

Annual Report 2009 / 2010

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



This report has been printed on 100% recycled paper.

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Introduction from the Board

Welcome to the second Annual Report of your Scottish Human Rights Commission. We are pleased to be reporting on a year in which real progress has been made by all those who have contributed to building upon the foundations - internal, national and international – laid in our first year.

Primarily it has been a year in which the Commission has begun in a practical way to extend the influence of human rights in the life of our country and beyond.

This includes several initiatives which are underway in cooperation with others to promote and protect human dignity in the care sector. This is a priority area which was identified by the public in the nationwide consultation undertaken by the Commission in its first year.

Initiatives include contributing to a Charter of Rights for people with dementia and their carers, a recommended framework for an Acknowledgement and Accountability Forum for the victims of historic institutional child abuse and the publication of an evaluation of the lessons from the human rights based approach towards care as developed by the State Hospital at Carstairs.

Of course this past year has still been just the beginning of a journey to further develop a human rights culture within Scotland.

Confidence in setting out on this journey was further gained just last month when the United Nations Office of the High Commissioner for Human Rights informed the Commission that it had been awarded Grade A status following a close review its legitimacy and effectiveness to date. The achievement of this recognition enables the Commission to fully participate in the UN human rights system on behalf of Scotland – contributing to and learning from international experience for the benefit of us all in Scotland and beyond.



Of course the Commission will be judged by you in part as to how much of a difference it makes in the day to day decision making of our country and so improves the quality of the lives of all in our communities.

In this next year we shall be introducing user-friendly tools, such as a human rights impact assessments, to increase awareness and facilitate better informed policy and decision-making as well the development of best practice in the daily delivery of public services. This will be all the more necessary in times of budgetary restraint and prioritisation when the voiceless will be the most vulnerable.

The Commission will continue its in-depth mapping of the realisation of human rights throughout Scotland. This will identify the gaps, and good practice, in the implementation of the UK's international human rights legal obligations within Scotland. One of its purposes will be to inform the development, with maximum possible public participation, of a National Action Plan for Human Rights for Scotland. This will set out clearly just what needs to be done, how and by whom to bring the living experience of all in our community, particularly the most at risk, up to agreed international standards.

We very much hope that you will travel with us on this journey for the progressive realisation of human rights for everyone in Scotland and we warmly invite you to do so.

Professor Alan Miller, Chair, Professor Kay Hampton, Member, Shelagh McCall, Member.

Chapter one – Our performance

The Scottish Human Rights Commission is working to promote and protect the human rights of everyone in Scotland.





Mandate, powers and duties

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, either those working to deliver a particular service, or public authorities of a particular description, i.e. those working on certain issues or a particular description.
- 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.

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.

The Commission is under a duty to ensure it is not duplicating work that others already carry out. The Commission has adopted an inclusive approach to delivering on all strategic goals, where the expertise and the interests of all stakeholders are taken into account and utilised wherever possible.

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.

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 adopted by the UN General Assembly in 1993. The Paris Principles enable the Commission to represent Scotland within the United Nations human rights system (a summary of the Paris Principles are included as Annex 1 on page 32 of this Annual Report). These principles are a key reference for the Commission.

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.

Chapter one – Our performance





Implementing the Strategic and Operational Plan

The Commission finished a national consultation on the development of its first Strategic Plan on 1 April 2009. The consultation took in a wide range of responses from civic society, individuals, public authorities, and representatives from local and national government.

This consultation was crucial and informed the creation of the Strategic Plan which was laid before the Scottish Parliament in July 2009. 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 comes into effect in April 2010 and spans the period until March 2012.

Left to Right:
Head of Strategy and
Legal Duncan Wilson at
a participation meeting in
Glasgow;
Professor Kay Hampton
at the Human Rights
and Climate Change
conference;
Professor Alan Miller at the
2009 Festival of Politics
(far right).

Chapter one – Our performance

The Seven Principles for Public Life are
Selflessness, Integrity, Objectivity, Accountability,
Openness, Honesty and Leadership.

Our performance

In 2009 / 2010 the Commission has engaged with a wide range of people and organisations in Scotland and internationally, developing significant bodies of work across several issues.

The Commission has established a strong foundation of good governance and 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 an internal commitment to training and professional performance. In 2009 / 2010 staff participated in training on project management, child protection, procurement, budget control and processes, communications, management techniques, applying a human rights based approach in a community setting, and on a range of other internal professional practice and processes. Staff also participated in additional Continuing Professional Development (CPD) courses. Staff turnover was low, with one Board Member departing to take up the role of the new Police Complaints Commissioner for Scotland, and one staff post filled after successful recruitment.

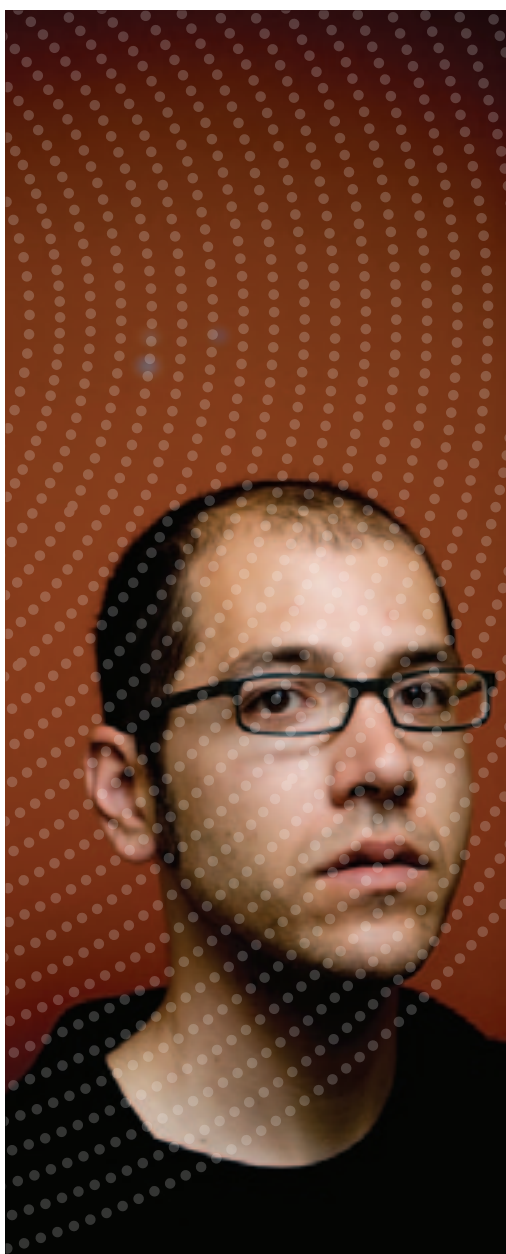
The Commission is restricted from giving advice to individuals or taking on individual cases. In 2009 / 2010 acknowledgement or signposting information was provided to over 150 individuals or organisations by direct request (email, letter, telephone calls). A permanent source of signposting was provided on the Commission website highlighting a wide range of professional bodies, public bodies, charities and campaigning organisations who can provide advice to individuals.

The Commission received 11 Freedom of Information requests, all of which were answered in full. There were no formal complaints received. The Financial Statement and audited accounts of the Commission will be published later in 2010.

Chapter two – Putting a human rights based approach into action



A human rights based approach (HRBA) is central to the work of the Commission. A HRBA emphasises the importance of the empowerment and participation of people affected by decisions to claim their rights, and the accountability and ability to deliver from those who are responsible for human rights. A HRBA is a way of organising policy choices and practice on a day-to-day level to ensure that human rights are at the centre of how organisations work, as well as how they measure success.



Chapter Two – Putting a human rights based approach into action

Putting the HRBA into practice: Human Dignity and Care

Throughout 2009 / 2010 the Commission has placed an operational emphasis on developing its understanding of the care sector, in particular in relation to the care of older people, in order to provide support and guidance. This project will increase awareness, understanding and confidence of the care sector, older people and their carers, and the care regulator about using human rights.

Extensive research and relationship building took place between June 2009 and February 2010 to develop a sound knowledge base to deliver the project. Key stakeholder meetings took place in January, February and March 2010 with a reference group established to advise on this work, including representatives of Scottish Care, the Care Commission, Scottish Government, Convention of Scottish Local Authorities (COSLA), the Mental Welfare Commission for Scotland, and care service providers.

In March 2010, in partnership with Scottish Care, work was commissioned to produce human rights awareness raising resources for older people and the care sector. The project will be delivered throughout 2010, providing awareness raising materials and support to a significant number of care providers, as well as older people and their families. This project will be evaluated later in 2011 / 2012.

The Commission also supported the Cross-Party Group on Alzheimer's at the Scottish Parliament, who, in conjunction with leading dementia charity Alzheimer Scotland, developed a Charter of Rights for people with dementia and their carers. The Charter was launched at the Scottish Parliament in October 2009, attracting widespread support from members of the Scottish Parliament of all parties and generating significant media coverage.

In addition the Commission participated in a number of events around the theme of Human Dignity and Care and the rights of older people, including the Scottish Care Annual Conference in November 2009, the Scottish Social Services Learning Network and Private Workforce Initiative Learning Event in March 2010, and the Older People's Assembly at the Scottish Parliament in October 2009.

Acknowledgement and Accountability Forum

Since 2004 the Scottish Executive (now Scottish Government) has been taking steps to acknowledge and address historic child abuse which took place in institutions in Scotland. These steps included consulting on an “Acknowledgement and Accountability Forum”.

In March 2009 the Commission was approached by the Scottish Government to develop a human rights framework to inform the design and implementation of a Forum. The Commission published a comprehensive human rights framework to address historic child abuse in February 2010, making a number of recommendations, both in terms of the establishment and delivery of the pilot forum (now called “Time to be Heard”), and in terms of a broad range of remedies, reparation and access to justice for survivors of abuse for any successor forums. The human rights framework was produced independently, and is based on international human rights law, international best practice and included input from individuals who had experienced abuse, and others with interest or experience, including international perspectives from Ireland and Canada.

The framework was positively received by many survivors and international experts as an innovative, high quality and inclusive document. The Commission continues to monitor the process of acknowledgement and accountability in Scotland and the implementation of its recommendations.

Chapter Two – Putting a human rights based approach into action



Human Rights in a Health Care Setting

In May 2009 the Commission undertook a major evaluation of the experience of a Special NHS Health Board which has sought to adopt a human rights based approach into their policies and organisational culture. The Commission worked with national and international experts on mental health, human rights and research methodology as well as with an independent research consultant in order to undertake this work. The evaluation used a range of methods including documentary analysis, semi-structured interviews with a range of key stakeholders and focus groups with staff, patients and carers. The evaluation found clear evidence of the success of the HRBA and provided key learning points and lessons for other organisations. The results were shared with a wide range of stakeholders in December 2009, and several public authorities have approached the Commission with a view to increasing internal expertise based on the findings of the research.





Residents and staff at the Greenock Medical Aid Society in Inverclyde.

Mapping the realisation of human rights in Scotland

In October 2009 the Commission began a major research exercise to inform the development of National Action Plan for Human Rights for Scotland. This programme of work will run until 2012 and is designed to map the 'gaps' in the fulfilment of human rights in Scotland, as well as to identify good practice which the Commission could have a role in promoting. This research will provide the evidence base for the development of the National Action Plan for Human Rights, inform the Commission's future strategic priorities, and inform the Commission and civic society's engagement with the United Nations Universal Periodic Review of the UK which will take place in April 2012.

In January 2010 an Expert Research Advisory Group was formalised to support this work as well as future research, and a Contractor Database was opened. The Commission also began discussions with a Scottish university to develop a PhD CASE studentship for the 2010 competition and has held exploratory meetings with a number of researchers and stakeholders.

Chapter Two – Putting a human rights based approach into action

Education and Training, Human Rights Impact Assessments

In 2009 / 2010 there has been a commitment to providing training and education to civic society and public authorities where possible.

The Commission developed training materials on human rights for staff in local authorities. This was piloted in January 2010 with the Services for Communities Division of the City of Edinburgh Council.

The Commission also spent time developing an understanding of the variety of uses and value of human rights impact assessment methodology and tools for public authorities. In September 2009 the Commission began working with a Scottish local authority to understand how an integrated human rights and equality impact assessment tool works in practice. In February 2010 research was successfully commissioned into international best practice and experiences of carrying out human rights impact assessments. Both of these pieces of work will contribute to the development of guidance on human rights impact assessment which the Commission will produce later in 2010 / 2011.

The Commission has also begun to develop an innovative approach to addressing human rights concerns in practice. In October 2009 it piloted a “human rights interaction” on the right to mental health together with the Scottish Association for Mental Health and participants with a diverse range of professional and voluntary experience of human rights in practice.

So as not to duplicate the wealth of excellent materials which already exist, the Commission has also promoted teaching aids, education packs and learning materials produced by other Commissions and non-governmental organisations through the Commission website, and at external events.

The Commission is committed to high quality and innovative approaches to addressing human rights concerns in practice.

Chapter Three – Engagement and Emerging Issues

Responding to emerging issues in Scotland, and engaging with different audiences so as to raise the level of understanding and awareness of human rights is central to the work of the Commission.





Chapter Three – Engagement and Emerging Issues

Engagement

The Commission has responded to numerous opportunities and challenges to human rights in 2009 / 2010, by contributing to consultations, organising events, initiating debate in the media, conducting research and actively participating in discussions around human rights issues. This includes submitting the following responses to Parliament and Government consultations and committees:

2009

April

- Presentation to the Scottish Young Lawyers Association, Edinburgh.
- Presentation on mental health and human rights to a conference organised by the Scottish Association for Mental Health, Glasgow.
- Poverty and human rights in Scotland, roundtable event hosted with Joseph Rowntree Foundation.
- Human Dignity in Care event organised by Centre for Research in Education Inclusion and Diversity, Glasgow, April 2009.

May

- Symposium presentation at the International Association of Forensic Mental Health Services conference.
- Edinburgh Scottish Young Lawyers Association Annual Conference, Edinburgh.

June

- Education Law Seminar on Equality and Human Rights in the Classroom, University of Edinburgh.
- Ratification of the Disability Convention at the Houses of Parliament in London, co-hosted with other UK human rights and equality commissions.

July

- Presentation to Edinburgh City Council Civil society training on human rights, organised by the Scottish Council for Voluntary Organisations.

August

- Presentation to HMIE Equality and Diversity group, Edinburgh.

September

- Presentation to the Mental Health Tribunal for Scotland, Dunblane.
- Presentation to the Scotland Patients Association conference, Respect and Dignity for All, Edinburgh.

-
- University of Glasgow Department of Accounting and Finance – roundtable on The Role of Business and Human Rights.

October

- Rapporteur on participation rights at the Older Persons Assembly, Scottish Parliament.
- Presentation on Adult Protection and Human Rights to the independent chairs of Adult Protection Committees, Houston, West Lothian.

November

- Keynote speech to the SCVO AGM Symposium Presentation at the Scottish Forensic Mental Health Network, Clydebank.

December

- Presentation on Adult Protection and Human Rights to South Ayrshire Adult Protection Committee, Ayr.
- Presentation on health and human rights to NHS Scotland Health and Human Rights Working Group, Glasgow.

2010

January

- Keynote speech to the Scottish Refugee Council AGM.
- Presentation to the Dementia Strategy Chair, Glasgow.
- Presentation to the NHS Health and Human Rights Project, Glasgow.
- Presentation on the UN Convention on the Rights of Persons with Disabilities to disabled peoples organisations from across Scotland, Glasgow.

February

- Presentation to the Social Accounting Seminar, University of Glasgow.
- Presentation to the Scottish Association of Law Centres / Equality and Human Rights Commission conference on Discrimination and Housing.
- Presentations on a human rights framework for access to justice and remedies for survivors of historic child abuse, one to an event with survivors and the other to an event with institutions.

March

- Presentation on adult protection, legal capacity and human rights to a national conference on Adult Protection and Human Rights, Perth.

Commission staff have also attended several meetings of the Scottish Parliament Cross-Party Group on Human Rights, and the Scottish Parliament Cross-Party Group on Alzheimer's.

Chapter Three – Engagement and Emerging Issues

Emerging Issues

In addition to participating in events and supporting stakeholders, the Commission has responded to a number of emerging issues. This includes submitting the following responses to Parliament and Government consultations and committees:

- Written evidence to the Joint Committee on Human Rights (UK Parliament) on the Equality Bill.
 - Written and oral evidence to the Joint Committee on Human Rights (UK Parliament) on Business and Human Rights and on the Equality Bill.
 - Written evidence on the Public Services Reform (Scotland) Bill.
 - Advice on amendments to the Scottish Parliament Criminal Justice and Licensing (Scotland) Bill in relation to DNA .
 - Written responses to requests from the Scottish Parliament Public Petitions Committee on McKenzie friends, the ringfencing of milk quotas, and the use of microchips on prisoners
 - Written evidence on the consultations for a Scottish Parliament Members' Bill on the creation of a Victims' Commissioner.
 - Written and oral evidence on the review of SPCB supported bodies inquiry.
 - Written evidence on the draft Housing (Scotland) Bill.
 - Written evidence on the Scottish Government consultation on Public Sector Equality Duty Specific Duties.
 - Written evidence on the Scottish Government Consultation: Amendments to the Mental Health Legislation in the Event of a Civil Emergency or Influenza Pandemic.
 - Written evidence on Scottish Government consultation on Social Care Procurement Scotland Guidance.
- All submissions are available to read in full online:
www.scottishhumanrights.com

Business and Human Rights

Business and Human Rights is a growing area of interest for NHRIs, the business sector, elected representatives and international non governmental organisations. Promoting and protecting human rights in these challenging financial times has brought a new perspective to many discussions around business, enterprise and investment.

In 2009 / 2010 the Commission participated in a number of events on the role of business on human rights, including:

- A symposium on Accountability and Human Rights at the University of St Andrews, September 2009
- A roundtable discussion with social accounting students at the University of Glasgow, February 2010.
- The Commission provided written and oral evidence to the UK Parliament Joint Committee on Human Rights inquiry on Business and Human Rights.
- The Commission has also contributed to the work of the Working Group of the International Coordinating Committee of National Human Rights Institutions on Business and Human Rights, drafting a survey for all institutions on their interests, needs and capacities in the area of business and human rights.

Defending the Human Rights Act

One area of concern were the plans announced by the Conservative Party in mid 2009 to repeal the Human Rights Act and replace it with a new Bill of Rights should they lead the UK Government after the 2010 General Election. The Commission has concerns over such an approach. In December 2009 the Commission spoke at a roundtable event in London with the other UK NHRIs on the future of the Human Rights Act, and in March 2010 the Commission published two statements – including one co-signed with the Northern Ireland Human Rights Commission – calling for the Human Rights Act to be protected and built upon rather than repealed and replaced. The statements were well received by the human rights community in Scotland, the UK and internationally.

Chapter Three – Engagement and Emerging Issues

Communications and Outreach

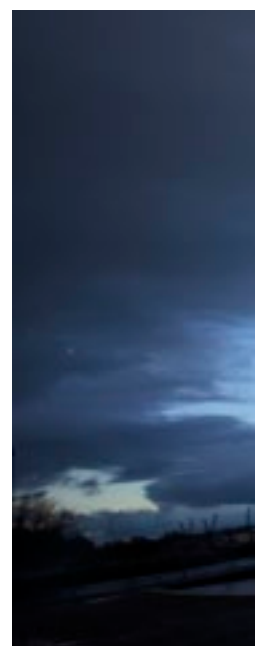
Strategically a major step came in June 2009 when the Commission website – www.scottishhumanrights.com – was launched. As part of the commitment to transparency and accountability every official Commission publication is posted online, as are commentary articles, minutes of Board meetings, photographs from events, video interviews, financial statements, and clear links to sources of support and advice on human rights. The website underwent a wide range user and accessibility testing prior to launch, and has been described as accessible, easy to use, and informative. Through the ‘Get Involved’ section of the website the Commission signposts events, conferences, training and cultural activities across Scotland and internationally to raise awareness and increase participation by individuals who want to find out more about human rights. The Commission also offers educational audio podcasts on a range of topics. Several hundred users have subscribed to a regular email newsletter.

In February 2010 the Commission supported a group of young people in the production of ten short films about the Universal Declaration of Human Rights, entitled ‘The Ten Wee Commandments’. These short films will be launched in the summer of 2010, and are aimed at informing and empowering young people on the basic foundations of human rights norms.

The Commission was pleased to host the Chair of one of our sister NHRIs, Jamesina King of the Sierra Leone Human Rights Commission, on a visit to Edinburgh in April 2009. The Commission has also welcomed visitors from The Parliamentary Assembly of Bosnia and Herzegovina as part of the British Council Intercultural Navigators Program, and a guest from the Malaysian Human Rights Commission as part of the Schevening Fellowship programme.

The Commission also welcomes the establishment of the civil society group, the Human Rights Consortium in Scotland, which includes representation from a wide range of civic society groups and individuals.

The Commission Chair and staff have been pleased to attend meetings of the Consortium to outline the Commission’s work and explore potential for cooperation. Invitations from other bodies such as Strathclyde University’s Centre for the Study of Human Rights Law, the Scottish Human Rights Law Group and the Scottish Young Lawyers Association were also taken up.



Human Rights and Climate Change

In November 2009 the Commission helped to develop and deliver a major conference in Glasgow ('Human Rights and Climate Change, Achieving climate justice in Scotland') in conjunction with the Scottish Environment Protection Agency (SEPA), Scottish Government and the British Trust for Conservation Volunteers (BTCV). The event attracted around 250 participants, and heard from a range of speakers including Cabinet Secretary for Finance and Sustainable Growth John Swinney, Eigg Community Partnership, ActionAid UK, Friends of the Earth and the former UN High Commissioner on Human Rights Mary Robinson, who addressed the conference in a special video message.

A Joint Communiqué was signed at the end of the conference pledging all the partners involved to a range of agreed positions and action points on climate justice for Scotland, now and in the future. The Commission also gave advice to the Scottish Government on this issue, while the Chair of the Commission joined the Scottish Parliament, the Scottish Government and international human rights organisations at COP15 (the United Nations international climate change conference) in December 2009 to promote a human rights based approach to climate change, and to highlight the work in Scotland on climate change.



John Swinney, Cabinet Secretary for Finance and Sustainable Growth with Nnimmo Bassey of Friends of the Earth Nigeria at the Human Rights and Climate Change conference in Glasgow.

Chapter four – Supporting human rights in the world

International participation and living up to international obligations are an important part of the work undertaken by the Commission. Throughout the year the Commission has been working to secure accreditation as a NHRI from the International Co-ordinating Committee, which is expected to be approved in the summer of 2010.





Clockwise: Scottish Refugee Week 2009 in Glasgow;
Justice Albie Sachs of South Africa, who spoke to delegates to the first joint meeting of the four national human rights institutions of the UK and Ireland;
Celebrating with representatives from other NHRIs;
In Edinburgh for the first joint meeting (l-r) Dr Maurice Manning, President of the Irish Human Rights Commission, Professor Monica McWilliams, Chief Commissioner of the Northern Ireland Human Rights Commission, Professor Alan Miller, Scottish Human Rights Commission, Trevor Phillips, Chair of the Equality and Human Rights Commission.

Chapter four – Supporting human rights in the world

ICC Biennial

Around the world there are a growing number of national human rights institutions, 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. There are now around 80 accredited NHRIs, and these organisations meet regularly in thematic and regional groups to progress issues of joint importance.

In June 2009 the ICC began discussions with the Commission on its capacity to host the 2010 ICC Biennial meeting in Scotland, on a theme of Business and Human Rights. After negotiation with the host venue, the Scottish Parliament, and gaining support from other NHRIs, on 10 December 2009 it was announced that Scotland was to be the host for the 2010 meeting. The announcement was made on international Human Rights Day at a reception attended by the First Minister Alex Salmond and Presiding Officer of the Scottish Parliament Alex Fergusson MSP.

The ICC Biennial meeting will bring delegates to Scotland from all over the world, as well as , United Nations officials, government representatives, civil society and business organisations in an exciting opportunity for high level discussion, analysis, and debate. The Chair has represented the Commission at a number of international meetings and symposiums during 2009 / 2010, mostly as a keynote speaker. These include:

- Presenting a parallel report at the United Nations Committee on Economic, Social & Cultural Rights Review of the UK.
- The second session of the UN Conference of State Parties to the Convention on the Rights of Persons with Disabilities.
- Participating in a panel with the United Nations Special Representative of the Secretary-General on a framework for Business and Human Rights.
- Addressing the EU Presidency Conference on Corporate Social Responsibility ('Protect, Respect, Remedy').
- Participating in the Colloquium on Human Rights in the Global Economy and the 23rd session of International Coordinating Committee of National Institutions for the promotion and protection of human rights.

The Commission has also contributed to the ICC working group on business and human rights, including drafting an international group survey for other NHRIs.

COP15

The Commission joined the Scottish Parliament, Scottish Government, Scottish and international non governmental organisations at the United Nations Climate Change Conference in Copenhagen in December 2009 (COP15). The Commission contributed to discussions on Climate Justice and Climate Change as part of the United Nations efforts to establish international agreement on global carbon emissions and to promote a human rights based approach to climate change, highlighting the work taking place in Scotland on climate change.

First meeting of UK and Ireland NHRIs

In June 2009 the Commission organised and hosted the first joint meeting of the four national human rights institutions of the UK and Ireland – the Equality and Human Rights Commission, the Irish Human Rights Commission, the Scottish Human Rights Commission and the Northern Ireland Human Rights Commission. Around 50 delegates took part in the two day meeting in Edinburgh, which included a number of workshops and interactive sessions based on mutual understanding and relationship building. The meeting was also honoured with the participation of Justice Albie Sachs, a former justice of the South African Constitutional Court who was centrally involved in drafting South Africa's post-apartheid constitution and is a renowned authority on human rights law.

Commission interaction with the United Nations:

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. In September 2009 the Commission agreed roles and responsibilities together with other members of the independent mechanism and the UK and Scottish Governments.

In Scotland the Commission working in partnership with the Equality and Human Rights Commission in its work on the Convention. Together the two Commissions with the Scottish and UK Governments held a participation event in Glasgow in January 2010. The event was attended by around 90 participants from disabled peoples organisations and organisations working on the rights of people with disabilities. The event raised awareness of the importance of the convention in Scotland and participants outlined their priorities for action and discussed how to ensure effective participation of people with disabilities in implementing the Convention. The Commission then began mapping the gaps between the law of Scotland and the Convention as a first stage in monitoring law, policy and practice in Scotland with reference to the Convention. This work will be further developed in 2010 / 2011.

United Nations Committee on Economic, Social and Cultural Rights

In May 2009 the Commission submitted a parallel report to the United Nations Committee on Economic Social and Cultural Rights, which monitors implementation of the International Covenant on Economic, Social and Cultural Rights by its States parties. The Commission chaired a briefing session and presented the report to the Committee together with other UK national human rights institutions. As a result the concluding recommendations of the Committee reflected the contributions of the commission and the law, policy and practice of Scotland. Following this the Commission has participated in a number of follow up meetings with the Scottish Government and Scottish civil society.

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 2009 / 2010

Report of the National Consultation,
June 2009

Operational Plan 2008 – 2012,
July 2009

Strategic Plan 2008 – 2012,
July 2009

Annual Accounts, 2008 – 2009,
November 2009

Human Rights in a Healthcare Setting,
December 2009

Human Rights Framework to address
historic child abuse,
February 2010

