



Accountability

Strengthening Rights

Global & Local

Ownership

## Foreword

This Annual Report covers the period April 2020 to March 2021, a year that was deeply affected by COVID-19. The pandemic, and the policy response to it, had several significant consequences for the Commission as we embarked upon the first year of delivery of our [Strategic Plan 2020-24](#).

We experienced a sharp rise in demand for the Commission's expertise and input, given the significant and serious human rights considerations arising from COVID-19.

The Commission monitored and drew attention to a range of human rights issues during the immediate pandemic response, across [multiple issues and contexts](#). In some areas, we were able to do this in depth and achieve change. For example, our [impact monitoring research on social care provision](#) helped inform an Independent Review of Adult Social Care. We also successfully influenced changes to emergency legislation, prison practices and clinical guidance. In other areas, such as the impact of COVID-19 on specific vulnerable communities, we were unable to provide detailed guidance and expertise due to a lack of resources.

While responding to the immediate challenges and demands of COVID-19, the Commission also made good progress throughout the year towards the key priorities of our Strategic Plan 2020-24.

Through our active participation in a National Taskforce on Human Rights Leadership, we helped secure Scottish Government commitment to [incorporating a wide-ranging set of international human rights directly into Scots law](#). This legislation has the potential to transform how people's rights are respected, protected and fulfilled. Securing this commitment was the culmination of over a decade of advocacy, advice and engagement by the Commission. Our attention will now turn to ensuring that it is developed and then implemented in a robust, meaningful and effective way.

2020-21 also saw the Scottish Parliament pass two new important pieces of legislation affecting people's rights. One, to provide financial redress

for survivors of historical child abuse in care, and another to incorporate the United Nations Convention on the Rights of the Child into Scots law. Both of these new laws followed many years of policy work, stakeholder engagement and human rights analysis by the Commission and others.

We continued to co-Chair an Independent Review into the Response to Deaths in Prison Custody. This work was delayed as a consequence of COVID-19; the Review will now conclude and report in 2021-22.

Good progress was made this year in advancing an informed discourse around human rights in the media, social media and within the Scottish Parliament and public policy arena. Monitoring data showed sustained levels of coverage and engagement with our own work and human rights more broadly, including but not only in the context of COVID-19.

We also progressed work to embed the participation of people with lived experience of human rights in our work. In December 2020, the Commission adopted Terms of Reference for a Lived Experience Leadership Group, and approved plans to expand, diversify and provide practical support to this Group over the coming years.

As the year drew to a close, the Commission was pleased to secure commitment from the Scottish Government to provide financial and other resources to support the next phase of Scotland's National Action Plan for Human Rights. This included funding for 2021-22 for a dedicated Secretariat staff post. Nonetheless, challenges remain with securing the long-term future of this programme of work.

Other programmes of work were impacted by the need to respond to the immediate legal and policy issues raised by the pandemic. We were unable to make progress with developing our approach to using our legal powers of intervention. Our international treaty monitoring work was delayed in line with delays at the United Nations level. Although we delivered some training and capacity building work online, including with the Scottish Housing Regulator, other external stakeholders also delayed or deferred their requirements in this area.

The Commission also continued to address issues of organisational development during the year. Following a temporary increase in our funding from the Scottish Parliament Corporate Body, we completed an interim restructure of our staff team and recruited additional posts. We also commissioned and completed a review of our governance arrangements, with the report and recommendations from this process being taken forward in 2021-22.

Thanks to the effort and commitment of our staff, we were largely able to meet the demands faced this year, despite the challenges and pressures involved. However, the Commission continues to experience challenges around its limited resources in the context of a broad statutory mandate and ever-increasing demand for our services. In 2021-22, we will develop and submit a further business case to secure a long-term uplift to our resource base, particularly in the context of an imminent, potentially ground-breaking new human rights law for Scotland.

**Judith Robertson, Chair**

**On behalf of the Scottish Human Rights Commission**

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## About the Commission

The Scottish Human Rights Commission is Scotland's National Human Rights Institution. Established by the [Scottish Commission for Human Rights Act 2006](#), we fulfil a broad statutory mandate to protect people's rights, and hold government and public bodies to account for their human rights obligations.

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 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.

Have a responsibility to work with both civil society and the state.

# Our Strategic Plan 2020-24

The Commission's fourth Strategic Plan was published in March 2020 following consultation and engagement with a wide range of people and organisations. It establishes four Strategic Priorities for our work for 2020-2024. The Commission has also identified 21 mid-level outcomes that represent key indicators of progress towards each of our four Strategic Priorities.

## Strategic Priority 1.

Progressing understanding and strengthening legal protection of economic, social and cultural rights

**Outcome 1.1** An Act of the Scottish Parliament is passed which gives the strongest protection possible to internationally protected rights, with a particular focus on economic, social, cultural and environmental rights.

**Outcome 1.2** There is an increase in knowledge and understanding about economic, social and cultural rights across Scottish Parliament, Scottish Government, civil society and rights holders.

**Outcome 1.3** The Commission and other key stakeholders contribute to human rights based scrutiny of Scotland's Budget and are better able to hold government to account for budget choices.

**Outcome 1.4** The Scottish Government and local government are better able to demonstrate improvements in fiscal transparency and participation, and an understanding of key concepts around human rights budgeting.

## Strategic Priority 2.

Strengthening accountability for meeting human rights obligations

**Outcome 2.1** Domestic legal protections for human rights are strengthened and not weakened.

**Outcome 2.2** Barriers to access to justice are mapped and progress is made to remove them in key identified areas.

**Outcome 2.3** Accountability Gaps in law are highlighted and addressed through the strategic use of our legal powers, contributing to enhanced legal protection of rights.

**Outcome 2.4** An increased number of inspectorate and regulation bodies take a human rights based approach to their enforcement powers.



**Outcome 2.5** Parliamentary scrutiny is increasingly informed by human rights and human rights based approaches in practice.

**Outcome 2.6** UN Treaty body concluding observations and recommendations reflect issues affecting people in Scotland and action is taken to implement them.

**Outcome 2.7** The UK's National Preventive Mechanism is stronger at achieving the purpose of Optional Protocol to the Convention Against Torture and strengthening the protection of persons deprived of their liberty.

**Outcome 2.8** The National Performance Framework better measures progress towards realising human rights and makes stronger connections between human rights and achieving the Sustainable Development Goals.

## Strategic Priority 3.

### Building wider ownership of human rights

**Outcome 3.1** An increased number of public bodies demonstrate that they consider and implement human rights in the design, delivery and scrutiny of services, with services showing improved outcomes for people as a result.

**Outcome 3.2** An increase in informed human rights discourse in the Scottish media and social media.

**Outcome 3.3** An increase in parliamentary debates and scrutiny informed and framed by human rights.

**Outcome 3.4** Scotland's National Action Plan for Human Rights is better resourced and able to deliver on its defined priorities, continuing to act as a mechanism for collective action on rights across civil society, public bodies and government.

**Outcome 3.5** The Commission's work increasingly reflects the voices and experiences of people affected by the human rights issues we work on, and those experiences are more reflected in public debate.

## Strategic Priority 4.

### Advancing best practice locally and sharing our learning globally

**Outcome 4.1** The delivery of our Strategic Plan reflects global best practice in the implementation of human rights

**Outcome 4.2** Climate justice is increasingly understood as a human rights issue in Scotland and beyond

**Outcome 4.3** Regional and international human rights actors invite the commission to share our work to inform practice elsewhere, with our contribution leading to positive, progressive change

# Strategic Priority 1

Progressing understanding  
and strengthening legal  
protection of economic,  
social and cultural rights.

The Commission wants to see strengthened understanding, legal protection and implementation in Scotland of economic, social and cultural rights (ESCR), and other internationally protected rights. We believe this has the potential to contribute significantly to progress towards a Scotland which is achieving its Sustainable Development Goal commitments, is free from poverty in all its forms, and where no one is left behind.





## Towards a New Human Rights Bill for Scotland | Outcome 1.1

Throughout 2020-21 the Commission was an active member of the National Taskforce for Human Rights Leadership. The National Taskforce was established by the Scottish Government to develop proposals for a new Act of the Scottish Parliament to incorporate a wider range of international human rights into Scots law.

The Commission provided detailed expertise, advice and analysis to the Taskforce, both as a full Taskforce member and through our participation in multiple working groups. We contributed in-depth input on international human rights legal standards, models of incorporating international rights into domestic law, and mechanisms for strengthening accountability, access to justice and remedies.

In March 2021, the National Taskforce published its final recommendations, which were immediately accepted by the Scottish Government in full and which reflected, to a large extent, the Commission's views and analysis.

Following the [Taskforce's recommendations](#), a new Human Rights Bill will be introduced in the early part of the 2021-26 Scottish Parliament. The Bill will incorporate four United Nations human rights treaties into Scots law, covering:

economic, social and cultural rights, women's rights, disabled people's rights, and the rights of black and ethnic minority people, The proposed Bill will also include a right to a healthy environment, rights for older people, and an equality clause, including for LGBT+ people, to ensure equal access to the rights contained in the Bill.

The new legislation will mean public bodies and others will have duties to uphold all of these rights, and they will become enforceable in Scottish courts. Following the Commission's input, a parallel programme of public participation and awareness raising will help inform and shape the Bill. Further detailed work will also take place to develop appropriate remedies and access to justice.

The progress made in 2020-21 represents significant impact as a result of the Commission's work in this area over many years. Considerable work is now needed to ensure the new legislation fulfils its potential to transform how people's rights are respected, protected and fulfilled in Scotland.

“ ”

“Today's commitments represent a major milestone and mark the beginning of a vital new era for human rights in Scotland. The Commission and others have been advocating for and laying the groundwork for this move for over a decade. We are delighted to see a significant step towards achieving stronger implementation and legal protection for people's rights in Scotland.”

Judith Robertson, Chair of the Commission, March 2021

## All Our Rights in Law Public Engagement Project | Outcome 1.2

All Our Rights In Law was a public engagement project run by the Human Rights Consortium Scotland and the Commission from October 2020. The project gathered views from people around Scotland about proposals for a new human rights law. People's views were shared with the National Taskforce on Human Rights Leadership to help shape its recommendations.

**430**  
People

**35**  
Conversations

**4**  
Months

The All Our Rights In Law project heard from around 430 people who took part in around 35 community conversations over four months from October 2020.

A report of what people said, and their recommendations for next steps, was published in March 2021.





# Human Rights Budgeting Project |

## Outcomes 1.3 and 1.4

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 continued this year, with a particular focus on the impact of COVID-19 on budgeting and the need for a human rights based economic recovery.

- ◆ We published a report on the impact of COVID-19 on public finances and the Fiscal Framework, written in partnership with the Health and Social Care Alliance.
- ◆ We submitted evidence to the Scottish Government's Advisory Group on Economic Recovery, setting out the importance of the human rights framework in responding to the pandemic.
- ◆ We made a submission to the Scottish Government's pre-budget call for views on supporting the COVID-19 recovery through Scotland's taxes and fiscal framework.

We also presented an analysis of the relevance of human rights within each of the 300+ Programme for Government actions at the December meeting of the Scottish Government's Equality Budget Advisory Group (EBAG).



This year, our work began to have an impact on the Scottish Government's approach to the national budget. For the first time, the annual Equality and Fairer Scotland Budget Statement drew connections between human rights, government portfolios and spending decisions.

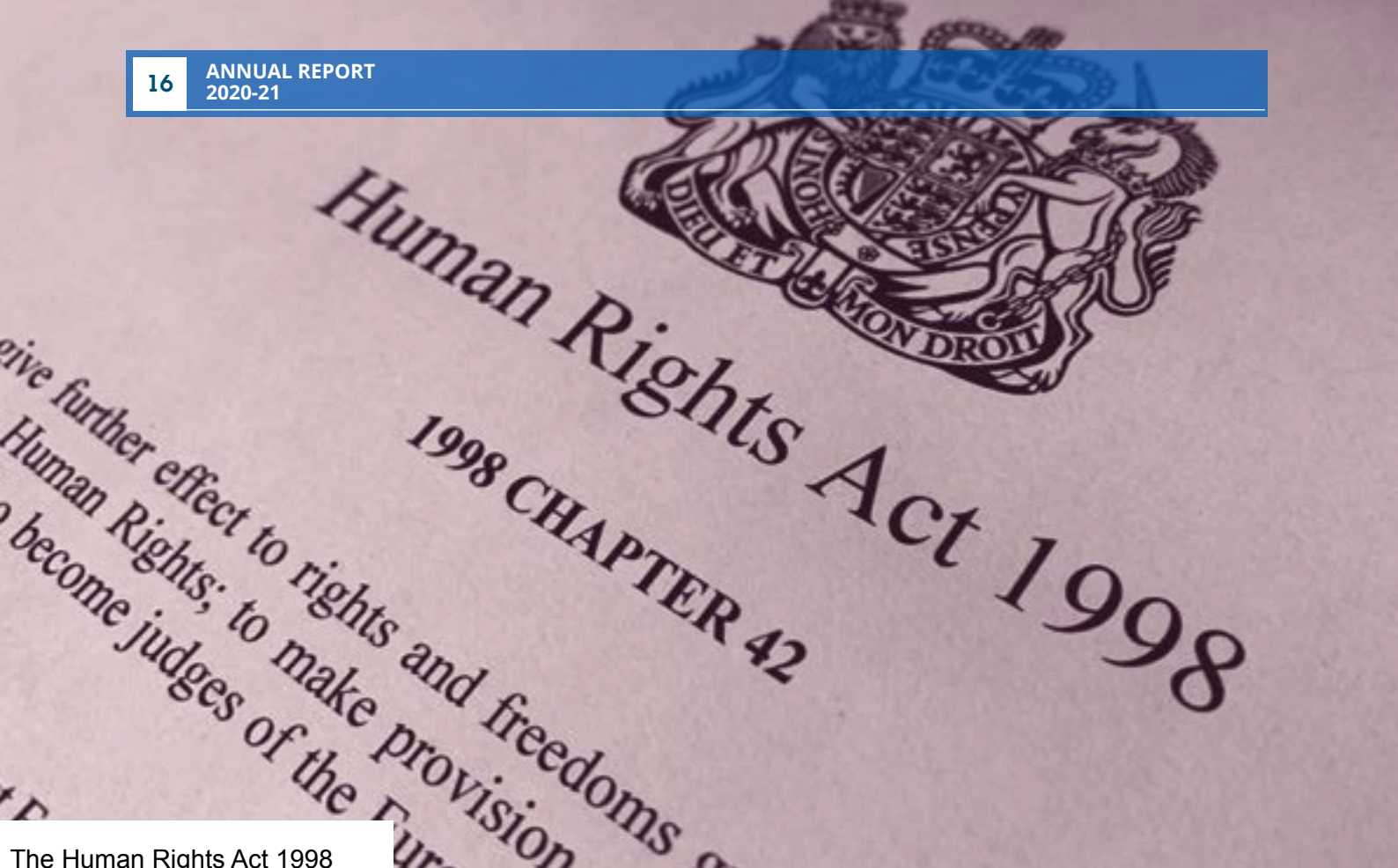
# Strategic Priority 2

## Strengthening accountability for meeting human rights obligations.

The Commission wants to see a Scotland where those with power are held to account for meeting their human rights obligations. This accountability should extend to all civil, political, economic, social and cultural rights, and should apply in law, policy and practice.

We want accountability for human rights in Scotland to be strong locally, internationally, politically, legally, and in everyday practice.





The Human Rights Act 1998

## Defending the Human Rights Act | Outcome 2.1

In March 2021, the Commission submitted comprehensive written and oral evidence to the UK Government's Independent Review of the Human Rights Act. Our evidence made clear that the Human Rights Act is an important piece of human rights legislation that needs to be protected and built on. We expressed our concerns that the questions asked by the Review risked undermining the Human Rights Act.

We echoed these concerns in separate evidence to an Inquiry into the Review by the UK Parliamentary Joint Committee on Human Rights. The Review's subsequent report (published in July 2021) incorporated key elements of our evidence, particularly in relation to the Scottish context.

We also worked closely with relevant civil society, parliamentary and government stakeholders in Scotland, and colleagues in other parts of the UK, ensuring a coordinated response to the issues raised by the Review.

The Review is expected to make recommendations to the UK Government in 2021-22.

As part of our work on defending the Human Rights Act we produced a short video animation detailing what the Human Rights Act does and how it affects people's lives in Scotland. This reached over 15,000 people across our social media channels and was viewed around 2,000 times.

15,000  
people  
reached



2000  
views



## The Scottish Mental Health Law Review

### | Outcome 2.1

Our work on the Scottish Mental Health Law Review saw it commit to taking a human rights based approach to its work, which has included ensuring that people with lived experience of mental health issues, and carers, are involved in the Review's Executive Team and working groups.

The Commission was represented in two of these working groups and provided a capacity building session to members of the Economic, Social and Cultural Rights (ESC) Working Group in August 2020.

The review published an interim report in December 2020, to which the Commission contributed a high level analysis of economic, social and cultural rights.



## Securing Access to Justice | Outcome 2.2

Following over a decade of work on justice and remedies for survivors of historical child abuse, the Commission this year welcomed the passing of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill by the Scottish Parliament.

This legislation creates a new independent body, Redress Scotland, to administer a scheme making financial payments to survivors of historical child abuse in care in Scotland. The legislation also provides for non-financial support for survivors, such as emotional, psychological or practical support.

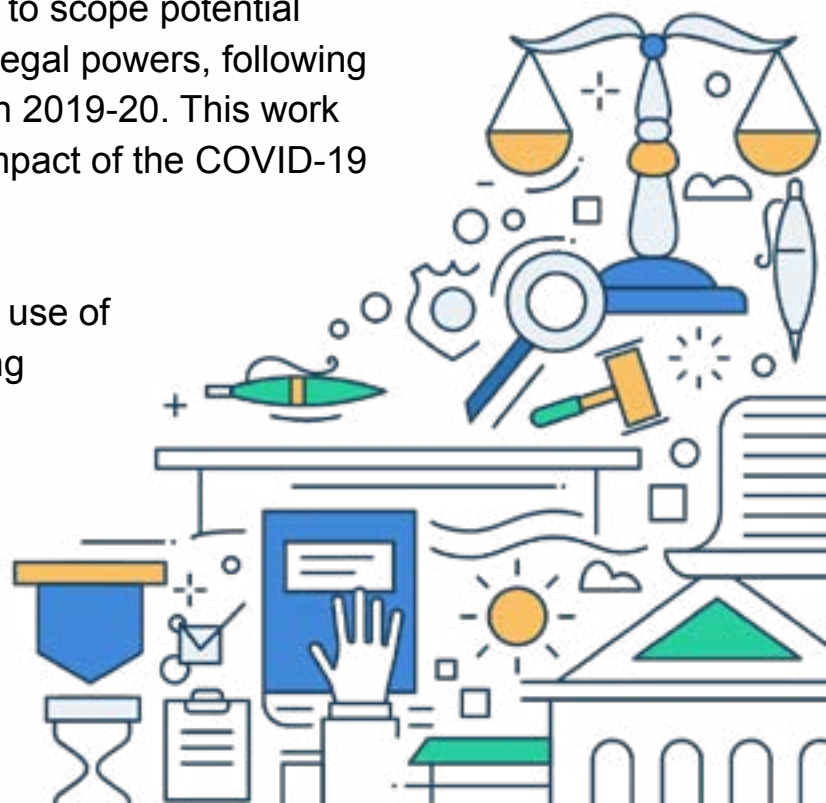
The Commission is a member of the Review Group that was established to ensure the continued and effective implementation of the Action Plan for Survivors of Historic Abuse. The Bill represented a key milestone in the actions identified in the original action plan.

We have continued to chair and attend InterAction Review Group meetings and have been working with the group to facilitate sessions aimed at survivors' participation in the design and shape of the new survivor forum.

## Using our Legal Powers | Outcome 2.3

This year, the Commission continued to scope potential opportunities for strategic use of our legal powers, following our first intervention in civil litigation in 2019-20. This work was paused for a period due to the impact of the COVID-19 pandemic.

Our 2019 intervention challenged the use of “lock changes” to force people seeking asylum from their accommodation in Glasgow. This intervention played an important role in raising awareness of international human rights obligations in the judicial process, as well





as highlighting to the court the human rights impacts on those affected. It also raised a matter of public interest in relation to the role of private sector contractors and human rights. This year, we explained and [expanded on this in an extended article for the Law Society of Scotland Journal](#).

## **Embedding a Human Rights Based Approach in the Work of Inspectorate and Regulation bodies | Outcome 2.4**

### **Scottish Housing Regulator**

This year, the Commission trained all (50+) staff and some Board members at the Scottish Housing Regulator (SHR) in the right to housing and in human rights based approaches. This capacity building was positively evaluated by participants including the Chair and the Chief Executive of SHR. Further work to build on this will take place in 2021-22.

### **Prison Inspections and Prison Monitoring**

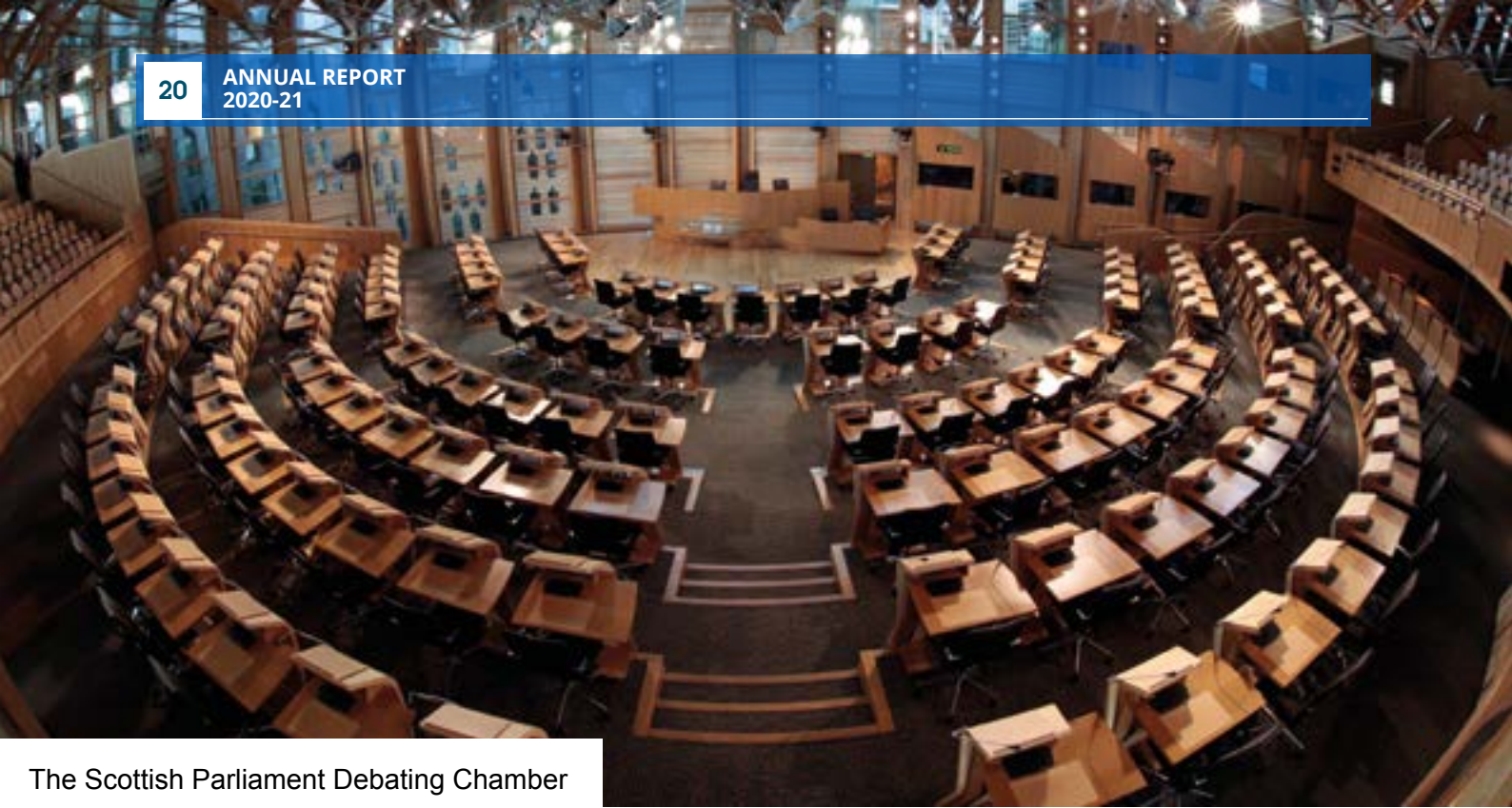
The Commission has worked with Her Majesty's Inspector for Prisons in Scotland (HMIPS) for several years to support a human rights based approach to the inspection and monitoring of prisons. We provide advice in relation to prison inspection standards and assist HMIPS to undertake inspections through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

Physical prison inspections were suspended throughout 2020-21 due to the COVID-19 pandemic. This made monitoring the situation in Scotland's prisons challenging.

However, throughout the year, we continued our work to increase the visibility of human rights within prison inspections and the work of HMIPS.

We wrote to the Cabinet Secretary for Justice in June 2020 and January 2021 to highlight ongoing concerns about the conditions of some prisoners during COVID-19.

We submitted our [response to the Scottish Parliament's Equalities and](#)



The Scottish Parliament Debating Chamber

[Human Rights Committee Inquiry on COVID-19 and Human Rights](#), which highlighted human rights implications of measures taken in response to COVID-19, including comments on issues such as prisons, policing and trials. We also engaged with civil society and MSPs on these issues.

## Embedding Human Rights in the Work of the Scottish Parliament | Outcome 2.5

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 (MSPs) and the Parliament's Committee structures.

Plans to roll out training on human rights to MSPs had to be put on hold due to the impact of COVID-19. This training had previously been piloted in 2019-20 and was well-received.

However, the Commission engaged extensively with the Scottish Parliament in other ways during 2020-21, particularly in relation to parliamentary scrutiny of COVID-19 legislation, policy and decision-making (see p.25, Outcome 3.1).

# International Treaty Monitoring |

## Outcome 2.6

During 2020-21, the Commission's programme of work to monitor and report on the implementation of international human rights treaties in Scotland was affected by the COVID-19 pandemic, and delays to the United Nations tabled treaty reporting sessions. The Commission therefore also delayed planned work to gather information and prepare reports in relation to the Convention on the Elimination of Racial Discrimination (CERD), and the Universal Periodic Review (UPR) of the implementation of all international treaties.

Despite these delays, our report for the International Covenant on Civil and Political Rights (ICCPR) session was considered by the UN Human Rights Committee in March 2021. Many of the issues we raised were reflected in the Committee's List of Issues. We will be preparing a full report for the review in 2022.

In March 2021, together with UPR Info, we hosted an online capacity building webinar for civil society on the UPR, which was well attended and gained positive feedback. Further sessions are planned for 2021-22 which will focus on report drafting and forming coalitions, as well as monitoring implementation of UPR recommendations in Scotland.



**UPR**  
**Scotland's Human**  
**Rights Report Card**  
Universal Periodic Review

We also began work with the Human Rights Consortium Scotland to plan a series of events for 2021-22 to focus on collecting evidence for the UPR from civil society organisations across Scotland.

Planning work also began on a joint response for the Convention on the Rights of Persons with Disabilities (CRPD) as part of the United Kingdom Independent Mechanism (UKIM). UKIM is tasked with promoting, protecting and monitoring implementation of the CRPD across the UK.

Work also took place to develop a submission to the European Committee of Social Rights, which focused on “Health, Social Services and Social Protection”.

## National Preventive Mechanism |

### Outcome 2.7

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.

As the current Chair of the Scottish sub-group of the National Preventive Mechanism (NPM) the Commission was able to co-ordinate and focus COVID-19 related advocacy work on prevention of ill-treatment. This included engaging with Scottish Government Ministers and officials to highlight concerns in relation to prisons and other places of detention.

Together with other members of the NPM, in January 2021, we commissioned independent research on progress made against the findings and recommendations of the European Committee for the Prevention of Torture (CPT) from their visits to Scotland in 2019 and 2020. The research report will be published in 2021-22.



# Human Rights Based Approach |

## (Outcomes 2.4, 2.5 and 3.1)

A human rights based approach ensures that people's rights are put at the very centre of policies and practices. The PANEL principles are one way of breaking down what this means in practice. These are:

### Participation



### Accountability



### Non-Discrimination



### Empowerment



### Legality



This year we produced a [short animation](#) to sit alongside our [Human Rights Based Approach Self-Assessment Tool](#).





# Strategic Priority 3

## Building wider ownership of human rights

The Commission wants to see a Scotland where everyone knows and understands the value of their rights, particularly in their everyday lives. And we want people to be able to work together with those with responsibilities to uphold rights, to put them into practice.





In 2020-21, a significant focus of the Commission's work involved responding to the COVID-19 pandemic, influencing associated responses by government and public bodies, and informing the wider public discourse around human rights in this context.

## COVID-19 Policy Work | Outcomes 3.1 and 3.3

We provided and disseminated human rights based analyses of multiple COVID-19 legislative and policy measures, including:

- ◆ emergency legislation (the Coronavirus Act 2020)
- ◆ changes to social care assessment and decision making processes
- ◆ guidance for care homes
- ◆ contact testing and tracing
- ◆ police use of temporary powers
- ◆ arrangements for prisoners
- ◆ student accommodation
- ◆ wider policy on economic recovery and social renewal.

Our recommendations were acted on in some cases, including revised

guidance for adult care homes and a commitment by government to take a human rights based approach to a future public inquiry. We also noted increased attention and awareness in the Scottish Parliament on the rights implications of decisions being made.

In other cases, public bodies and policy makers were less responsive to our recommendations, including ongoing efforts to reduce prison numbers in the course of the pandemic.

All of the Commission's COVID-19 policy work is collected in a [dedicated section of our website](#).

## Wider Policy Work | Outcomes 3.1 and 3.3

We also contributed expert human rights analysis and evidence to a wider range of legislative and policy processes, beyond those directly related to COVID-19.

This included:

- ◆ Evidence to inform the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill (see outcome 2).
- ◆ Evidence to inform the UN Convention on the Rights of the Child Bill.
- ◆ Evidence to the UK Government's Independent Review of Administrative Law.
- ◆ Evidence to the UK Government's Independent Review of the Human Rights Act and the Joint Committee on Human Rights Inquiry into the Review (see outcome 2).
- ◆ Briefing to inform the Forensic Mental Health Review.
- ◆ Submission to the Scottish Parliament Justice Sub-Committee on Policing on Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing.
- ◆ Submission to the Scottish Government's consultation on Scotland's third land use strategy.
- ◆ Evidence to the Scottish Parliament Justice Sub-Committee on Policing on the use of remote piloted aircraft systems, also known as drones, and

body worn video cameras by Police Scotland.

- ◆ Submission to Scottish Government's consultation on the Digital Strategy for Scotland.

All of the Commission's policy submissions are published on [our website](#).

Our legal policy work resulted in human rights considerations being addressed and acted on in a number of important areas. For example:

- ◆ The Angiolini report on police misconduct and complaints recommended substantial reform [in line with many of our recommendations](#).
- ◆ The financial redress scheme established for survivors of historical child abuse in care [reflected extensive input from the Commission and an InterAction Review Group of survivors](#), with whom we have worked for many years.
- ◆ The definition of public functions in the final UNCRC Bill [reflected our input](#).
- ◆ The final report of the Forensic Mental Health Review [reflected key human rights principles and considerations](#).

“ ”

"Child abuse is a human rights violation. Anyone who has been subjected to such abuse has a right to an effective remedy including prompt reparation. This legislation is a significant step forward in ensuring that survivors in Scotland are afforded that right."

**Judith Robertson welcoming the passing of the Redress for Survivors legislation**

## COVID-19, Social Care and Human Rights: Impact Monitoring Report | (Outcome 3.1, 3.3)

In summer 2020, the Commission carried out monitoring research into the impact of the COVID-19 pandemic, and how it was managed, on people's rights in the context of care at home and support in the community.

In October, we published our findings with a comprehensive report detailing how the removal of care plans during COVID-19 had a direct and detrimental effect on people's rights, including potential unlawful interferences and non-compliance with rights contained in the European Convention on Human Rights and the United Nations Convention on the Rights of Persons with Disabilities. Rights affected include people's rights to physical and psychological integrity, private and family life, and to independent living in the community.

“ ”

“...individualized support services must be considered a right... access to a range of individualized support services is a precondition for independent living within the community”

**(United Nations Committee on the Rights of Persons With Disabilities)**

“All the flaws in the system are being horribly exposed in a way that no-one ever thought they would be.”

**(Interviewee)**



The report set out 24 recommendations for action, calling for the immediate return of social care support to address human rights concerns.

We launched the report with a media and social media campaign, securing feature coverage on BBC The Nine, TV and radio news broadcasts, and across national, sector and local print media.

We also held a well-attended online stakeholder discussion event, bringing together people whose rights had been affected with representatives from third sector and civil society organisations, Scottish and local government, inspectorates and regulators.

The report was referenced in the Report of the Independent Review of Adult Social Care, which was published in February 2021 and made 53 recommendations, including taking a human rights based approach to social care, and in the creation of a national care service.



## Media and Communications | Outcome

### 3.2

Media and communications activity helped to raise awareness of the human rights issues we worked on during 2020-21, both during the COVID-19 pandemic, and from our ongoing programmes of work.

During the year, we achieved print media coverage of our work in 251 unique articles compared to 174 unique articles in 2019-20. Articles appeared in 107 different outlets compared to 162 different outlets in 2019-20. These figures reflect a greater and more frequent number of unique articles discussing the Commission's work in key national publications, and a reduced number of syndicated articles mentioning the Commission's work in local and regional publications.

Key topics covered by media included:

- ◆ human rights in care homes
- ◆ our report into social care and human rights during COVID-19
- ◆ human rights in prisons
- ◆ general coverage of our work on human rights and COVID-19

Our work on human rights budgeting and incorporating international human rights into domestic law was also covered.

In 2020-21 we improved our media monitoring arrangements to include broadcast media coverage, which will enable us to monitor and report on this from 2021-22 onwards.

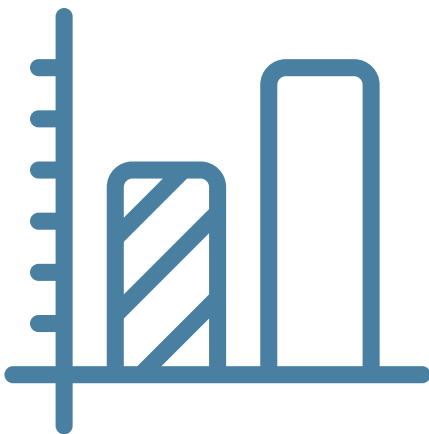
We also grew our digital reach with a further 1,000 new followers on Twitter, giving us a total of around 9,500 followers. Our Twitter content reached nearly 1 million users throughout the year, an increase from 627,000 in 2019-20. The average reach of each piece of Twitter content was 3,400 users, an increase from 2,600 in 2019-20.

The Commission's website supports all of our media and communications work, providing access to all of our published information including statements, press releases, policy submissions and reports. During 2020-

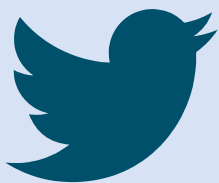
21 we implemented a series of changes to the navigation structure of the website to better respond to the needs of our users. We also improved the [accessibility of our website content](#) to meet the requirements of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.



**251**  
**unique**  
**articles**



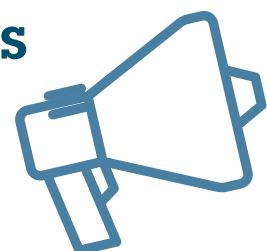
**107**  
**news**  
**outlets**



**1,000 new**  
**Twitter followers**



**Over 1 million people reached**  
**across our social media channels**



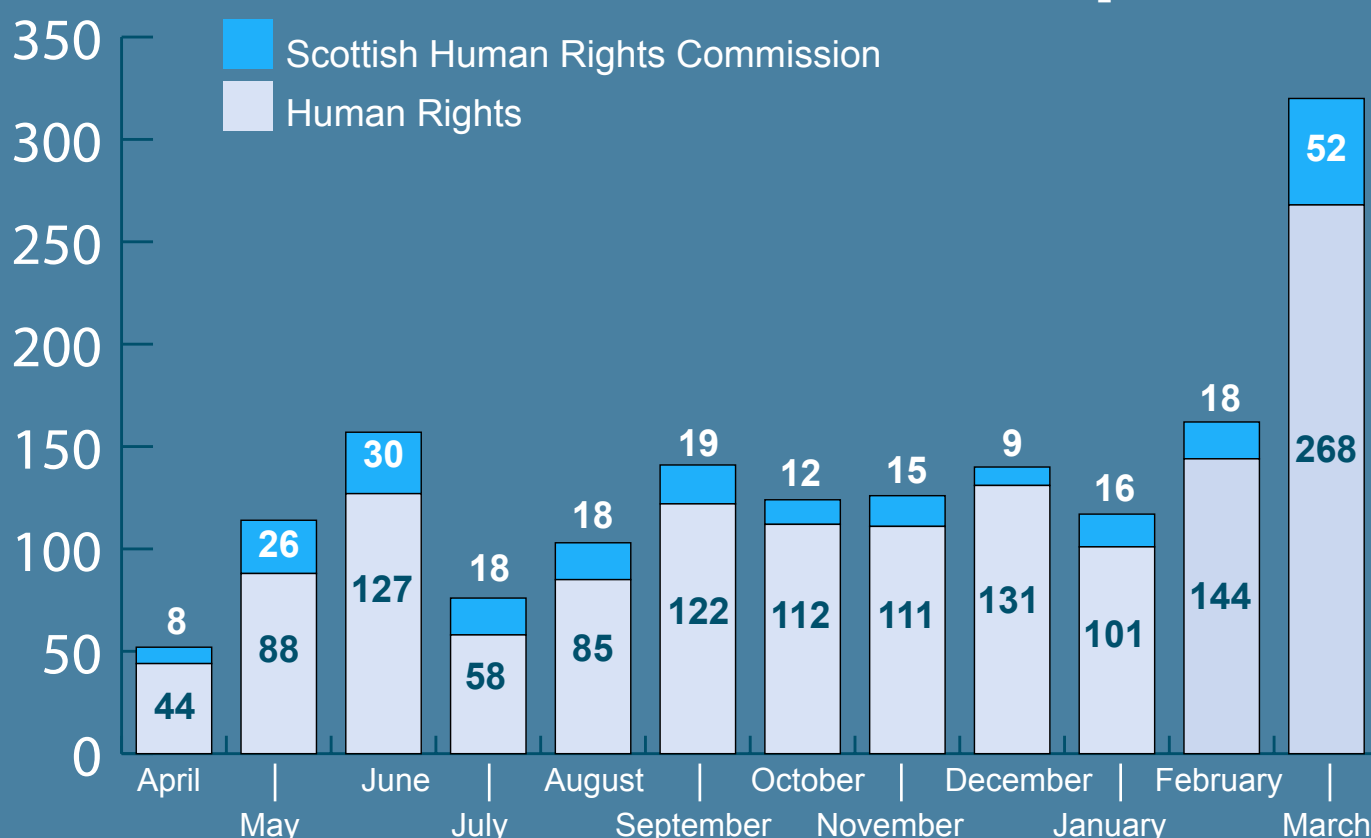
## Parliamentary engagement with human rights | Outcomes 2.5 and 3.3

In 2020-21, the Commission put in place arrangements to systematically monitor how the Scottish Parliament engages with human rights and our own work. This helps us to understand and analyse the impact of our work to raise awareness and build understanding of human rights within the Parliament.

Analysis shows that:

- ◆ Human rights were mentioned nearly 1,400 times over the course of 2020-21, an average of 116 times per month.
- ◆ The Commission was mentioned 241 times over the course of 2020-21, an average of 20 mentions per month.
- ◆ Human rights were most often mentioned in Scottish Parliament Committee processes (148 times) with Chamber debates also featuring human rights consistently.

### Mentions in the Scottish Parliament by month



- ◆ Thematic analysis showed human rights were mentioned across 105 policy topics, under 15 themed subjects.
- ◆ Human rights were mentioned within seven committee legacy reports, including Public Petitions, Environment, Climate Change & Land Reform, and COVID-19.
- ◆ The Commission was also predominantly mentioned in relation to the work of the Parliament's Committees, reflecting the focus of our work on providing both written and oral evidence to Committee processes.
- ◆ The Commission was also mentioned within four Scottish Parliament Committee legacy reports; Justice, Justice Sub-Committee on Policing, Education & Skills, and Equalities & Human Rights.

The Commission was mentioned during 15 parliamentary debates throughout the year, including on COVID-19 legislation, redress for survivors of historical abuse, incorporation on the UN Convention on the Rights of the Child, and Human Rights Day.

## Mentions of the Commission within parliamentary procedures





## Scotland's National Action Plan for Human Rights (SNAP) | Outcome 3.4

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.

During 2018 and 2019, work took place to develop detailed plans and proposals for Scotland's second National Action Plan for Human Rights – SNAP 2. This work drew heavily on lessons identified from an independent evaluation of the first SNAP, as well as a National Participation Process involving over 1,000 people. In March 2021, following a delay due to COVID-19, the Commission secured dedicated resources from the Scottish Government for the first phase of establishing an independent Secretariat for SNAP. This will be instrumental in enabling SNAP 2 to move “off the page” and into reality.

## Developing our Participation Strategy | Outcome 3.5

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. During 2020-21, progress was made in systematically reviewing and capturing lessons learned from our engagement and participation with people affected by human rights issues over the past five years. Work to translate this learning into a new Participation Strategy was delayed due to the impact of COVID-19 but will complete in 2021-22.

Practical work to improve our participation practices continued throughout 2021-22, in particular in relation to formalising, developing and expanding the role, remit and membership of the Lived Experience Leadership Group.

We commissioned research into models of providing financial compensation to people for their time when participating in work with us. This was completed in March 2021. The report will be published and its recommendations taken forward in 2021-22.

## The Lived Experience Leadership Group (LELG) | Outcome 3.5

The Commission has clearly stated its commitment to engaging with the Group and to enhancing the Commission's understanding of and engagement with people with lived experience of human rights issues.

In December 2020, we established a Lived Experience Leadership Group with its own [Terms of Reference](#). The Group's initial members are people who were part of a previous Reference Group on an Adequate Standard of Living, under Scotland's National Action Plan on Human Rights.

The Group has provided the following report on their activities during 2020-21.

## Report from the Lived Experience Leadership Group

### History

The Lived Experience Leadership Group (LELG) developed from Scotland's National Action Plan for Human Rights (SNAP) Adequate Standard of Living Reference Group.

The 7 members of the LELG all transferred from the Reference Group at the beginning of this year following extensive discussions with the Group on the way forward. Although the LELG will no longer be part of SNAP, we will maintain a close relationship with the programme.

Members of the Reference Group all had lived experience of poverty and poverty-related issues when they began work in 2014, and proved to be very effective in promoting human rights and helping to advance fairness and

equality.

The Group also responded to numerous Scottish Government Consultations, wrote Briefing Papers and provided a presentation to Philip Alston, the UN Special Rapporteur for Extreme Poverty and Human Rights, when he visited Scotland in 2018.

Prior to the formation of the LELG, we agreed Terms of Reference with the Commission, and this saw our role change quite significantly.

All of the current LELG members pay great tribute to their facilitator, the Commission's Participation Officer, who worked with them when they began work in 2014 as a Reference Group.

## Formation and work of the LELG

Our facilitator also assisted with the development and formation of the LELG and supported us for the first few months as we settled into our role as a Group working alongside the Commission, instead of as part of SNAP. When we began work from 1st January, we were already aware of the challenges ahead for the Group as we expand and grow our membership and remit.

As well as being a hugely positive step forward for people with Lived Experience, we are committed to becoming an exemplar of good practice within the Commission to illustrate the values associated with our full participation.

However, the change in our roles included addressing all human rights issues within Scotland from a Lived Experience perspective.

Although the members of LELG come from different backgrounds and different locations within Scotland, there are numerous other communities and issues that our Lived Experience does not address. Therefore, we will be looking to recruit a number of new members to reflect those differences. The Commission now has a new Participation Officer and we look forward to working with her when she begins with the Commission in August 2021. Since formation, we have undertaken work to advance human rights in a number of ways.

When we were members of the Reference Group, we met with Derek Feeley, who was chairing the Adult Social Care Review published on 31st January. We expressed our views on social care provision in Scotland and also the value of Lived Experience participation.

On publication of the Report, we were pleased to note that a full section had been included within the 53 Recommendations and that human rights were integrated throughout. The value of Lived Experience was also strongly advocated within the Report.

We contributed to the Adult Disability Payments consultation, and also to the Human Rights Act 1998 independent review.

**The members of the group come from different backgrounds and different locations, however there are numerous other communities and issues that our Lived Experience does not address. Therefore, we will be looking to recruit a number of new members to reflect those differences.**

Our statements are all published in a [dedicated section on the Commission's website](#).

The members have already been involved both locally and nationally on a number of human rights-related issues including:

- ◆ Poverty
- ◆ Refugees and immigration
- ◆ Covid-19 vaccination certificates
- ◆ Shielding Guidance
- ◆ Hate crimes
- ◆ Public body human rights obligations
- ◆ Awareness of the LELG
- ◆ Participation in conferences on human rights incorporation
- ◆ The value of people with Lived Experience participation
- ◆ Incorporation of international human rights treaties into Scottish law

We are greatly looking forward to further development of the LELG, its relationship with the Commission and the many challenges that lie ahead in years to come.



# Strategic Priority 4

## Advancing best practice locally and sharing our learning globally

The Commission strives to show leadership as Scotland's National Human Rights Institution, both in delivering our mandate in Scotland and by contributing to the progressive evolution of human rights internationally. We seek to contribute to and learn from emerging international trends and best practice, leading the way for Scotland in developing the means to better realise everyone's rights. Our international and regional relationships, in particular with our peer National Human Rights Institutions, are key to this.





The Commission's work in this area was limited by COVID-19 which had a significant impact on the forums and frameworks through which we typically engage with international stakeholders.

Nonetheless we continued to participate in a range of working groups hosted by the European Network of National Human Rights Institutions (ENNHRI), sharing our experiences and learning from others in relation to economic, social and cultural rights, communicating human rights, and using legal powers.

We also began work with peers in the Global Alliance of National Human Rights Institutions to develop planning around COP26, which was delayed from 2020 to 2021.

## **International Engagement | Outcome 4.1**

The Commission produced and delivered a video statement on the right to a healthy environment at the 45th Human Rights Council Session in September 2020.

Our statement focused on the need to “build back better” to ensure a just and equitable recovery in a post pandemic world, which includes recognising that everyone has a human right to enjoy a safe, clean, healthy and sustainable environment.

The Commission supported and echoed the call made by hundreds of international civil society organisations, social movements, local communities and Indigenous Peoples for a global recognition of the right to a healthy environment, and the need for a global approach to the environmental crisis.

This was well received with positive feedback from civil society and GANHRI. This feeds into wider work on COP26 (see below).

“ ”

"The Commission agrees with the Secretary-General of the United Nations that we need to "build back better" to avoid further environmental disaster and ensure a just and equitable recovery in a post pandemic world. A key step to this is the global recognition that everyone has a human right to enjoy a safe, clean, healthy and sustainable environment."

**The Commission's evidence to the Human Rights Council in September 2020**

## UN Climate Change Conference (COP26) Engagement Work | Outcome 4.2

The UK will host the 26th UN Climate Change Conference of the Parties (COP26) in Glasgow in November 2021. This year, the Commission began work on plans for an event to bring together NHRIs from around the globe along with academics and practitioners during COP26, to explore the role of NHRIs in the climate emergency. A steering committee was formed to plan and deliver the event, comprising the Commission, the University of Stirling and the Global Alliance of Human Rights Institutions (GANHRI). The event will now take place online, in parallel to COP26, in November 2021.

The Commission contributed to a NHRI handbook on Climate Change and Human Rights, published by the Centre for International Environmental Law (CIEL) and the German Institute for Human Rights in December 2020. In December 2020, the Commission was also invited to present at the GANHRI Annual Meeting on Climate Change where NHRIs around the world adopted an statement on a human rights based approach to climate change, and the promotion of climate justice.

## Sharing Best Practices | Outcome 4.3

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).

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.

We supported the development of a research project with the University of Essex and ENNHRI to explore the extent to which NHRIs include rights holders in their work, with a view to developing a best practice guide to participation.



As Chair of ENNHRI's Communications Working Group, we supported planning and delivery of a training session on strategic comms in context of COVID and human rights, with presentation from Civil Liberties Union for Europe, attended by NHRI staff from across Europe (virtually) and receiving excellent feedback from both comms and policy staff.

We attended a series of seminars run by the ENNRHI legal working group on the implementation of European Court of Human Rights judgments.

We shared examples of best practice in relation to our disability-related COVID-19 work with ENNHRI and CFNHRI.

Representing ENNHRI, we took part in the UN Economic Commission for Europe's Regional Forum in March 2021, presenting on how data and statistics can help with building back better from COVID-19.



National Flags at the United Nations, Geneva



# Organisational Development

## COVID-19

In common with organisations across Scotland, public health measures meant that our office was closed throughout the year, with all of our work delivered remotely by staff working from home. We were able to make this transition relatively smoothly thanks to our business continuity arrangements, and our pre-existing flexible working policy and practices.

More challenging was the fact that many of the Commission's staff team were significantly affected by the closure of schools, nurseries and childcare providers as part of the pandemic response. Like many others, our staff also experienced mental health, wellbeing and other pressures as a result of enforced working from home over a sustained period of time, and the variety of pressures resulting from COVID-19 and lockdown. We aimed to support staff during this time through a range of policies, guidance, support measures and changes to working practices.

## Enquiries, Complaints and Freedom of Information

During 2020-21, the Commission dealt with 292 individual enquiries by phone and email. We did not receive any formal complaints. We received and responded to 10 Freedom of Information requests.

## Business Systems

The introduction of a new payroll platform and a new flexitime and annual leave system has streamlined our business systems and provided a better, more efficient experience for staff.

## Records Management

We also worked with our external IT supplier to develop file plans for the Commission's records, ready for a migration to Objective, an electronic records and data management system (eRDM). This work will continue into 2021-22

## Freedom of Information

We arranged training on the Freedom of Information (Scotland) Act, both for newer members of staff and as a refresher for the whole staff team. This training was recorded and is now used as part of the induction process for all new staff.

## Data Protection

Online data protection training was provided to all new staff who joined the Commission during 2020-21. We attended regular meetings with our Data Protection Officer (a shared service through the Scottish Parliament) to ensure any new developments or requirements are identified.

During 2020-21 we carried out an assessment of the location of any data held by the Commission, with a view to mitigating risks relating to any data held in the US, and by the uncertainty around data adequacy on the UK's exit from the EU.

## Governance Review

The Commission commissioned an external review of its governance arrangements and received a report for its consideration in March 2021. The Commission agreed that work on next steps would take place following the appointment of two new Commissioners in May 2021.

## Policies Review

We consulted staff and our recognised trade union, PCS, on a revised Employee Handbook. The responses from that consultation have been incorporated into an updated draft, and discussions held with PCS as to changes requested by them and by staff.

## Resourcing

During 2019-20, the Commission secured temporary additional funding of £100k for each of 2020-21 and 2021-22. This followed a comprehensive resources review carried out in September 2019, and a subsequent business

case submitted to the Scottish Parliamentary Corporate Body.

The temporary additional funding enabled the Commission to employ two additional staff members, one to provide senior legal and policy oversight and management capacity, and one providing legal policy development capacity. Two new staff members joined the Commission in October and November 2020.

The Commission will continue to seek to secure a permanent uplift in its resources, sufficient to fully deliver its statutory mandate. This will be particularly important in the context of the Scottish Government's plans to bring forward a new Human Rights Bill for Scotland in the early part of the current term of the Scottish Parliament (see Strategic Priority 1).

# 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 core cash budget of £1,010k for financial year 2020-21, supplemented by an additional agreed £100k from contingency funding and by £25k from the Scottish Government as described below.

The Commission's budget for 2020–21 was £1,135k. This included £100k approved contingency funding for additional temporary staff members and £25k funding from the Scottish Government towards the costs involved in co-chairing the Deaths in Custody Review. Expenditure was within 2% of the approved budget.

## Financial Position

Financial year 2020-21 was the Commission's twelfth full year of operation. The Commission's net expenditure on operating activities for the year ended 31 March 2021 totalled £1,107k.

A further breakdown of expenditure is set out below:

<b>Expenditure</b>	<b>£'000</b>
Staff costs	945
Operational costs	41
Operational consultancy	26
Operational legal fees	-
Property costs	-
IT costs	15
Website	3
Training, conferences and subscriptions	25
Auditor's remuneration	14
Printing, stationery & library costs	2
General office costs	13
Travel, subsistence and hospitality	2
Legal and consultancy fees	15
Recruitment costs	6
<b>Total</b>	<b>1,107</b>

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 16 members of staff (12.9 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 (2020-21)

**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.



## Commissioners (incoming)

In March 2021, two new commissioners were appointed to the Scottish Human Rights Commission. Following an open appointment process by the Scottish Parliamentary Corporate Body, **Dr Anna Black** and **Dr Jacqueline Kinghan** were appointed for six year terms, starting on 1 May 2021.

The new Commissioners will take up their posts as two of the Commission's current members, Susan Kemp and Dr Alan Mitchell, come to the end of their appointments. Jane-Claire Judson, appointed in September 2017, will continue as part time Commissioner until August 2023.

## Our Staff

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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## 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](http://www.scottishhumanrights.com) contains all of our policy submissions, reports to international human rights treaty bodies, case studies, training materials and other resources.

### Facebook, Twitter and YouTube

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

### 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](mailto: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](mailto:hello@scottishhumanrights.com) or call 0131 297 5750.



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