



SHRC

Scottish
Human Rights
Commission

Annual Report 2019–20

Foreword

Strengthening accountability when there are failures to protect people's rights is a key priority for the Commission and will continue to be so as we move into our next Strategic Plan for 2020-2024.

This year, we used our legal powers to intervene in civil litigation for the first time. We intervened in a case challenging the use of “lock changes” to force people seeking asylum – and who are often extremely vulnerable – from their accommodation in Glasgow. Although we were disappointed with the ultimate judgment by the court, our intervention was important in raising matters of wider public interest and we will continue to actively explore future opportunities for strategic litigation.

Scotland took a major step forward in its human rights journey this year with the creation of a new National Taskforce on Human Rights Leadership. Tasked with developing proposals for a new Act of the Scottish Parliament to provide direct legal protection for a broad range of economic, social, cultural and environmental rights, the Taskforce has a vital role to play in helping Scotland become a place where everyone's rights are respected, protected and fulfilled. Since the beginning of our work back in 2008, the Scottish Human Rights Commission has relentlessly advocated for and worked hard to secure stronger legal protection for this broader range of rights. Building on our decade of work in this area, the Commission will work constructively to support the Taskforce in a number of ways: providing strategic advice and guidance; sharing our expertise in human rights law and practice; drawing on best practices from international human rights networks and frameworks; and supporting wider public engagement in the development of legislative proposals.

Scotland's National Action Plan for Human Rights (SNAP) will also have an important relationship with the Taskforce, taking forward a series of actions to strengthen human rights in Scotland. This year, the Commission continued to coordinate and support a Development Working Group of people from across the public sector and civil society to develop draft proposals for a second SNAP. As the year came to a close, we welcomed renewed commitment from the Scottish Government to support SNAP both in terms of governance, resources



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

and the practical delivery of actions. Work to finalise plans and next steps was paused in March 2020 due to COVID-19 but will re-start in 2020-21.

2019-20 also saw the landmark project, Housing Rights in Practice, come to a close after four years of input and support from the Commission. With £2.3 million invested by the local authority in improving housing conditions for residents in Leith and strong evidence of much wider impact on people's confidence and ability to understand and claim their human rights, the project has provided us with an illuminating case study, with a final "Lessons Learned" report published in 2020-21.

The Commission's long-running programme of work on human rights budgeting began to impact this year on wider debates around how Scotland's budget is both raised and spent. We published a series of practical briefings in partnership with a range of civil society and academic partners, which were widely shared and accessed, and provide us with a strong foundation for continued influencing work in this strategically important area.

More broadly, the Commission continued to build, strengthen and deepen its engagement with a range of core audiences and stakeholders for its work.

This included the Scottish Parliament, both in terms of individual MSPs and the Parliament's Committee structures, and with a wide range of civil society and third sector groups, including a focus this year on proactive engagement with Scotland's black and minority ethnic communities. The Commission also consulted extensively with a wide range of stakeholders in the development of its new strategic priorities. This both shaped and reaffirmed our direction of travel and core work going forward.

Despite all of this strong progress, the Commission faced a number of key challenges this year. While the broad public and political discourse around human rights is positive, with continuing strong rhetorical commitments being made, this has yet to be translated into a significant shift in how resources are invested, or how public policy decisions are made, implemented and evaluated as a matter of course.

The Commission itself continues to face a real challenge around the need and demand for its expertise and input, and its operational capacity to respond to that. While we were pleased to secure a modest temporary increase in our funding for the two years ahead, we will continue to work with the Scottish Parliamentary Corporate Body to pursue a more permanent and substantive solution to our resource challenges.

Finally, like every other institution in Scotland, we ended 2019-20 dealing with the impact of the COVID-19 pandemic. For the Commission, this presented a twofold challenge: the need to provide rapid and robust scrutiny and input to a raft of emergency legislation and policy measures, alongside the need to ensure the health, safety and wellbeing of our staff team. Our ability to rise to this challenge successfully is testament to the solid and steady work we have put into our operations over preceding years, and to the skill and commitment of our current staff team.

As we move into 2020-21 with a new Strategic Plan to frame our work, the Commission remains well-placed to continue to provide leadership to Scotland on its human rights journey, while continuing to respond to the immediate human rights challenges arising from COVID-19.

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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.

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:

- + be given the power to promote and protect human rights and have as broad a mandate as possible;
- + have a foundation in national law;
- + have autonomy from the government with independence guaranteed by statute or constitution;
- + have a mandate based in universal human rights standards;
- + demonstrate pluralism and independence in the selection and appointment of members;
- + have adequate resources and adequate powers of investigation; and
- + have a responsibility to work with both civil society and the state.



Strategic Priorities and Operat

The Commission's Strategic Plan 2016-20 was laid before the Scottish Parliament in October 2016 and established five strategic priorities for that four-year period.

Strategic Priorities 2016-20

- 1. Building a human rights culture**
- 2. Promoting respect for dignity and rights in health and social care**
- 3. Promoting a rights based approach to poverty and social justice**
- 4. Increasing accountability for rights**
- 5. Learning, sharing and promoting our work and human rights internationally and nationally**

ional Outcomes

The Commission has developed ten operational outcomes to guide and measure the impact of our activities in pursuit of these Strategic Priorities. Each outcome contributes to multiple Strategic Priorities.

Operational Outcomes 2019-20

1. UK and Scottish Governments and public authorities more effectively implement international human rights obligations.
2. The Scottish Parliament acts as a human rights guarantor through improved structures, procedures and awareness.
3. More people have a better understanding of international human rights and what they mean.
4. People with lived experience of human rights issues increasingly influence decisions that affect their human rights.
5. More organisations apply a human rights based approach throughout their work.
6. More people feel confident and equipped to claim their rights and hold government, parliament and other public bodies to account.
7. Human rights standards are embedded and used more explicitly in regulation, inspection and monitoring frameworks.
8. Scotland's National Action Plan for Human Rights (SNAP) is achieving its medium term outcomes.
9. International human rights standards and good practice are developed, informed by and better understood by relevant domestic and international stakeholders.
10. The Commission builds its strength as an organisation to support the effective and efficient delivery of the Strategic and Operational Plan.

Strategic Priorities and Operational Outcomes

This Annual Report details our activities and impact in 2019-20 under each operational outcome.

During 2019-20, the Commission developed and published its fourth Strategic Plan. This followed extensive consultation with key stakeholders and was laid before the Scottish Parliament in March 2020. The Plan establishes four new Strategic Priorities which will guide our planning, delivery and reporting during 2020-24:

1. Progressing understanding and strengthening legal protection of economic, social and cultural rights
2. Strengthening accountability for meeting human rights obligations
3. Building wider ownership of human rights
4. Advancing best practice locally and sharing our learning globally

The Commission's Strategic Plan 2020-24 is available to download from the Commission's **website**.

OUTCOME 1

The 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.

COVID-19

As the coronavirus pandemic took hold towards the end of the operating year, the Commission responded rapidly to emergency legislation prepared by both the UK and Scottish Governments, providing our views on the range of potential human rights engaged and making our analysis available to wider civil society. As we moved into 2020-21, the Commission’s legal and policy resources were largely being deployed into assessing the impact of measures on people’s rights in health and social care, policing, prisons and places of detention, economic recovery and economic, social and cultural rights. The impact of our work in relation to COVID-19 will be reported on in our Annual Report 2020-21.

“We know through experience that if rights are ignored, vulnerable people not protected and supported, and decisions taken which inappropriately benefit some over others, then our societies will be weakened in the longer term. This global health crisis will cast a long shadow over our society. Human rights can help us both to navigate the challenges of now, and to re-build in the future.”

Commission statement on Human Rights in a Time of Crisis, March 2020

Using our legal powers

During 2019-20, a key priority for the Commission was strengthening accountability when there are failures to protect people’s rights. To that end, we used our legal powers to intervene in civil litigation for the first time.

The Commission intervened in a case challenging the use of “lock changes” to force people seeking asylum from their accommodation in Glasgow.

Our intervention was unsuccessful insofar as the Court did not ultimately agree with our legal argument. However, the intervention raised matters of public interest and was welcomed by broader civil society and the legal community.

The Commission also raised awareness of the human rights issues engaged through strong media coverage of the legal intervention and we will continue to actively explore future opportunities for strategic litigation.

“This case raises serious human rights implications for people who are already in a deeply vulnerable position. Nobody should be left deliberately destitute and homeless by the actions of the state, or by organisations delivering services on the state’s behalf.”

Judith Robertson, Chair of the Scottish Human Rights Commission, commenting on the case of *Ali v Serco* and the Home Secretary.



Strengthening economic and social rights

Scotland took a major step forward in its human rights journey this year with the creation of a new National Taskforce on Human Rights Leadership. It is tasked with developing proposals for a new Act of the Scottish Parliament to provide direct legal protection for a broad range of economic, social, cultural and environmental rights. This year, the Commission accepted an invitation from the Scottish Government to join the National Taskforce.

Building on our decade of work in this area, the Commission will work constructively to support the Taskforce in a number of ways: providing strategic advice and guidance; sharing our expertise in human rights law and practice; drawing on best practices from international human rights networks and frameworks; and supporting wider public engagement in the development of legislative proposals.

“The work of the National Taskforce will play an important role as part of broader efforts taking place to strengthen the laws, policy and practices that affect people’s rights in everyday life in Scotland. New legislation to put a wider range of international human rights directly into Scotland’s laws can and should create an important bedrock of protection for people’s rights.”

Judith Robertson, Chair of the Scottish Human Rights Commission, speaking at the inaugural meeting of the Taskforce.

United Nations Treaty Monitoring and Reporting

As an accredited A-status National Human Rights Institution within the United Nations (UN) 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.

In May 2019, the Commission reported to the UN’s Committee Against Torture (UNCAT) presenting 21 recommendations to improve Scotland’s human rights record in relation to the prevention of inhuman or degrading treatment. The report called for Scottish Government action to tackle concerns including the treatment of people with mental illness and in care homes, systematic failures in investigating deaths in custody, and understaffing and overcrowding in prisons.

In January 2020, the Commission raised nearly 200 human rights concerns in a report to the UN on the implementation of the International Covenant on Civil and Political Rights (ICCPR) in Scotland. The report highlighted police practice affecting people’s rights, conditions for people in prisons and places of detention, and gaps in people’s access to justice.

The Commission's recommendations were reflected well in the subsequent Concluding Observations by the relevant UN Committees, demonstrating improved international understanding of the devolved context for human rights in Scotland. However, challenges remain with ensuring appropriate follow up and implementation of UN recommendations by relevant state authorities.

Promoting human rights based policy making and legislation

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

During 2019-20, we made written submissions and/or provided oral evidence to the following processes:

- ✚ Scottish Government consultation on incorporating the UN Convention on the Rights of the Child (CRC) into domestic law in Scotland
- ✚ Independent Review of Learning Disability and Autism in the Mental Health Act
- ✚ Good Food Nation Bill
- ✚ National Islands Plan
- ✚ Scottish Biometrics Commissioner Bill
- ✚ Consultation on draft Budget Scrutiny 2020-21 Consultation
- ✚ Consultation on devolved taxes
- ✚ Justice Sub-Committee on Policing examination of police use of “cyber kiosks”
- ✚ Briefing to the EU Sub-Committee on Inquiry into rights after Brexit
- ✚ Scottish Elections Bill
- ✚ Financial Redress for Historical Child Abuse in Care – Pre-Legislative Consultation
- ✚ Justice Committee examination of police use of facial recognition technology
- ✚ Independent Review of Police Complaints Handling, Investigations and Misconduct

- + Equality and Human Rights Committee and the Justice Committee
Pre-budget scrutiny
- + Gender Recognition Reform Bill
- + Coronavirus (Scotland) Act and other emergency legislation passed
in response to the COVID-19 pandemic

Our work led to a series of impacts throughout the year:

- + A Biometrics Commissioner for Scotland is being established and human rights standards were reflected in this legislation and accompanying Code of Practice.
- + Police Scotland's roll-out of "cyber kiosk" technology was paused pending further examination of the human rights concerns we (and others) raised.
- + Parliamentary Committee recommendations in relation to the Scottish Elections (Franchise and Representation) Bill aligned closely with the Commission's evidence and proposals in relation to the right to vote for prisoners.
- + Through our work on the human rights implications of the UK leaving the European Union, we raised awareness of the Scottish legal context with regard to rights protections with the EU Justice Sub-Committee at Westminster.
- + We significantly raised the profile of both the Right to Food, and the arguments for its incorporation into Scots law, with a wide range of stakeholders from across all relevant sectors.
- + The independent review of Learning Disability and Autism in the Mental Health Act made several recommendations for law reform in this area, including new mental health legislation to improve the rights of people with learning disabilities and autism. The review report references human rights throughout, is a strong example of a human rights based approach and will now serve as a blueprint for the Mental Health Act Review and the Forensic Mental Health Review on how to incorporate a human rights based approach into their processes.

In other areas, our desired outcomes are still to be achieved. For example, although we raised the profile of the Right to Food within the broader discourse, the Scottish Government did not commit to incorporating this into its Good Food Nation Bill.

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's long-running programme of work on human rights budgeting began to impact this year on wider debates around how Scotland's budget is both raised and spent.

The Commission published a new set of briefing papers to explain the "What, Why and How?" of human rights to create and scrutinise Scotland's national budget which were widely shared and accessed. The papers were developed in partnership with the Health and Social Care Alliance (the ALLIANCE) and a range of academic and other partners following an EU funded Human Rights Budget Work project.

The Commission continues to chair a Human Rights Budgeting Working Group and engaged with a number of scrutiny bodies, government officials and third sector organisations to advance understanding of this area of work.



**Human Rights
Budget Work :**
What, Why, How?

“There is growing interest in human rights budget work, particularly in light of Scotland's increased fiscal powers and responsibilities, and with a National Task Force taking forward recommendations to incorporate economic, social and cultural rights into Scotland's domestic law.”

Dr Alison Hosie, Research Officer with the Commission

Business and human rights

This year, the Commission continued to support and contribute to the development of a National Action Plan on Business and Human Rights. Our work in this area involves engagement with the Scottish Government, business, trade unions and civil society stakeholders.

In April 2019, the Commission published the findings of a comparative review of global best practice in Business and Human Rights National Action Plans, and made a series of recommendations to inform developments in Scotland.

The Scottish Government have indicated that they will look to finalise and publish the National Action Plan by the end of 2020 and we continue to engage in this process.

National Preventive Mechanism

The Commission is one of 21 members of the United Kingdom's National Preventive Mechanism (NPM). The NPM 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.

In October 2019, the Commission and NPM called on an urgent government response to a report from the Council of Europe's Committee for the Prevention of Torture (CPT) following visits to several places of detention in Scotland in October 2018 which highlighted concerns such as inadequate treatment of women with mental health issues, over-crowding in prisons and excessive use of force by police.

In the same month, the Commission welcomed international experts to Scotland to discuss taking a Human Rights Based Approach to the NPM. The Commission hosted experts from the Office of the United Nations High Commissioner and the Danish Institute for Human Rights to help advise the Scottish Government and civil society on the development of human rights based indicators.

In March 2020, the Commission was appointed as Chair of the Scottish Sub-Group of the UK NPM which brings together a range of statutory bodies in Scotland to strengthen protection of people in places of detention and embed a Human Rights Based Approach. The Scottish sub-group was established in 2014 and represents the interests of Scottish members of the UK NPM.

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 build human rights knowledge and awareness and processes in Parliament.

This year, the Commission continued to build, strengthen and deepen its engagement with the Scottish Parliament, both in terms of individual Members of the Scottish Parliament and the Parliament's Committee structures.

An action plan was developed and implemented by the Scottish Parliament taking forward the recommendations of the EHRC Inquiry into Human Rights and the Scottish Parliament, which aimed to embed human rights standards and principles into the work of the Parliament. The Commission assisted the Scottish Parliament to improve these structures, procedures and actions including scrutiny development.

The Commission also delivered human rights training and capacity building for MSPs and Committee clerks during 2019-20 to build human rights knowledge and awareness and processes in Parliament.

Topics covered in the training included:

- + an overview of the human rights framework and the United Nations treaty system;
- + standards and mechanisms for realising economic, social and cultural rights;
- + Scotland's National Action Plan for Human Rights (SNAP);
- + the role of Parliament in ensuring accountability for human rights; and
- + human rights scrutiny development.

Continued work is planned in this area but was paused due to COVID-19 in March 2020.

We continued to engage with EHRC throughout the year, updating Committee members and the Convener on the Belgrade Principles which provide guidance on the interaction and cooperation between National Human Rights Institutions (NHRIs) and Parliaments.

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.

The Commission raises awareness of human rights with the wider public through media, social media, online and digital communications. We also work to learn from, develop and share good practice in communicating about human rights so that our own work contributes to shared domestic and international efforts to promote human rights to wider audiences.

This year we achieved positive impact in several key areas.

Increased visibility of human rights in the media

Overall this year, the Commission's reach into public audiences via print, broadcast and online media continued to grow and diversify. This was in line with our strategic aim of engaging with a wide range of different audiences through targeted communications initiatives.

The Commission generated over 170 items of media coverage in print and online publications, with syndicated content reaching a further 244 news outlets. This spanned Scottish and UK national daily newspapers such as the Herald, the Times and the Scotsman, as well as regional and specialist titles reaching a wider range of communities across Scotland. Our broadcast coverage included BBC Radio Scotland, BBC Reporting Scotland, STV News, and Global Radio.

We achieved extensive media coverage of the Right to Food tied to our policy work in this area, supported by work with civil society organisations and people with lived experience of food insecurity. Our key messages and calls for action to incorporate this right into Scotland's laws were covered in over 50 print and online publications and via broadcast media.

We also achieved widespread media coverage of our first intervention in civil legal proceedings (see outcome 1), with coverage focused heavily on the human rights issues engaged by the case and for the people affected. Coverage was achieved across all key national, regional, legal and trade media, with broadcast TV and radio coverage.

Our monitoring and reporting of the International Covenant on Civil and Political Rights also generated significant media coverage in national newspapers such as the i, the Herald, Holyrood and the Scotsman, alongside prime time broadcast coverage on BBC Radio Scotland.

Other human rights issues covered in the media as a result of our work this year included biometrics and human rights, financial redress for survivors of historic abuse, housing rights and, as the year ended, the human rights implications of COVID-19 and associated laws and policies.

More inclusive, accessible content developed for wider range of audiences

This year we developed a new animation on the Right to Food in partnership with Nourish Scotland. The short animation explains the Right to Food in under 90 seconds and was developed through extensive engagement with both people and organisations affected by the rights issues.

The animation was launched on social media with a dedicated hashtag campaign and had been viewed over 7,000 times within a matter of days. Feedback from audiences has been overwhelmingly positive with numerous comments received on the simple, engaging and accessible nature of the content.

Scotland is signed up to international human rights laws protecting the right to food



But to make our right to food meaningful our government needs to listen and act together



“It’s important that everyone has access to information about the right to food – from people affected by food poverty and insecurity, to people working in government and the public sector, or people working in the food industry. We hope this new short animation will add to people’s knowledge and understanding.”

Judith Robertson at the launch of our Right to Food animation

This year, we also trialled the use of short “explainer” videos on Twitter on key topics such as our legal intervention and our work on human rights budgeting. These were successful in generating increased reach and engagement with these topics. For example, our short video explaining the Commission’s use of its intervention powers reached over 15,000 people and was viewed more than 2,300 times. Our explanatory video on Human Rights Budget Work reached over 5,000 people, providing an accessible introduction to a complex topic.

Work also took place this year to develop and improve the accessibility of the Commission’s website and publications. Work was carried out to ensure that our website was brought up to Web Content Accessibility Guidelines (WCAG) AA rating as a minimum, and that it exceeded this and reached AAA rating where possible. Our **Accessibility Statement** includes a roadmap of steps taken to address accessibility issues and future actions intended to further improve the usability of our website.

Increased reach into public audiences

As detailed above, our reach into public audiences via print, online and broadcast media increased this year. Visits to the Commission’s **website** also increased to 113,200 sessions, up from 82,700 in 2018-19. Over 84,000 people used our website in total, compared to around 59,000 in 2018-19, viewing 233,000 pages, compared to 185,000 in 2018-19.

Work began this year to systematically review the Commission’s website content and navigation structure applying user experience design principles. This work will lead to initial changes in 2019-20 and will inform a fuller rebuild of the site, currently expected to begin in 2020-21.

Increased understanding and application of strategic human rights communications methods

This year, the Commission continued to chair the Communications Working Group of the European Network of National Human Rights Institutions (ENNHRI).

As part of this role, we took part and contributed actively to a two-day high-level meeting for human rights communicators around Europe, organised by the Fundamental Rights Agency of the European Union. Our Head of Communications and Engagement presented on the Commission's work to develop a more data-driven approach to communications and contributed to collective discussions on the development of best practice guidance in promoting human rights.

We also helped to design and presented at an ENNHRI training event on communicating economic and social rights, sharing practice from our own experiences and learning from others who are leading thinking about strategic communications approaches.

Finally, we continued to share our own learning and practice in this area with our colleagues in civil society organisations in Scotland, through a variety of networks and events, and to collaborate with our sister National Human Rights Institutions on key strategic communications challenges.

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.

This year, the Commission concluded the implementation of its first Participation Strategy to improve our approach to involving people with lived experience of human rights issues in our work. We now engage with and work alongside an increasingly diverse range of people from different backgrounds and communities, with a corresponding positive impact on the quality and depth of our wider policy work and practice.

Learning from the overall three year strategy will be collated, reviewed and incorporated into a revised Participation Strategy during 2020-21, including consideration of the resources required to support people's meaningful participation in more areas. During 2019-20, specific impact was achieved across a range of indicators.

Expanded and strengthened Reference Group of people with lived experience of human rights issues

The Commission currently works alongside and supports a Reference Group on the Right to an Adequate Standard of Living comprising people with lived experience of poverty. Poverty remains a pernicious human rights problem in Scotland, and one which people continue to highlight to us as requiring a rights-based approach. Originally established as part of our work on Scotland's National Action Plan on Human Rights (SNAP), the Reference Group's role and contribution has evolved over time and it now regularly engages with the Commission's work on a range of human rights issues, and contributes to wider policy and practice around human rights.

This year, the Reference Group met four times and engaged in several policy consultation processes including in relation to Social Security Advocacy Standards, the Scottish Parliament's Local Government and Communities Committee consultation on 'Community Wellbeing' and the ongoing development of SNAP.

The Group also began to discuss its own future role and remit in detail, including identifying areas where membership could be widened and diversified and how its work can better integrate with the Commission's work as a whole.

Increased engagement with people/communities currently under-represented in our networks

This year the Commission focused effort and attention on widening and deepening its engagement with black and minority ethnic people and communities in Scotland. We held five open events in Edinburgh and Glasgow, organised in collaboration with local community organisations, with a focus on identifying key issues for people in relation to the implementation on-the-ground of the International Convention on the Elimination of Racial Discrimination (ICERD).

Further engagement work with established community groups and organisations was also planned for spring 2020 but had to be postponed due to COVID-19.

Appropriate participation of people with lived experience in our international treaty monitoring work

As above, our focus this year was on engaging with relevant communities in relation to monitoring and reporting on ICERD.

Appropriate participation of people with lived experience in the development of the Commission's Strategic Plan

We carried out targeted engagement work with a range of stakeholders when developing and consulting on our new Strategic Plan for 2020-2024. This included a round table event with members of our Reference Group of people with lived experience of poverty and the use of online consultation questions including Easy Read and BSL information to support people's engagement.

Appropriate participation of people with lived experience in SNAP 2 development and governance

During the year, we continued to work with a small number of people with lived experience of human rights issues in the development of draft proposals for SNAP 2. We also organised a well-attended wider engagement event for over 50 rights holders from communities previously under-represented in discussions around SNAP 2. Work to ensure people with lived experience are appropriately involved in SNAP 2 governance and implementation will continue into 2020-21.

The Commission's work is informed by and contributes to a wider community of participation good practice

Throughout the year we received some constructive but critical feedback on the need to improve our participation and engagement practices, which we are now addressing. We also began work to review and update our Participation Strategy to support our new Strategic Plan. This work will continue into 2020-21.

Our Participation Officer undertook Technology of Participation facilitation training with the International Association of Facilitators and is now a member of the relevant professional network.

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.

Demand for our support and advice on taking a human rights based approach has increased significantly in recent years. To enable us to maximise the impact of our resources and expertise, we have continued to build a peer network of organisations with practical experience of, and interest in, strengthening their work in this area.

We continued to deliver training and capacity building directly to organisations interested in taking a human rights based approach to their work. In 2019–20 we supported a range of organisations including Audit Scotland, Scottish Community Alliance, Shared Lives, Creative Scotland, Sue Ryder, Impact Funding Partners, Support In the Right Direction funded organisations, the Scottish Commission on Learning Disabilities, and Health and Social Care Partnerships in Edinburgh and Glasgow.

Building on the successful Housing Rights in Practice project, which came to an end in June 2019 (see outcome 6), we worked to increase understanding of a human rights based approach to tenant participation with relevant organisations. This included engagement with Shelter Scotland, the Scottish Housing Regulator and the Association of Local Authority Chief Housing Officers (ALACHO).

We continued to disseminate and promote the use of our Self-Assessment Tool on the PANEL principles:

- + Participation
- + Accountability
- + Non-discrimination and Equality
- + Empowerment
- + Legality

There is a need to develop and consolidate additional training materials, case studies and other practical resources to support organisations interested in taking a human rights based approach. This was not possible during 2019-20 due to insufficient capacity but will be taken forward in the period ahead.



Human Rights Based Approach A Self-Assessment Tool

December 2018

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.

The Commission works with people affected by human rights issues in a range of settings.

Survivors of historical child abuse

The Commission chairs the Historical Abuse InterAction Review Group which operates as an accountability mechanism for the ongoing implementation of the Scottish Government's Historical Abuse Action Plan.

In November 2019, the Commission responded to the Scottish Government's consultation on developing a financial redress scheme for survivors of historical childhood abuse. We made a series of specific recommendations to ensure this scheme took a rights based approach and welcome progress made with the development of the scheme. The Commission will engage in the parliamentary process scrutinising the Redress for Survivors (Historical Child Abuse in Care) Scotland Bill.

Social housing tenants and residents

After four years, our Housing Rights in Practice project came to an end in June 2019. With £2.3 million invested by the local authority in improving housing conditions for residents in Leith and strong evidence of much wider impact on people's confidence and ability to understand and claim their human rights, the project has provided us with an important case study of a human rights based approach in action. A full report sharing the lessons learned from this work will be published in early 2020-21.

People with lived experience of poverty

The Commission continued its longstanding work with a Reference Group of people with lived experience of poverty, which continues to be a serious human rights issue in Scotland. This work is reported on under Outcome 4.



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.

The Commission has worked with Her Majesty's Inspector for Prisons in Scotland (HMIPS) for several years to support a human rights based approach to the inspection and monitoring of prisons. We provide advice in relation to the inspection standards and assist HMIPS to undertake inspections to ensure that the human rights of prisoners are being respected.

In 2019-20, we were involved in the inspection of HMP Glenochil, HMP Barlinnie and HMP Edinburgh. Following the Commission's input, HMIPS inspection reports now follow the principles of a human rights based approach; however, work remains to be done to develop stronger human rights indicators.

The Commission has been engaging with the Scottish Government through the Equality Budget Advisory Group to help embed human rights in budget discussions and connect those discussions to the National Performance Framework (NPF) Outcomes. We have provided input to the development of human rights based indicators and to the integration of the human rights framework with the Sustainable Development Goals (SDGs). As a member of the SDG Network Scotland, we contributed to a Scottish Supplementary Review for the UK's Voluntary National Review (VNR) in July 2019. We also submitted a short briefing focusing on key concerns about the Scottish Government's current approach to SDG monitoring and implementation, as well as some reflections of the benefit a formal process for NHRI engagement could bring to the VNR process.

OUTCOME 8

Scotland's National Action Plan for Human Rights is operating as a collaborative framework for action on human rights.

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

The Commission continued to support the development of a second iteration of SNAP (SNAP 2) to build on the actions, impact and learning from its first four-year cycle, which ended in December 2017. We also continued to pursue a long-term and sustainable resourcing and governance structure for SNAP, primarily with the Scottish Government.

We continued to chair and provide secretariat support to a Development Working Group of around 15 organisations and individuals to produce a set of draft proposals for SNAP 2. These were published in September 2019.

Between September 2019 and January 2020, around 130 people and organisations gave their views and feedback on the draft proposals. Two engagement events were held, one for people affected by human rights issues and one for organisations with human rights obligations. An online consultation also took place. BSL and Easy Read information about the process was also produced. A report on the feedback received will be published in summer 2020 (this was delayed due to COVID-19).

The Commission also coordinated talks with the Scottish Government throughout the year, with a view to securing ongoing commitment and resources for SNAP 2. Significant progress was made including Ministerial commitments on a number of key issues in January 2020. Work to progress this was taking place as the year ended but was suspended temporarily due to COVID-19. This will be restarted in 2020-21 with a view to finalising plans for SNAP 2 by March 2021.

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 (ENNRHI and GANHRI) and the Commonwealth Forum of National Human Rights Institutions (CFNHRI). We also participate in other international human rights networks and mechanisms where this is useful and appropriate to our mandate.

This year, Commission staff took part in a range of events and activities to share our strategic expertise and to learn from others with a view to strengthening our domestic activities. This included:

- ✚ Participation in the ENNHRI Academy including presentations on a human rights based approach to measuring national progress and human rights budget work.
- ✚ Contribution to meeting of a European-level Collaborative Platform on Social and Economic Rights and the ENNHRI Economic, Social and Cultural Rights Working Group. We shared learning regarding legal incorporation of economic, social and cultural rights and our experience of using relevant procedural protections.

- + Information on human rights budget work programme shared with a European-level Collaborative Platform on Social and Economic Rights, the Reykjavik Municipality and the European Commission on request.
- + Represented ENNHRI at a Regional Forum on the Sustainable Development Goals, giving a presentation on the added value of partnership with NHRIs in policy making informed by human rights-based data.
- + Worked with the Danish Institute for Human Rights and ENNHRI to develop a workshop programme for a Regional Seminar on Human Rights and 2030 Agenda for Sustainable Development Goals.
- + Re-election as Chair of ENNHRI Communications Working Group and presentation at a training workshop with the ENNHRI Economic, Social and Cultural Rights Working Group which included sharing audience insight research methods and our work to promote the right to food. We provided input to a European high-level meeting of human rights communicators as part of this role.
- + Conceptual and strategic support to the GANHRI Working Group on the COP26 climate change summit.
- + Attended a seminar organised by the Council of Europe as part of their Neighbourhood Partnership with Morocco sharing experience and learning from Scotland on the development and implementation of SNAP.



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 7).

In summer 2019, the Commission undertook a review to assess and identify the resources required to fully deliver on all of its Strategic Priorities for 2020–2024. The review concluded that significant additional staff resource would be required, and a business case for growth was submitted to Scottish Parliamentary Corporate Body (SPCB). Additional funds representing around a 10% increase to our annual budget were subsequently approved for the next two financial years (April 2020 – March 2022).

Business continuity plans were implemented in March 2020 due to the impact of COVID-19. These were successful in allowing Commission operations to continue with minimal impact to productivity despite the required changes in working practices and conditions.

The Commission's organisational policies and procedures were assessed at the end of 2019 and those requiring review and/or update were identified. These policy reviews commenced at the end of 2019 and will continue into 2020–21.

This year we continued work to strengthen our practices in relation to data protection, records management and accessibility of information. We updated our Model Publication Scheme, carried out an accessibility audit of our website and undertook an internal programme of improvement work to streamline and systematise our approach to handling and storing personal data.

We continued to support our staff team's professional development. Activities this year included refresher training for all staff on Freedom of Information and a collaborative training seminar on working with deafblind people, organised by the Commission and made available to colleagues in other public authorities. Health and Safety training was provided in the form of an update for all staff, along with specific training for relevant staff on first aid, display screen equipment assessment and fire warden training. Other examples of CPD included mentoring and role-specific training.

During 2019-20 we prepared submissions to the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions, which is the mechanism for accrediting our work as a National Human Rights Institution within the United Nations system. The accreditation process was delayed due to COVID-19 and will now take place during 2020-21.

Financial Summary

Funding

The Commission receives annual funding from the Scottish Parliamentary Corporate Body (SPCB) and occasional small grants from other sources. The SPCB approved a cash budget of £988,000 for financial year 2019-20.

Financial Position

Financial year 2019-20 was the Commission's eleventh full year of operation. The Commission's net expenditure on operating activities for the year ended 31 March 2020 totalled £975,000.

A further breakdown of expenditure is set out below.

Expenditure	£'000
Staff costs	792
Operational costs	103
IT costs	15
Website	4
Training and subscriptions	13
Auditor's remuneration	14
Printing, stationery and library costs	3
General office costs	9
Travel	12
Legal and consultancy fees	4
Recruitment costs	6
Total	975

The Commission moved into shared office accommodation in Bridgeside House in January 2019 alongside the Scottish Public Services Ombudsman (SPSO) and the Children and Young People's Commissioner Scotland. All property costs are borne by SPSO and the funds previously allocated to these in our budget has been transferred to SPSO's budget.

Who We Are

The Commission team comprises a full-time Chair, three part-time Commissioners and 13 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

Kavita Chetty, Head of Strategy and Legal

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Emma Hutton, Head of Communications and Engagement

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General Enquiries

hello@scottishhumanrights.com

Please see our [website](#) for full details of our current staff team.

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.

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 297 5750**.

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SHRC/2020/02

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