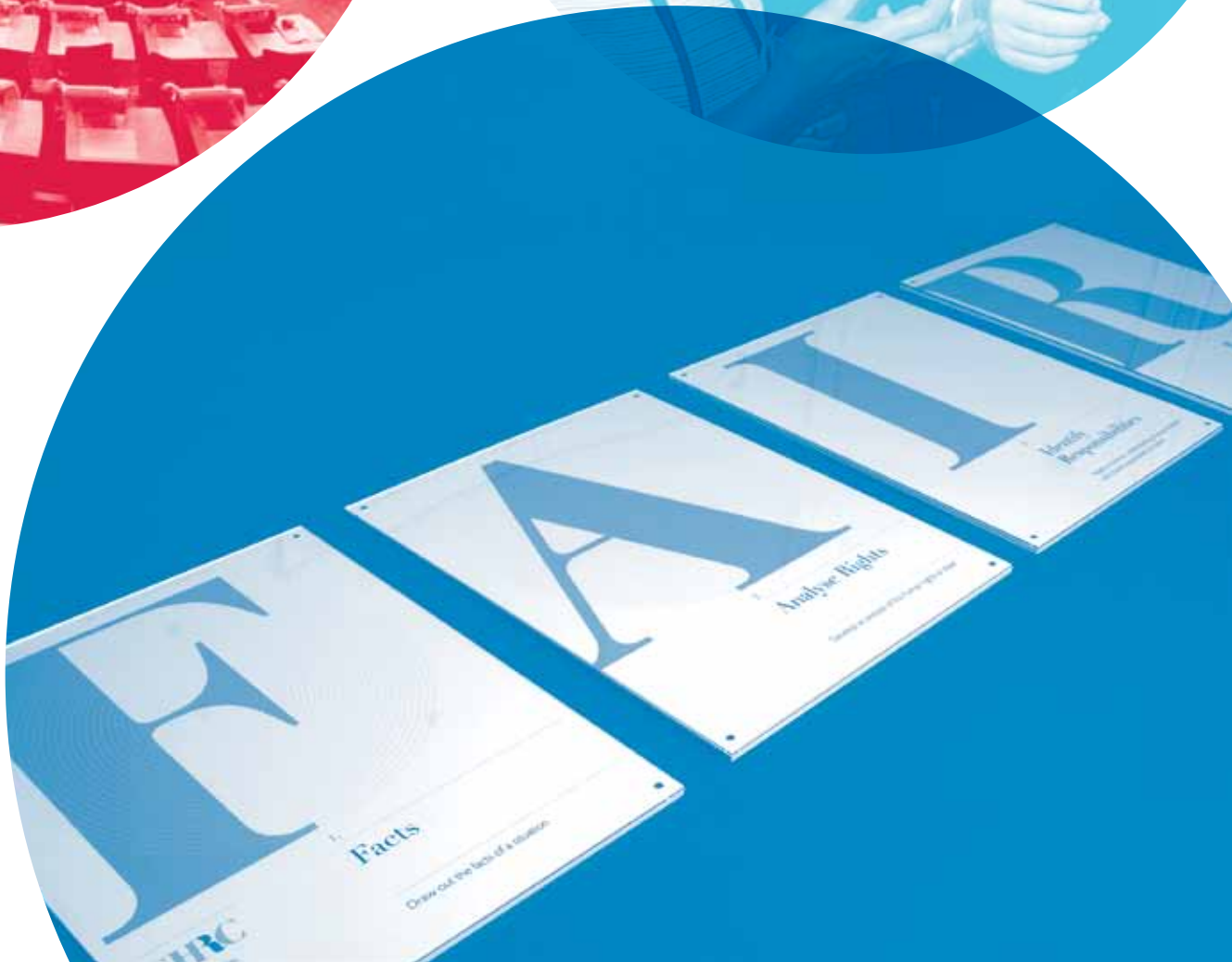
Professor Alan Miller, Chair
Professor Kay Hampton, Commissioner
Shelagh McCall, Commissioner
Matt Smith OBE, Commissioner

June 2011

Chapter One – Our Performance

- Our mandate, powers and duties
- Delivering the strategic and operational plan





Mandate, powers and duties

The Scottish Human Rights Commission is working to promote and protect the human rights of everyone in Scotland. The functions of the Scottish Human Rights 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, political, cultural and civil - to everyone, everywhere in Scotland, and to encourage best practice in relation to human rights. The Commission also has a number of powers. These include:

- The power to conduct inquiries into the policies or practices of Scottish public authorities.
- The ability to provide education, training and awareness raising, and by publishing research.
- Recommending such changes to Scottish law, policy and practice as it considers necessary.
- The power to enter some places of detention as part of an inquiry, and 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 80 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 Grade ‘A’ status as a NHRI, the highest level of accreditation from the United Nations (UN) (see page 28).

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 1 on page 32). These principles are a key reference for the Commission.

Implementing the Strategic and Operational Plan

Following a national consultation the Commission laid its Strategic Plan 2008 / 2012 before the Scottish Parliament. The Plan sets 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 an Operational Plan which included eight projects with specific, measureable, achievable, relevant and time bound (SMART) objectives. The second Operational Plan came into effect in April 2010 and will run until March 2012.

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. There is a commitment to training and professional performance and in 2010 / 2011 staff participated in continuing professional development (CPD) training in complaints handling, public procurement services and systems, and mediation and negotiation. One new appointment was made (Commissioner), and one staff post filled after successful recruitment. Another staff post was filled for maternity cover. A structured intern scheme operated for nine months within the year, supporting six post graduate interns in a series of three month placements.

The Commission is restricted from giving advice to individuals or taking on individual cases. In 2010 / 2011 acknowledgement or signposting information was provided to 153 individuals or organisations by direct request (email, letter and telephone calls). The Commission received and answered 11 Freedom of Information requests. No formal complaints were received. The audited accounts and a reporting statement relating to the Public Services Reform (Scotland) Act 2010 will be published later in 2011.

Chapter Two – Putting the Human Rights Based Approach into practice

- Promoting a Human Rights Based Approach
- Dignity in Care
- Mapping
- Human Rights Impact Assessments
- Convention on the Rights of Persons with Disabilities





Chapter Two – Putting the Human Rights Based Approach into practice

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 and institutions that 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). Using a HRBA which is integrated into policy making, as well as the day to day running of organisations, ensures that standards are met for everyone. Since the Commission started work in 2008 relationships have been built with a number of organisations in different sectors to help raise the level of understanding of human rights and support others who are using a HRBA.



Dignity in Care

Charter of Rights

In 2009 the Commission supported the development of a Charter of Rights for Persons with Dementia by the Cross Party Group on Alzheimer's at the Scottish Parliament and Alzheimer Scotland. A human rights based approach became central to the framework within the Charter. Throughout 2010 / 2011 the Charter has continued to be adopted by public bodies and through community networks in Scotland, and is a strong example of a HRBA in practice.

Adult Protection

In February 2010 the Commission published a human rights framework for access to justice and effective remedies for survivors of historic child abuse in Scotland. In March 2011 after the publication of the report of a pilot confidential committee, called Time to be Heard, the Scottish Government responded to both the committee and the Commission framework. The Scottish Government proposed to adopt a national confidential committee, scope out options for further reparations, and pursue amendments to the Prescription and Limitation (Scotland) Act 1973 to secure greater access to civil justice for survivors of historic abuse. The Commission will continue to inform the development of further reparations options and to influence the review of that legislation.

The Commission also engaged with adult protection and human rights through a series of presentations to Adult Protection Committees and other agencies in, amongst others, the Borders, Dumfries and Galloway, Perth and Kinross, and South and North Lanarkshire.



Social Care Procurement Guidance

The Commission made a series of recommendations to integrate human rights considerations into social care commissioning and procurement processes in response to the Scottish Procurement Directorate Joint Improvement Team consultation of January 2010. The Commission was pleased many of its recommendations, such as to include human rights in technical specifications, selection and award criteria, and contractual terms were included in the final Social Procurement Guidance, published in September 2010.

Consultation responses

Consultation responses on Social Care Procurement, Social Care (Self Directed Support), and to a review of the Patients' Rights (Scotland) Bill, advocating a HRBA, were submitted to parliamentary committees and government consultations (a full list of consultations which the Commission responded to are on page 33).

Voting rights

In partnership with the Electoral Commission and the Care Commission in March 2011 the Commission backed a call for residents of care homes to be registered and supported to vote in the Scottish and referendum elections, reminding care providers of the need to respect the rights of older people to use their vote if they wish.



“It is crucial that the human rights of people using care and support services are respected and recognised, and that includes the right to vote. Participating in the Scottish Parliamentary elections and referendum is important to thousands of older people, and it is right that people are supported in using their right to vote if they wish to do so.”

Professor Alan Miller, Chair

Chapter Two – Putting the Human Rights Based Approach into practice

Care about Rights

Older people, their families and carers, care services and workers, NGOs and others have all expressed concern about a perceived lack of recognition and respect for the human rights of older people who receive care and support in Scotland. To help to address this in 2009 / 2010 the Commission began to seek to understand the care sector and the concerns of individuals using care services. The Commission established a strategy to develop and deliver high quality training and awareness raising on human rights. 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.

“Scottish Care have been delighted to support the development of Care about Rights, and to facilitate its roll out across the country. The training pack is a unique tool which brings focus and understanding specifically to human rights in the care sector, which is to be welcomed.”

Gloria McLoughlin, Depute Chief Executive, Scottish Care





Development

Strategic partnerships with the Care Commission and the Private Workforce Initiative at Scottish Care were established early in the development of Care about Rights. Campaigning organisations Age Scotland and Alzheimer Scotland also gave their support to the project.

Training and awareness raising materials were written in collaboration with a wide range of stakeholders including older people, care professionals and representatives of the public, private and voluntary sectors. From June to September 2010 the content was developed into a user friendly resource and information pack, including a mix of written, film-based and online resources. Glasgow Media Access Centre, a registered charity and social enterprise, were commissioned to bring the key messages to life in a series of short films. The final resource pack captures learning materials and case study scenarios, targeted at different audiences.

“Care about Rights is a very positive and in-depth training pack. We all have a responsibility to raise awareness of human rights for older people and make sure that those rights are recognised, acted upon, and respected - dignity in care must be paramount.”

Irene Oldfather MSP

Chapter Two – Putting the Human Rights Based Approach into practice

Roll Out

After a successful launch event in Glasgow, three train the trainer events were held in September and October 2010. These gave professional care workers and managers a two day introduction to human rights and demonstrated how human rights relate to their services. The trainers disseminated their learning to staff, colleagues and in some instances service users. In addition the Commission supported the delivery of 21 full day and half day open registration training courses across Scotland, attracting delegates from local authorities, the voluntary sector, private providers, advocacy groups and individuals. Some private care providers also requested dedicated training sessions within their own organisations. Around 2,000 interactive training packages were distributed to those who attended training events, and around 1,600 copies of the materials in CD/DVD format were sent to every registered care and support service for older people in Scotland. All of the resources are available online.

In partnership with the Age Scotland regional network and the Scottish Independent Advocacy Alliance, the Care about Rights materials were also communicated to four groups of older people and carers in Inverness, Bellshill, Galashiels and Orkney. Each group met for three days and participants explored the impact of human rights on their own lives and how a human rights based approach can help balance out competing interests in a care setting.

During 2010 / 2011 staff from the Commission spoke at over 30 events to promote Care about Rights. This included presentations to care sector conferences, the NHS, care providers, local authorities, the Cross Party Group on Alzheimer's, the Cross Party Group on Human Rights, community groups, and the Scottish Government. The five regional Care Commission teams were also given presentations on the project, with engagement during employee development days. The launch of the online version of the materials on 10 December 2010 (International Human Rights Day) gained extensive national and local media coverage. In January 2011 at a drop in event several Members of the Scottish Parliament showed their support for Care about Rights, many spreading the message about the project to local media.





“The examples in the pack are also excellent at demonstrating the rights that care staff have. That’s important, because if we protect the rights of staff working in the care sector we can also protect their ability to respect other people’s rights.”

Jacquie Roberts, Chief Executive, Care Commission



“I realise now how different regulations tie together and where it comes from... I’ll be able to take this to management and feel more confident in my work place.”

Sheltered housing care assistant



Chapter Two – Putting the Human Rights Based Approach into practice

Impact

Care about Rights has made a significant contribution to promoting the human rights of older people within the care sector within a relatively short period of time. The feedback from participants who have taken part in the training has been very positive, for example one participant commenting that “the training is very informative and thought provoking. I now have a better understanding and knowledge base that I am already planning to use in my workplace.” Care about Rights is being independently evaluated until 2012, and interim evaluation data shows:

- An average of 91% of those trained found the training interesting and engaging.
- 91% said the training covered the key points they needed to know.
- 91% said overall the materials increased their knowledge of human rights.



“I used to think human rights were for someone else but I can see it includes me now.”

Care about Rights outreach group participant



Mapping

Throughout 2010 / 2011 an in-depth national study took place to ‘map’ the current realisation of human rights in Scotland. Phase 1 of the project (March 2010 – March 2011) involved two processes. The first was the development of a database of organisations whose remits include supporting the promotion of human rights, work which is ongoing. The second involved the collection of a number of data sources including three reviews of legal literature, a bibliography of social research, a collation of print media, and the original submissions to the 2008 / 2009 national consultation, all of which were analysed through a human rights lens to draw out key issues of concern. Phase 2 of the mapping project began in February 2011, and encompasses a range of focus group discussions and one-to-one interviews to establish the views and opinions of a wide range of individuals and organisations on human rights issues across Scotland.

The structure of the mapping project is also in support of early work on developing Scotland’s National Action Plan for human rights (SNAP). The evidence gathered will also be used in reports on the realisation of human rights in Scotland for the United Nations and will assist the Commission in identifying strategic priorities for the future.

Chapter Two – Putting the Human Rights Based Approach into practice

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 2010 as a first step in developing HRIA tools and methodologies to assist public bodies a report was commissioned to review HRIA practices and methodologies. The research, published in February 2011, provides an information base regarding current practice in undertaking HRIAs, across the UK and internationally. The Commission aims to work with others to develop a HRIA tool for Scottish local authorities which will be piloted in 2012.

United Nations Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities is an international agreement aimed at protecting and promoting the human rights of disabled people around the world. In June 2009 the Commission was appointed as a member of the independent mechanism responsible for promoting, protecting and monitoring its implementation in Scotland.

The participation of disabled people in the monitoring process is expressly provided for under the Convention. To raise awareness of the Convention and to facilitate participation, a series of events took place in 2010 / 2011 in partnership with the Equality and Human Rights Commission in Scotland. In March 2011 capacity building training on UN treaty body mechanisms was delivered to civil society groups working with and on behalf of disabled people, and a Participation Day aimed at harder to reach disabled people took place across the country. The Participation Day used innovative online video conferencing to bring together over 200 people in Oban, Inverurie and Inverness with others at hubs in Inverclyde, Glasgow, Shetland, Orkney and Skye, as well as online participants. The Participation Day, supported by Inclusion Scotland and the Scottish Council for Voluntary Organisations, was well received by participants who acknowledged the efforts made to engage with people living in more remote parts of Scotland.





“There was no jargon or legal speak, it was disabled people talking about barriers in education, employment, socialising, transport, housing, healthcare as well as what the Convention has done and / or could do to remove barriers to realising your rights and the way forward.”

Participant at CRPD engagement event



“It was very good to interact with others from around Scotland. Staff have been great and are very supportive and patient.”

Participant at CRPD engagement event

Chapter Three

– Engagement and Emerging Issues

- **Business and Human Rights**
- **Promoting and defending the Human Rights Act**
- **Access to Justice**
- **Double Jeopardy**
- **Electro-shock weapons**
- **Climate change and human rights**
- **Devolution issues and Acts of the Lord Advocate**
- **Communications**





Chapter Three

– Engagement and Emerging Issues

During 2010 / 2011 the Commission has progressed promoting and protecting human rights in line with strategic priorities, including addressing emerging human rights issues. The Commission engages with emerging issues by conducting research, contributing to consultations, by giving evidence to Parliamentary committees, providing expertise to the media, and by participating in and organising events.

Business and Human Rights

Business and human rights is a growing area of interest for national human rights institutions, the business sector, elected representatives and international non governmental organisations. In 2010 / 2011 the Commission responded to draft Guiding Principles for the Implementation of the United Nations ‘Protect, Respect and Remedy’ Framework created by Professor John Ruggie, the United Nations Secretary General’s Special Representative (SRSG) on Business and Human Rights. The Guiding Principles clarify for companies, states, and other stakeholders how they can operationalise the Framework, by taking practical steps to address the impact of business on the human rights of individuals. Business and Human Rights was also the theme of the 10th International Conference of National Human Rights Institutions, which the Commission hosted in Edinburgh in October 2010. The Commission was represented on the International Coordination Committee of NHRIs Working Group on Business and Human Rights and at the Equality and Human Rights Commission business and human rights working group.

“We are at a tipping point. Successful businesses are crucial for development, but recognition and protection of human rights has not kept pace with the power and influence of globalised economies.”

Rosslyn Noonan, Chair of the International Coordinating Committee, and Chair of the New Zealand Human Rights Commission, speaking at the 10th International Conference of National Human Rights Institutions (NHRIs), Edinburgh, October 2010



Promoting and defending the Human Rights Act

Prior to the general election in May 2010 the Conservative Party had voiced its intention to repeal the Human Rights Act should it win a majority of seats. In light of the coalition government which was formed, in March 2011 a commission was established to investigate the creation of a British Bill of Rights. In response the Commission called for the Human Rights Act to be protected and built upon, and will engage with the new body as its work progresses.

Access to Justice

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 the Act was passed the Cabinet Secretary for Justice Kenny MacAskill announced a Review of the legislation, current questioning practices and other matters, chaired by Lord Carloway. Shelagh McCall, Commissioner, sits on the reference group to the Review, which will report back in September 2011. In March 2011 the Commission gave oral evidence to the Justice Committee on matters arising from the Act.



Chapter Three

– Engagement and Emerging Issues

Double Jeopardy

The Double Jeopardy (Scotland) Bill was introduced to the Scottish Parliament in October 2010 to proscribe the circumstances in which a person convicted or acquitted of an offence may be prosecuted again. In a written submission and in oral evidence to the Scottish Parliament Justice Committee the Commission highlighted, in particular, the right to respect for private and family life as set out in Article 8 of European Convention on Human Rights. Several of these concerns were addressed in amendments to the Bill, which passed into law in March 2011.

Electro-shock weapons

Throughout 2010 / 2011 a Framework of Responsibilities has been developed in relation to the use of electro-shock weapons by non-specialist firearms officers in Scotland, after a pilot by Strathclyde Police took place in 2010. The Framework, which seeks to provide clarity on human rights standards and define relevant public authority responsibilities, will be published later in 2011 after continued consultation with stakeholders.

Climate change and human rights

In 2010 / 2011 the Commission continued to promote a human rights based approach to environmental protection. The Commission participated in a number of events including the TUC workshop on 'human rights, labour rights and climate change', which aimed to influence the United Nations Framework Convention on Climate Change's negotiations. In October 2010 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. The Commission also made a submission to the Scottish Parliament supporting a human rights based approach to climate change policy.



Devolution issues and Acts of the Lord Advocate

In September 2010 the Advocate General for Scotland launched a consultation on proposals to remove the Lord Advocate, in her capacity as head of the prosecution system, from the “devolution minutes” procedure under the Scotland Act 1998 when it is claimed she or her officers have acted incompatibly with the European Convention of Human Rights. In a consultation response the Commission highlighted the importance of maintaining equal protection of human rights for accused people across the UK through a route via which these issues may continue to be considered by the Supreme Court. An amendment to the Scotland Bill, currently before the UK Parliament, will take this concern into account by creating a statutory right of appeal to the Supreme Court in criminal cases in those circumstances.



Communications

The profile of the Commission has steadily grown in 2010 / 2011 with increased media engagement in Scotland, the UK and internationally around strategic priorities and emerging human rights issues. As part of the commitment to transparency and accountability to the Commission website – www.scottishhumanrights.com – offers users access to research, news and corporate information. Traffic to the website has increased by 81% in 2010 / 2011, with a 130% increase in e-newsletter subscribers. The website offers a permanent source of signposting advice and information on human rights to the public.

Chapter Four – Supporting Human Rights in the World

- Playing our part internationally
- Interaction with the United Nations





Chapter Four

– Supporting Human Rights in the World

Playing our part internationally

International participation and living up to international obligations are an important strategic priority for the Commission. Around the world there are a growing number of national human rights institutions (NHRIs), who are organised globally by the International Coordinating Committee (ICC) of NHRIs and acknowledged by the United Nations Office of the High Commission for Human Rights (OHCHR). After several months of preparation in June 2010 the Commission secured accreditation as a Grade A NHRI by the ICC. Gaining the highest level of accreditation was a major milestone which brings the Commission into the heart of the international community of NHRIs.

Interaction with the United Nations

Role as a National Human Rights Institution (NHRI)

After gaining Grade A accreditation in June 2010 the Commission has interacted with the OHCHR as one of the three UK NHRIs, making two presentations to the Human Rights Council on behalf of the UK group of NHRIs in 2010 / 2011. In February 2011 the Commission was appointed as a Chair of the working group on climate change and human rights within the Commonwealth Forum of National Human Rights Institutions.

The Commission has also participated in a number of international meetings and symposiums during 2010 / 2011. These include:

- Meeting of the European Union Agency for Fundamental Rights, Vienna, May 2010.
- Presentation on NHRIs and Economic, Social and Cultural Rights, Geneva Academy on Human Rights, Geneva, February 2011.
- Participation at ICC meeting, Geneva, March 2011.

Convention on the Rights of Persons with Disabilities

The Commission was appointed a member of the independent mechanism responsible for promoting, monitoring and protecting the implementation of the Convention upon ratification by the UK in June 2009, and throughout 2010 / 2011 work has continued in promoting the Convention (see page 18).

United Nations Committee on Economic, Social and Cultural Rights

The Commission is contributing to a publication on the future direction of economic, social and cultural rights internationally in co-ordination with the Committee and the Geneva Academy of Human Rights.

National Preventative Mechanism

In February 2011 the UK's National Preventative Mechanism (NPM), of which the Commission is one of 18 members, published its first annual report giving an overview of the state of detention policies and facilities including mental health detention, prisons and police custody. The 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 will continue to contribute to the NPM as a partner.

10th International Conference of National Human Rights Institutions

In October 2010 the 10th International Conference of National Human Rights Institutions (NHRIs) took place at the Scottish Parliament, on the theme of Business and Human Rights. Delegates from NHRIs, the OHCHR, government representatives, expert speakers, UN officials, civil society and business organisations came together for the three day event, the first official United Nations event to take place in Scotland. High profile speakers included Navi Pillay, High Commissioner for Human Rights, former High Commissioner Mary Robinson, and Professor John Ruggie, the Special Representative to the Secretary General of the UN on Business and Human Rights. Thematic sessions included discussions on child labour, environmental degradation, human trafficking, and privatisation and public procurement.



Chapter Four – Supporting Human Rights in the World

The meeting closed with the agreement of the Edinburgh Declaration. The Declaration calls for more national and international monitoring of businesses compliance with human rights law, proposes that advice on corporate social responsibility should be given to companies, governments, campaigners and individuals, and affirms that NHRIs have an important role to play in supporting companies and victims of potential human rights violations.

The conference was preceded by the Non Governmental Organisations Forum (NGO Forum) which brought together campaigners, activists, charities and voluntary sector organisations from over 30 countries including Korea, Morocco, Bolivia, Switzerland, India and Denmark. The Forum, organised by a Steering Group which included the OHCHR, the Commission and the Human Rights Consortium Scotland, gave organisations an opportunity to share experiences regarding business and human rights, including the role of NHRIs. The results of the Forum were shared with the main conference. Other fringe events included a meeting of the UN Global Compact UK Network and a meeting examining the role of Scottish universities in promoting business and human rights.

“Respect for human rights is integral to our vision for a modern, inclusive Scotland. The Scottish Human Rights Commission, as a strong independent voice promoting human rights, has an important part to play in helping to achieve that vision. The Scottish Government greatly values the work of the Commission, and I am delighted that it has received this wider recognition on the international stage.”

First Minister Alex Salmond



10th International Conference of
National Human Rights Institutions
8 – 10 October 2010



“It is a great pleasure for me to be present at the first such event ever to take place in Scotland. National Human Rights Institutions – official state institutions that work independently from governments to protect and promote human rights at the national level – are a pivotal component in the international human rights system.”

Navi Pillay, UN High Commissioner for Human Rights



“This vote of confidence from the international community shows that the Commission is playing its part on a global stage. The Scottish Human Rights Commission will be taking the experience of human rights in Scotland to the rest of the world, and I congratulate them on gaining this international mark of recognition.”

Michael Moore, Secretary of State for Scotland

Annex One

Paris Principles

When establishing the Commission, the Scottish Parliament took care to comply with the United Nations (UN) Principles Relating to the Status of National Institutions, known as the Paris Principles. These are a series of recommendations on the role, status and functions of 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 non-governmental 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.

Annex Two

Publications produced in 2010 / 11

UN Convention on the Rights of Persons with Disabilities in Scotland, report of the joint participation event 20 January 2010 (with EHRC, ODI, SG), June 2010

Care about Rights training materials pack, September 2010

Audited Accounts 2009 / 2010, December 2010

First Annual Report of the National Preventive Mechanism (chapter entry), February 2011

Evidence sessions

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

Education, Lifelong Learning and Culture Committee: Children's Hearings (Scotland) Bill: Stage 1, April 2010

Justice Committee: Double Jeopardy (Scotland) Bill: Stage 1, December 2010

Justice Committee: Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010: post legislative review, March 2011

Consultation submissions submitted in 2010 / 11

Submission to the consultation on Social Care Procurement, April 2010

Scottish Parliament Health and Sport Committee - review of the Patients' Rights (Scotland) Bill, May 2010

Submission to the Public Petitions Committee PE1333 (Scottish Gypsy Travellers), September 2010

Evidence at Stage 1, Double Jeopardy (Scotland) Bill, December 2010

Submission to a consultation on the Sexual Offences Act 2003, December 2010

Submission to a report on using GDP as an economic measurement, December 2010

Submission to the Public Petitions Committee, PE 1372 ('Access to Justice in Environmental Matters'), December 2010

Submission to the Office of the High Commissioner for Human Rights on the Guiding Principles of the Special Representative on Business and Human Rights, January 2011

Submission on a Draft National Strategy for Public Space CCTV, January 2011

Submission on amendment to the Scotland Bill from the Advocate General for Scotland re: the Lord Advocate, and devolution issues, February 2011

Submission to the consultation Draft Social Care (Self Directed Support) (Scotland) Bill, March 2011

