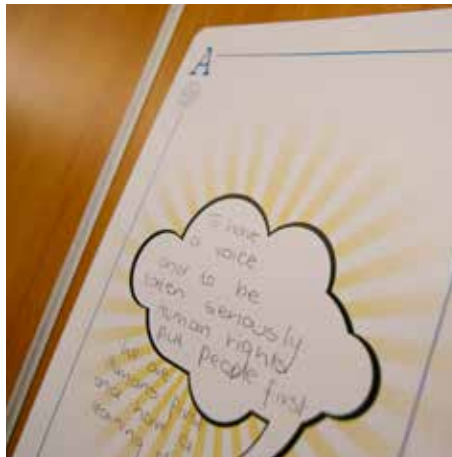


SHRC

Scottish
Human Rights
Commission

Annual Report 2017–18

LAW



POLICY



PRACTICE



Drama group the Purple Poncho Players from Glasgow Disability Alliance perform at the launch of the Scotland Declaration on Human Rights (February 2018, Glasgow Women's Library)



Foreword

The Commission will mark its tenth anniversary as Scotland's National Human Rights Institution in December 2018. As we approach that landmark, we have a strong sense of sustained momentum behind our work to promote and protect the human rights of everyone in Scotland.

This Annual Report, covering the period to March 2018, details a range of significant and notable developments in the laws, policies and practices that people need in order to fully enjoy their rights. This is clearly a very welcome and positive indicator of a strengthening human rights culture in Scotland and is testament to the efforts and commitment of a multitude of stakeholders from across the public sector and civil society.

Scotland's National Action Plan for Human Rights (SNAP) reached the end of its first four year cycle in December 2017 and continues to be seen as a model of best practice in advancing human rights internationally. This year, the Commission's leadership of SNAP focused on enabling broad participation by a diverse range of people and organisations in a national conversation about future priorities for its second phase. The lived experience of people who experience day-to-day violations of their rights was central to this, with over 1,000 participants telling us about a range of barriers that prevent them from enjoying their rights, including poverty, discrimination, lack of advocacy, poor housing, health and transport, and a failure to join up policy across different areas of life. This testimony was a stark reminder that despite progress, significant work remains to fully embed human rights into Scotland's policy framework, public sector culture and day-to-day practices. The Commission welcomes the continuing commitment from a range of public sector and civil society partners to supporting SNAP's future evolution.

The need to improve people's access to their rights in practice was also reflected in evidence gathered through the Commission's international human rights treaty monitoring work this year. We submitted evidence to the United Nations review of the implementation of the Disability Convention and began preparations for the 2018 review of the Convention on Elimination of Discrimination Against Women. Evidence gathered for both processes showed

how austerity measures, punitive welfare policies and the continued existence of wider poverty continue to combine to have a corrosive, eroding impact on people's rights in everyday life. Not only are people experiencing barriers to their right to an adequate standard of living, but their rights to health, family life, work, education and participation in community life are also compromised. More effective action is required by government and public authorities to achieve better outcomes for people in practice.

Legal protections are fundamental to making human rights a reality in people's lives. This year, the First Minister's newly-appointed Advisory Group on Human Rights Leadership emerged as a response to long-standing calls by the Commission – and many of our stakeholders – for action to incorporate a broader range of international human rights into Scotland's domestic laws. The Commission has contributed evidence and expertise to inform the Advisory Group's deliberations, drawing on our work over many years to identify, analyse and promote international best practice on the issues under consideration. With the Advisory Group due to report in December 2018, we hope and anticipate that concrete commitments by government will follow.

Over the years, the Commission has invested significant effort in supporting a range of public and third sector organisations to apply the principles of a human rights based approach to their work. This year, the fruits of that work were realised in a number of key settings, including the development of new prison inspection standards and national care standards with human rights at their core. We closed the year with an important and well-received event bringing together organisations with experience in developing a human rights based approach to share their learning, challenges along the way and good practices. Work to support a peer-based learning network of organisations working in this way will continue.

Another example of sustained engagement beginning to bear fruit came in the form of progress with embedding human rights into the Scottish Government's National Performance Framework. We anticipate being able to see human rights reflected in this important measurement framework in 2018-19.



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

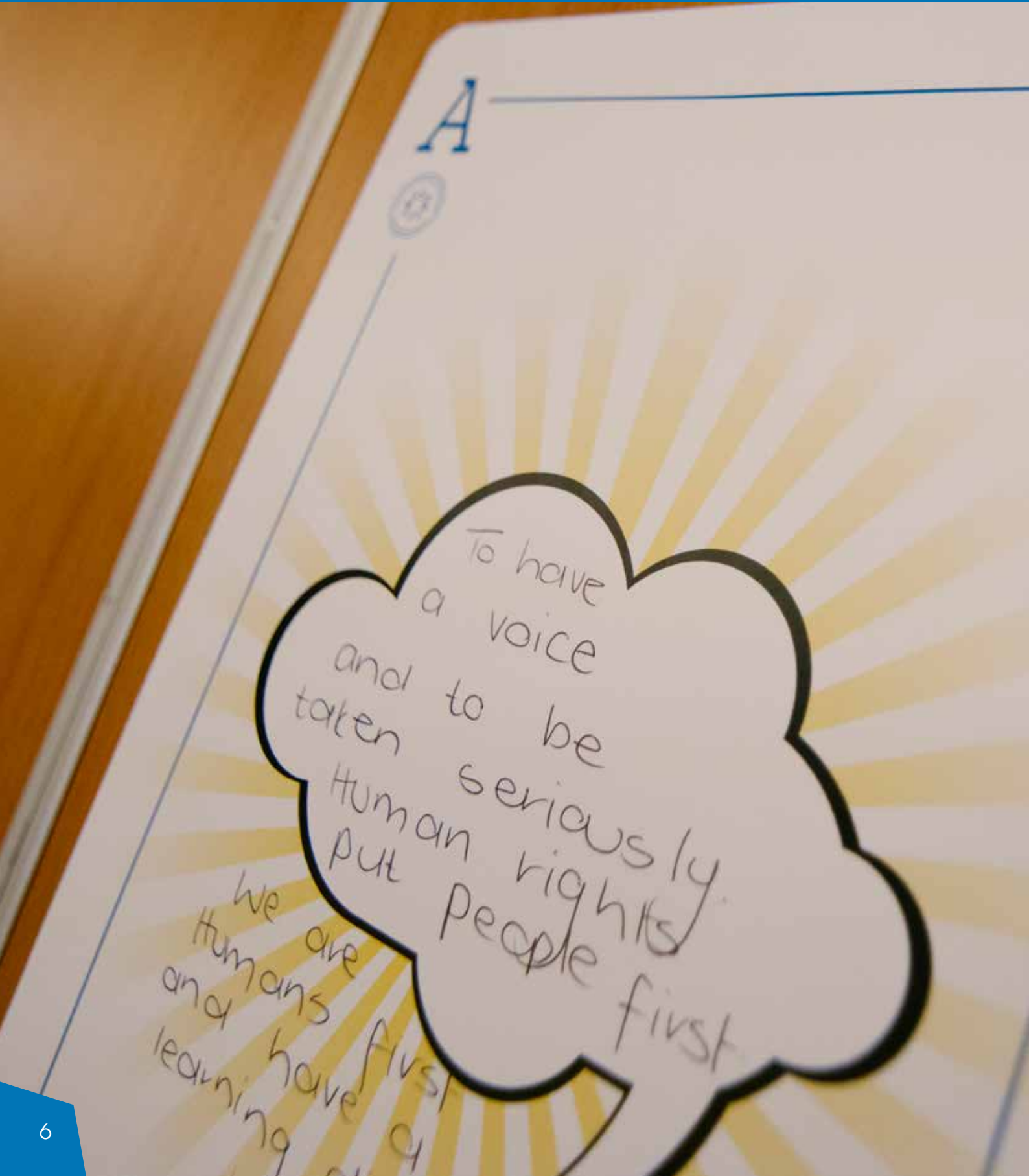
Work to further empower people with lived experience of rights violations continued through the Leith-based Housing Rights in Practice Project, with local residents seeing improvements in their housing conditions as a result of sustained engagement with their local authority. As we look ahead to the end of this project in 2018-19, the Commission is considering how best to scale up the impact of this pilot project.

All of this activity took place in the context of continued Brexit negotiations, and corresponding uncertainty over the exact nature of the impact of the UK's departure from the European Union on people's rights in Scotland. While the Commission continued to push for continued progression on human rights laws, policies and practice, we also engaged with government and others on the risks and dangers of regression as a result of Brexit, and will continue to do so.

The period ahead is a crucial time for the continued defence and progression of human rights in Scotland. While the Commission welcomes rising levels of engagement with human rights by an ever-widening range of organisations, this creates increased demand for our expertise, analysis and practical support. In turn, this has placed corresponding pressure on our resources. As we take stock of our first decade of operations, the Commission will consider, in discussion with our key stakeholders, how best to respond to this demand, as we move forward with our work to promote and protect human rights for everyone in Scotland.

Scottish Human Rights Commission

What human rights mean to one person at our National Participation Event on 12 December 2017



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About the Commission

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

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

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

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

The Commission also coordinates and supports Scotland's National Action Plan for Human Rights (SNAP), a framework that brings together government, public authorities, civil society and people with lived experience of rights issues to design and take actions to advance human rights in Scotland. Launched in 2013, SNAP has been recognised internationally as a model of good practice. SNAP reached the end of its first four year cycle in December 2017 and the Commission is now facilitating the development of its next phase.

The Paris Principles

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

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

The Paris Principles require the Commission to:

- + have a foundation in national law
- + be independent from government
- + have a mandate covering a broad range of international human rights standards
- + demonstrate pluralism and independence in the selection and appointment of members
- + have a responsibility to work with both civil society and the state



Strategic Priorities and Operational Outcomes

The Commission's Strategic Plan 2016-20 was laid before the Scottish Parliament in 2016. We have also developed operational outcomes to guide and measure the Commission's work. This Annual Report details our activities and impact in 2017-18 under each of our Strategic Priorities and Operational Outcomes.

Strategic Priorities 2016-20	Operational Outcomes
<ul style="list-style-type: none"> Building a human rights culture Promoting respect for dignity and rights in health and social care Promoting a rights based approach to poverty and social justice Increasing accountability for rights Learning, sharing and promoting our work and human rights internationally and nationally 	<ul style="list-style-type: none"> UK and Scottish Governments and public bodies are more human rights aware The Scottish Parliament acts as a human rights champion More people have a better understanding of human rights People with lived experience of human rights issues are better supported More organisations apply a human rights approach to their work More people feel confident and equipped to raise human rights issues Human rights standards are embedded in public sector services Scotland's National Action Plan for Human Rights is implemented International human rights standards and best practice are shared with domestic and international stakeholders The Commission builds its strength as an independent human rights institution Operational Plan

Operational Outcomes

Parliament in October 2016 and establishes our current priorities.
The impact of our activities in pursuit of these priorities.

Each of our ten operational outcomes.

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

OUTCOME 1

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

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

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

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

Advancing economic and social rights

This year, we continued and intensified our work to raise awareness of economic and social rights, such as the rights to housing, health, food and social security. These rights are not currently directly incorporated into Scotland's domestic laws, which can make them more difficult to enforce.

During 2017-18 we held a series of workshops on individual rights targeting government officials, public authority representatives, the legal community and civil society organisations. With specialist input from the Center for Economic and Social Rights in New York, and a series of practical exercises for participants to work through, the workshops generated significant levels of interest and engagement. Feedback from those taking part evidenced a significant increase in their awareness and understanding of each of the rights, and of how to realise and fulfil them in practice or use them to advocate for change. A final workshop examining detailed options for making these rights enforceable in Scots law will take place in 2018-19, followed by the publication of briefing and learning materials to capture the outputs of the whole series.

First Minister's Expert Advisory Group on Human Rights Leadership

This year, the Commission welcomed the First Minister's establishment of an Expert Advisory Group on Human Rights Leadership, tasked with examining how Scotland can make further progress in fulfilling its international human rights obligations, in particular economic, social, cultural and environmental rights. This development has its genesis in the Commission's longstanding advocacy of further incorporation of rights. We were pleased to join the Advisory Group to contribute our expertise and analysis, including the baseline of evidence from our work on progress and current challenges for human rights in Scotland.

The Scotland Declaration on Human Rights

In February 2018, over 100 charities, campaign groups and civil society leaders came together to launch the Scotland Declaration on Human Rights, calling for leadership from Scotland's politicians and policy makers in the face of risks to protection for rights from Brexit. The Commission gave its backing to this initiative and provided support to the launch of the Declaration at a well-attended event at the Glasgow Women's Library. The Declaration attracted widespread media and social media coverage of the Declaration, helping to raise awareness of the risks and opportunities for protecting and realising everyone's rights in the context of Brexit.

“We are concerned about the potential loss of protections for rights as a consequence of Brexit, and about the impact of the persistent negative rhetoric around human rights in parts of the UK, particularly in politics and the media. We are therefore calling on law and policy makers to show leadership in these challenging times, taking all possible steps to protect rights and equality for everyone, and putting Scotland on the map as a world leader on these issues.”

Joint statement by the Commission and others on the launch of the Scotland Declaration on Human Rights.

United Nations Treaty Monitoring and Reporting

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

This year, the UN carried out its third Universal Periodic Review (UPR) of the UK's implementation of all international treaty obligations. In advance of the review in Geneva in May 2017, the Commission produced a detailed analysis and briefing papers on key issues for Scotland, engaged extensively with UN member states to draw attention to these, and worked with our sister NHRIs across the UK to engage with the UK Government.

In September 2017, the UN made 227 recommendations to the UK, with only 96 (42%) accepted by the UK Government. In a joint statement with our sister NHRIs to the UN Human Rights Council, the Commission expressed our disappointment at this response by the UK Government. We continued to work with the Scottish Government and Scottish Parliament to encourage and support them to implement the UPR recommendations relevant to Scotland. The Commission was pleased that there was a considered response from the Scottish Government to the UPR recommendations. Enhanced scrutiny of the government's implementation proposals was provided through an evidence session with the Minister led by the Equalities and Human Rights Committee in the Scottish Parliament.

“We are disappointed by the lack of leadership on human rights across the UK Government, and would like to see greater engagement with the UPR process from now on. Governments across the UK should publish clear and actionable plans for implementing your recommendations. We stand ready to support the implementation of recommendations and to hold the UK and devolved governments to account.”

Statement by the Commission and our sister NHRIs in the UK to the United Nations Human Rights Council

Along with the UK's other NHRIs, the Commission is a member of the UK Independent Monitoring Mechanism for the Convention on the Rights of Persons with Disabilities (UKIM). This year, the UK's implementation of the CRPD was reviewed by the United Nations. The Commission, as part of UKIM, submitted evidence to the review in August 2017, supported civil society organisations to take part in the review, and held a conference in March 2018 to disseminate the UN's final recommendations to a broader audience.

“As the UK and devolved governments’ track record on disability rights comes under the international microscope, we call for concerted action to remove the barriers in society that prevent disabled people living full lives on equal terms with non-disabled people. Everyone is entitled to the same opportunities and respect – the governments must start taking the human rights of disabled people more seriously.”

Statement by UKIM in advance of the United Nations review of the UK's implementation of the Convention on the Rights of Persons with Disabilities

Promoting human rights based policy making and legislation

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

During 2017-18, we made submissions and/or provided oral evidence to the following processes:

- + Limitation (Childhood Abuse) (Scotland) Bill
- + Child Poverty Bill
- + Police Scotland's 10 year strategy for policing in Scotland
- + Scottish Parliament Inquiry into Scottish Approach to taxation
- + National Performance Framework review

- + Climate Change Bill
- + Socio-Economic Duty
- + Social Security (Scotland) Bill
- + Proposed Children (Equal Protection from Assault) (Scotland) Bill
- + Scottish Government's consultation on guidance on engaging communities in decisions relating to land
- + Offensive Behaviour at Football Repeal Bill
- + Forensic Network Short Life Working Group on Electronic Monitoring of Mentally Disordered Offenders
- + Independent Advisory Group on Biometric Data and Associated Technologies

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

- + Considerable debate around the Limitations (Childhood Abuse) (Scotland) Bill, which lifted the three year time limit for bringing civil actions in cases of childhood abuse. The Commission has worked alongside survivors for a number of years to oversee the implementation of the Action Plan on Justice for Victims of Historic Abuse, of which the lifting of the three year time limit was a key feature. The Bill significantly widened access to justice for many survivors of historic child abuse, although work remains to be done to ensure survivors who suffered abuse pre-1964 can access an effective remedy. The Commission gave evidence to the Justice Committee and the Stage 1 Report took full consideration of our evidence.
- + Media coverage and good stakeholder feedback in relation to our position on the Equal Protection from Assault (Scotland) Bill which called for a prohibition in Scots law on any form of assault on children, together with a national strategy to promote positive alternative methods.
- + The Stage 1 Report on the Offensive Behaviour at Football Repeal Bill) took full consideration of our submission and provided recommendations to the Scottish Government in line with our views.
- + The Scottish Government has continued to strengthen community and land rights using the framework provided by the United Nations International Covenant on Economic, Social and Cultural Rights.

Influencing the delivery of social security powers in Scotland

In 2017-18 the Commission invested particular effort in influencing the Scottish Government and Parliament's approach to delivering new social security powers. The right to social security is established in international human rights laws and standards, and in our view should be enshrined in Scots law.

The Commission engaged with Ministers, individual MSPs, Scottish Government officials and civil society organisations to raise awareness of social security as a human right, and its significance in relation to realising many other human rights. We produced a short animation to support this work and provided extensive briefing materials to a range of stakeholders.

We made a number of recommendations to strengthen the Social Security (Scotland) Bill at Stage 1, both in writing and orally. The Bill was significantly strengthened at Stage 2 in line with some of our key suggestions, including the introduction of an independent scrutiny body whose functions are linked directly to international human rights standards.

We also engaged external expert legal advice to support our activity in this area, enabling us to put forward suggested amendments to the Bill, which were supported by a broad range of civil society organisations and MSPs. Although our amendments were not taken forward, we have nonetheless seen a significant increase in understanding and awareness of the right to social security, and positive engagement with taking a human rights based approach to developing law and policy in this area. This work continues into 2018-19.

“While the Commission welcomes progress made so far, for example the creation of the Scottish Commission on Social Security which must have regard to human rights, an accountability gap still exists ... we look forward to serious consideration being given to the incorporation of international human rights in Scots law going forward.”

Statement by the Commission at Stage 2 of the Social Security (Scotland) Bill

National Preventive Mechanism

The Commission is one of 21 members of the United Kingdom's National Preventive Mechanism (NPM), which was established in March 2009 as part of the UK's commitment under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The NPM examines how people held in places of detention are treated, and makes recommendations to relevant authorities.

This year, the Commission contributed our human rights analysis to the NPM's thematic activities on detention. We also expressed our view that the NPM should be put on a statutory footing, with adequate resources attached to support it to work more effectively.

Historic Abuse InterAction Review Group

The Commission is a member of the Review Group that has been established to ensure the continued and effective implementation of the Action Plan for Survivors of Historic Abuse that was developed through a previous InterAction process. This year we worked with the Group on issues experienced by survivors of historic abuse that took place before 1964, who are not currently able to access the same remedies as other survivors. This informed the Group's work on establishing a financial redress scheme for all survivors of historic abuse, which was a key feature of the Action Plan. This work continues into 2018-19.

Business and human rights

The Commission worked closely with Scottish Government, business, trade unions and civil society stakeholders this year on a programme of activity to advance the development of a National Action Plan on Business and Human Rights. In line with recommendations by the UN, a national baseline assessment has been produced with support from Scottish Government and a wide stakeholder consultation was held on this through a series of roundtable meetings. This work has led to solid support and engagement with the need for a National Action Plan, and a stronger evidence base to support its development. The development of the Action Plan will continue in 2018-19.

Human rights budgeting

Applying a human rights framework to public budgets would add significant value to efforts to realise social justice in Scotland. The Commission this year initiated a project to help Scotland's public authorities put human rights at the heart of their budget planning. Led by the Commission in partnership with the Health and Social Care Alliance for Scotland (the ALLIANCE), the project was funded by the European Union and managed by the Danish Institute for Human Rights. The main aim of the project was to give budget holders the tools they need to ensure that their budget decisions have a positive impact on people's rights. A well-attended Masterclass for a wide range of stakeholders was delivered in February 2018 and work began to develop baseline indicators for analysing budgets through a human rights lens. The project will complete in 2018-19 and aims to kickstart a programme of ongoing work to develop tools to help scrutinise public spending decisions through a human rights lens.

“Inspirational and practically focused day. Let's get on with putting people at the heart of public finance decision making!”

Participant in Human Rights Budgeting Masterclass

OUTCOME 2

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

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

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

This year, the Scottish Parliament's Equality and Human Rights Committee (EHRiC) launched an Inquiry into Human Rights and the Scottish Parliament. This Inquiry came in direct response to recommendations made previously by the Commission on Parliamentary Reform, which was itself informed by our input..

Welcoming the Inquiry and building on our previous evidence to the Commission on Parliamentary Reform, we submitted evidence to this Inquiry, making 23 recommendations for action including that:

- + Human rights should be made a permanent responsibility of the Equality and Human Rights Committee with sufficient resources allocated to ensure the Committee can adequately deliver on its mandate.
- + Parliamentary Committees should ensure they work alongside people with direct lived experience of issues as a matter of course, so that parliamentarians can better understand gaps in the realisation of rights in people's lives and so that solutions can be developed collaboratively.
- + Parliament should produce publications that plainly explain its law-making, oversight and budgetary roles from a human rights perspective.

“Parliaments are cornerstones of national [human rights] protection systems. They play a critical role in ensuring government compliance with their national and international human rights obligations and share a responsibility, with other branches of the State, to protect, respect and fulfil human rights.”

Commission Submission to the Inquiry on Human Rights and the Scottish Parliament

Throughout the year, the Commission engaged with EHRC to raise awareness of and strengthen its capacity in relation to international human rights treaty monitoring, particularly with a view to its role in holding the Scottish Government to account. Specific attention was given to the recommendations made by the United Nations in its Universal Periodic Review of the UK’s implementation of all treaty obligations (see outcome 1 for more information).

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



OUTCOME 3

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

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

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

Public perceptions and understanding of human rights

This year the Commission published and widely disseminated the findings from a major piece of audience insight research into how people in Scotland perceive and understand human rights.

Launched to coincide with the civil society-led Scotland Declaration on Human Rights (see outcome 1), the research, which was carried out by YouGov in March 2017 identified considerable public support for human rights in Scotland. However, the research also identified a range of areas where people's understanding of and engagement with their rights is limited, including:

- + Only 27% of people said they knew who to approach for help with rights
- + Only 55% of people could associate relevant key words with human rights
- + 30% of people feel conflicted about human rights and their relevance to their lives, with 14% of people feeling disengaged from human rights

The full findings from the research were shared widely at a series of briefing events and presentations including to the Human Rights Consortium Scotland, Scotland's National Action Plan for Human Rights Action Groups and at the launch of the Scotland Declaration on Human Rights. A short, accessible briefing summarising the key findings was published in February 2018 and is available on the Commission's website.



Promotion of human rights and the Commission's work to protect them

The Commission implemented a new communications strategy during 2017-18 with objectives focused on influencing public authorities to take action on human rights; amplifying the voice of people with lived experience in human rights discourse; improving popular understanding of human rights and a human rights based approach; supporting the exchange of good practice in human rights communications between domestic and international stakeholders; and raising awareness of the Commission itself and its work.

Activities took place throughout the year to advance these objectives including:

- + Production and publication of animations explaining the right to social security, a general overview of human rights in Scotland, and the role of the United Nations in protecting human rights in Scotland.
- + Media and social media activity to highlight the right to social security and opportunities to strengthen its protection in Scotland.
- + Media, publications and social media activity to raise awareness of the United Nations Universal Periodic Review of international human rights treaty obligations.
- + Media, social media and online promotion of the Convention on the Rights of Persons with Disabilities and the Commission's continued work to ensure its effective implementation in Scotland.
- + Continued promotion of the human rights issues raised by the Housing Rights in Practice project.
- + Promotion of a major National Participation Event to inform the future of Scotland's National Action Plan on Human Rights.
- + Election as Deputy Chair/Chair of Communications Working Group of the European Network of National Human Rights Institutions.
- + Participation in a European-level seminar on Human Rights Communicators Leadership examining the strategic challenges and opportunities for promoting human rights to public audiences in the current global context.
- + Production and dissemination of the Commission's Annual Report 2016-17.
- + Regular promotion of the Commission's activities through social media, e-newsletter, website and media engagement.

OUTCOME 4

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

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

The Commission continued to develop our own participation strategy to improve our approach to involving people with lived experience of human rights issues in the way we operate.

We continued to support people with lived experience of rights issues to participate in our work as a Commission, including our work on housing rights, adequate living standards and the future development of Scotland's National Action Plan on Human Rights.

We also supported the publication of a report and guidance for all of Scotland's local authorities, emerging from our previous work to pilot participative rights-based methodologies in the planning of local children's services. This project was carried out with the Scottish Government, City of Edinburgh Council and the Children and Young People's Commissioner for Scotland.

Our work with a community of residents in Leith, Edinburgh on Housing Rights in Practice continued this year, including preparation for a full evaluation of the project with a view to sharing the lessons learned in 2018-19. Significant interest in this project has already been generated. Commission staff, along with project partners, have presented on its approach and interim impact at a range of national and international events.

OUTCOME 5

More organisations apply a human rights based approach throughout their work

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

In 2017-18 the Commission continued to provide direct support and advice on applying a human rights based approach to several organisations and networks, including See Me, UNICEF, MECOPP, the Scottish Government's Social Security Directorate and Police Scotland's Strategic Priorities. We also provided input to Action Groups within Scotland's National Action Plan on Human Rights including the Health and Social Care Action Group and the Adequate Standard of Living Reference Group.

Demand for our support and advice on taking a human rights based approach has increased significantly in recent years. With a view to making the most effective use of the Commission's resources and expertise, this year we began to shift our focus away from providing direct capacity building support towards building a peer network of organisations to share and strengthen their experience in using a human rights based approach.

As a first step towards building this network, we hosted a peer learning event for organisations from across the public and third sectors in March 2018. A range of organisations across health, social care and criminal justice met to discuss their experiences and identify challenges for the future. Participants left with increased confidence, inspiration and practical techniques for building human rights into their work.

This year we also continued our work to evaluate and capture the lessons from all of our historical work to support others to take a human rights based approach. This work continues into 2018-19 and plans are underway to produce a set of key learning points and online resources for use by other organisations in the future.

OUTCOME 6

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

The Commission operates as a bridge between civil society and the state, engaging with each but independent from both. Part of our mandate involves equipping and building the capacity of people whose rights are directly affected by state decisions, so that they can better hold decision-makers to account.

Work continued this year on a major project, Housing Rights in Practice, to support residents in Leith, Edinburgh to understand their rights and hold their local authority to account for inadequate housing conditions. Following community awareness raising, human rights monitoring and engagement work in previous years, this year the local authority began an extensive programme of work to replace all kitchens, bathrooms, heating and windows in the affected housing blocks. The Commission supported residents to monitor progress towards the human rights indicators they had previously identified, and to continue to engage with the local authority.

The Commission continued to work with a Reference Group of people with lived experience of poverty. This year we supported the group to contribute extensively to the future development of Scotland's National Action Plan for Human Rights, and to prepare a response to the Scottish Government's Fuel Poverty Bill. The group has been actively considering opportunities to lead and develop its own projects, as well as how best to diversify and expand its membership.

This year, we completed work led by the Mental Welfare Commission on developing Rights in Mind, a pathway designed to help staff in mental health services ensure that patients have their human rights respected at key points in their treatment, with supporting good practice guidance. The Pathway and guidance was launched in May 2017 with almost 5000 copies disseminated within a month and an online training module being developed to support the use of the Pathway in practice.

In August 2017, the Commission supported a range of civil society organisations to attend a United Nations review of the implementation of the Convention on the Rights of Persons with Disabilities. The end result of this was that the resulting set of recommendations from the UN better reflected the perspectives and experiences of disabled people.

In October 2017, the Commission and the Scottish Independent Advocacy Alliance launched a new guide to help independent advocates effectively support people to secure their rights. The publication provides essential information about human rights which will be of use to a wide range of people and is being supported by a set of online training materials.



OUTCOME 7

Human rights standards are embedded and used more explicitly in regulation, inspection and monitoring frameworks

Embedding international human rights standards into regulation, inspection and monitoring frameworks helps to ensure that human rights are guaranteed in practice. The Commission provides expertise and advice to external organisations to build their knowledge and understanding of human rights and to support them to embed relevant standards into their own work.

Following on from previous work with Her Majesty's Inspectorate of Prisons in Scotland (HMIPS), staff from the Commission took part in four prison inspections throughout the year in Inverness, Shotts, Greenock and Low Moss. Our recommendations were reflected in inspection reports and carried forward to improve prison regimes. Importantly, this year HMIPS also completed the process of embedding human rights into their prison inspection standards, which means that human rights have now been mainstreamed into the way prisons are monitored and inspected.

“These revised standards and their associated Quality Indicators have at their heart the upholding of the human rights of those detained in prison. The Standards articulate what is expected of a well-run prison, and contain very clear statements identifying what is important and what will be monitored and inspected.”]

Extract from Foreword to HMIPS Inspection Standards

New Health and Social Care Standards were published in June 2017 which reflected substantial input from the Commission on incorporating a human rights based approach.

Significant engagement took place this year with the Scottish Government on its review of the National Performance Framework, with detailed work taking place with officials to develop and make the case for the inclusion of a specific human rights outcomes and human rights indicators that reflect good international practice. This work is expected to bear fruit in 2018-19 when the new National Performance Framework is launched.

“Having the Commission alongside as an active partner ... really helped the review show what human rights mean for someone experiencing care.”

Extract from Care Inspectorate paper on the development of Scotland’s Health and Social Care Standards]

OUTCOME 8

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

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

In December 2017, SNAP marked its fourth anniversary and with it the end of its first cycle of delivery. The Commission's focus this year was on planning and preparing for the end of this first phase of SNAP and the development of a second phase.

The Commission invested significant resource this year in a national participation process to reach and engage with people with lived experience of human rights issues as well as organisations with human rights obligations. Over 1500 people took part in the process, which included eight events in communities around Scotland, an online survey and a National Participation Event in December 2017, which was also live-streamed and facilitated online to enable remote participation.

An independent evaluation of SNAP was commissioned and will report in 2018-19.

The output from both the participation process and the independent evaluation will be used to shape the next phase of SNAP, a process which is being guided by a range of organisations, overseen by the Commission, in 2018-19.



National Participation Event to inform Scotland's National Action Plan for Human Rights, December 2017

OUTCOME 9

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

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

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

- + Participation in the Annual ENNHRI Academy with a focus this year on communicating human rights in challenging contexts, where our own strategic communications work generated considerable interest from representatives from other states around Europe.
- + Participation in a two day workshop and training session on legal interventions, hosted by the ENNHRI Legal Working Group, which will be used to inform our own legal interventions work in the future.
- + Chairing the ENNHRI Communications Working Group to help improve strategic communications about human rights at a European level.
- + Participation in a blended learning course on economic, social and cultural rights organised by ENNHRI, which has helped to inform and strengthen our work in this area.

- ✦ Hosting the annual meeting of the four UK and Ireland NHRIs to discuss and identify shared strategic challenges and opportunities.
- ✦ Participation in GANHRI and ENNHRI General Assemblies as a mechanism for hearing from other NHRIs around the world about best practice in various aspects of protecting and promoting human rights.
- ✦ Working with the Danish Institute for Human Rights to secure funding for a dedicated project to develop work in Scotland on human rights budgeting and budget analysis, based on and contributing to international best practice approaches and expertise.

OUTCOME 10

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

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

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

To strengthen our operations this year, the Commission:

- + Continued to assess our operations against the PANEL principles that make up a human rights based approach (Participation, Accountability, Non-Discrimination, Empowerment and Legality).
- + Carried out preparatory work to ensure our compliance with the General Data Protection Regulation (GDPR).
- + Continued to support staff professional development including training courses in GDPR, British Sign Language, management and leadership.
- + Continued work to improve the accessibility of our communications including developing a wider range of Easy Read and British Sign Language versions of publications. This work is ongoing and in 2018-18 will include the publication of a BSL Plan to meet the requirements of the BSL (Scotland) Act.
- + Developed a new performance management and development system for use within our staff team.

Financial Summary

Funding

The Commission receives funding from the Scottish Parliamentary Corporate Body (SPCB). The SPCB approved a cash budget of £991,000 for financial year 2017-18.

Financial Position

Financial year 2017-18 was the Commission's ninth full year of operation. The Commission's net expenditure on operating activities for the year ended 31 March 2018 totalled £969,000.

A further breakdown of expenditure is set out below.

Expenditure	£'000
Staff costs	700
Operational costs	131
Property costs	54
IT costs	14
Website	4
Training and subscriptions	15
Auditor's remuneration	13
Printing, stationery and library costs	4
General office costs	7
Travel	18
Legal and consultancy fees	5
Recruitment costs	4
Total	969

Who We Are

The Commission team comprises a full time Chair, three part time Commissioners and 12 members of staff (10 full time equivalent posts).

Chair of the Commission

Judith Robertson took up office in April 2016 and leads the Commission's strategy and operations. She represents the Commission in a range of national and international contexts, provides leadership to the staff team and has overall responsibility for the Commission's accountability. Previously, Judith ran the See Me campaign to end mental health stigma and discrimination. She has also held senior leadership and management roles with Oxfam including as Head of Oxfam in Scotland.



Commissioners

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



Susan Kemp is a lawyer specialising in international criminal and human rights law. She has worked extensively in Latin America, Africa and Europe with non-governmental organisations, the United Nations and the International Criminal Court, representing victims, investigating human rights abuses and providing technical assistance to state prosecutors.



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



Our staff come from a wide range of backgrounds including international human rights law, domestic law, social policy and research, third sector campaigning, civil society advocacy, project management, journalism and public sector management. Together they bring combined expertise in promoting and protecting human rights through law, policy and practice.

Key contacts

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Getting Involved in Our Work

The Commission welcomes the opportunity to work with people and organisations affected by human rights issues, and our work to promote and protect human rights more generally. You can keep in touch and get involved in our work in the following ways:

Website

Our website www.scottishhumanrights.com contains all of our policy submissions, reports to international human rights treaty bodies, case studies, training materials and other resources.

Facebook and Twitter

Our Facebook and Twitter (@[scothumanrights](https://twitter.com/scothumanrights)) feeds are updated regularly with news, information about our work and links to other relevant human rights information.

E-newsletter

You can subscribe to our e-newsletter to receive regular updates about our work. Please email hello@scottishhumanrights.com to sign up.

Events

We host and take part in events about relevant human rights issues throughout the year. Please follow our website, Facebook page and Twitter feed for full details.

Projects

If you would like any more information about any of the projects or policy areas we work on, please contact the relevant member of our team, or email hello@scottishhumanrights.com

Annual report

We welcome feedback on the design and content of our annual report, as well as ideas of what you would like to see in it in future years.

Accessibility

We're committed to making our communications easy-to-use and accessible for everyone. Our accessibility policy can be found on our website, along with some support tools:

Browsealoud

Our website includes software called Browsealoud which provides reading, speech and translation support for a range of people including those with dyslexia, low literacy, English as a second language, and/or mild visual impairments. This service is free and will help users to read all the content available on our website (including this annual report).

To begin using Browsealoud please visit our website and click on the logo on the bottom right hand of your browser. Then simply click on any text to hear it read out loud.



British Sign Language (BSL)

In Scotland, British Sign Language (BSL) users can use the contactSCOTLAND Video Relay Service (VRS) to contact all of Scotland's public bodies and third sector organisations for free. This service is available online via <http://contactscotland-bsl.org/> You can also download the app onto your smartphone and/or tablet (iPhones, Android phones, iPads, tablets etc).

If you have any queries about other support needs and would like this publication in another format such as large text, British Sign Language (BSL) or Braille, please contact: hello@scottishhumanrights.com or call **0131 244 3550**.

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SHRC/2018/01

Laid before the Scottish Parliament by the Scottish Commission for Human Rights in pursuance of Section 15 (1) of the Scottish Commission for Human Rights Act 2006 on 25 October 2018.

Design by www.graphics.coop

Photography and illustrations by Michael Rea Media, Heedi Graphics, Callum Bennett – Maverick Photography, Phil Wilkinson Photography & iStock