

Review of the National Performance Framework National Outcomes Call for Evidence 2023

June 2023

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Summary

The Commission welcomes the opportunity to respond to this review of the National Performance Framework National Outcomes. The Commission's response is focused on a number of the questions set out in the Call for Evidence section of the review.

In particular the Commission would like to highlight the following issues:

- To date, the NPF has provided a framework of ambition, but without time-bound targets, it is not possible to monitor and assess actual progress;
- The Commission proposes three additional Outcomes for the Scottish Government to consider including within the NPF refresh relating to Violence, Care and Inequalities.
- All of the existing Outcomes (and any additional new Outcomes) should be meaningfully aligned with the relevant articles within the human rights framework and the relevant SDG Goals.
- The Commission is disappointed with the lack of progress on Indicators for the National Outcome on Human Rights.
- The Commission recommends again that the NPF team explore the potential of human rights based indicators to better connect law, policy, action and budget to result outcomes.
- This is a critical moment to get this right: Both in light of the Scottish Government's commitment to incorporation of human rights treaties into Scots Law in this Parliamentary session and the 2030 deadline for the SDGs.

Call for Evidence Questions

- 1. Are there any changes to the current set of 11 National Outcomes that you would propose? If so, in summary, what would these be?**

Overall, the National Outcomes do remain relevant for Scotland looking forward from 2023 – the Commission’s main concern lies in the degree to which progress has/has not been made towards them and the fact that without having set any targets, it is not possible to make that assessment (see Question 5 for further details).

- 2. Are there new National Outcomes that should be included in the National Performance Framework, if so why should they be included?**

Violence - We live free from Violence in all its forms

When the Commission provided its original review of the previous National Outcomes it had made the case for the inclusion of an outcome on Violence – “*We live free from Violence in all its forms*”. This was noted as a notable gap during the Commission’s SDG/NPF analysis (see Appendix 1) and remains a key area of concern in Scottish society.

A considerable number of Targets and Indicators within the SDGs also focus on violence reduction which are not addressed by the NPF (especially in relation to Violence Against Women and Girls, Child abuse, Sexual and Psychological abuse of young people, FGM, Trafficking, Hate crime, Discrimination and Harassment).

Evidence from [Getting it Right](#) (SHRC 2012) (the Commission’s original evidence base for Scotland’s National Action Plan on Human Rights - SNAP) and numerous treaty reviews undertaken by the Commission¹ over the last decade have consistently highlighted the need for a focus on the prevention of violence in Scottish society.

Relevant data is already collected and available that would lend to the development of suitable indicators to measure progress within the NPF and enable suitable measurement with regards to a range of SDG Goals

4, 5 and 16 (and associated Targets, Indicators and relevant human rights). Making and measuring progress in this area remains a significant gap within the NPF.

Care: We live with dignity through the provision of care that is valued

The Commission would also support the current call for the inclusion of a National Outcome on Care. This proposal was created by Oxfam Scotland, Carers Scotland, the Scottish Women's Budget Group, Scottish Care and One Parent Families Scotland and is now supported by over 45 other organisations including Carnegie UK, IPPR Scotland, the Wellbeing Economy Alliance Scotland, the Minority Ethnic Carers of Older People Project, and Barnardo's Scotland.

The pandemic revealed how little 'value' society has previously placed on some of the jobs that people do, especially those that were in the front line responding to COVID-19 – which included those working in the care sector. The organisations calling for a National Outcome on Care have stated that the lack of a dedicated National Outcome on care ignores the foundational importance of care to the wellbeing of individuals, households, and Scotland as a whole and leaves all forms of care undervalued – whether it is on a paid or unpaid basis, for children or adults, or for people with or without additional support needs.²

Such an outcome could focus both on the goal for people in receipt of care – i.e. receipt of care that allows them to live with dignity, as well as stating the value of care by those providing it.

Inequality: We tackle persistent inequalities together

The Commission also believes that it is worth reviewing whether the decision not to include a focus on 'equality/ inequalities' as an outcome in its own right in 2018 was an error. Equality is alluded to in the 'Values' of NPF and progress continues on increasing the amount of disaggregated data available to better understand who is left behind. Making something a National Outcome signals the level of visibility, importance and commitment attached to its achievement and as a society we are a long way from an equal one.

The COVID-19 pandemic graphically exposed the extent of prevailing and persistent structural inequalities, providing a stark illustration of the effects of indirect discrimination that have been harmful for people and their human rights, especially their economic, social and cultural rights.

It has shone a light on the negative impact of 13 years of contractionary fiscal policy (i.e. austerity) on Scotland's public infrastructure and the inadequacy of our existing social safety net. The effect of other events such as Brexit, the illegal invasion of Ukraine and the rapid rise in inflation have all resulted in an even more challenging environment within which to deliver public services and challenge these worsening structural inequalities.

Two of the SDGs specifically mention equality and inequality in their titles, SDG 5 Gender Equality and SDG 11 Reduced Inequalities. By contrast equality and in particular gender equality, is not at all prominent within the National Outcomes.

In 2018 our discussions with the Global Alliance for National Human Rights Institutions and the UN about the National Outcomes brought welcome praise for the inclusion of a planned Human Rights Outcome. However, it also brought great concern about the lack of focus on inequalities. The NPF team's concession at the time was to include the 'lives free from discrimination' element of the Human Rights Outcome. However, given this element was never afforded an appropriate indicator (see Question 3), it is unclear what priority or focus this element was really given.

With the level of persistent structural inequalities in Scotland, the Commission respectfully suggests that a National outcome on reducing inequalities is strongly considered for this refreshed version.

A wide range of data is already collected that could support the quick identification of relevant indicators, including those contained within SDG Goals 5 and 10.

Appendix 2 sets out the relevant rights framework for each of these three proposed new Outcomes.

3. Are there any changes you would propose to the wider National Performance Framework or set of National Indicators?

The wider NPF Framework

There are aspects of all of the National Outcomes that have relevance to human rights, which reflects the fundamental principle that human rights are universal, indivisible, interdependent and interrelated (Vienna Declaration 1993). This is not currently understood, nor presented within the narrative of the NPF. However, since the last NPF review there has been significant development in the field of human rights in Scotland. This parliamentary term will see the development of new human rights legislation which will:

- reaffirm the relevant rights in the Human Rights Act;
- Incorporate:
 - the International Covenant on Economic, Social and Cultural Rights
 - the Convention on the Elimination of All Forms of Discrimination against Women
 - the Convention on the Elimination of All Forms of Racial Discrimination
 - the Convention on the Rights of Persons with Disabilities
- Include:
 - A right to a healthy environment for everyone
 - A right of older people to a life of dignity and independence
 - Equality rights for LGBTI people.

If the Scottish Government is to effectively implement the new human rights legislation, it will be critical to develop an understanding on how the NPF and the human rights framework connect and to develop this narrative during this review. Human rights and equality are often perceived as an add-on consideration in policy issues, rather than being viewed as a central framework to start and to build from. Developing this understanding and building capacity on the foundational relevance of the human rights framework remains key to the Commission's work on the NPF.

Appendix 3 sets out the direct connections between the human rights framework and each current National Outcome (previously shared with Scottish Government).

Additionally, as noted during the previous review, analysis from the Danish Institute for Human Rights (DIHR)³ showed that 92% of the SDG indicators have direct or indirect relevance to the international human rights framework. DIHR have developed a range of excellent interactive online tools to facilitate a grounded understanding of the links⁴ and the commission has previously⁵ set this out against the National Outcomes to show the interlinked nature of these three mutually supportive frameworks.

At the moment the NPF makes linkages with the SDGs at the Goal level. The process by which this was done during the last review was not transparent and there are some questions to be asked about how the connections were made. A good example is the human rights outcome – all SDGs are relevant to the Human Rights Outcome and yet only some are noted. Beyond the Goal connections, there is limited connection with the SDGs in terms of target ambitions and indicators.

In terms of connectivity with the SDGs, it is also worth bearing in mind that with the SDG achievement timeline of 2030, this NPF review is the last meaningful point at which changes can be made that will have the time to create meaningful impact.

NPF Indicators

Indicators for the Human Rights Outcome

There was a commitment from the then Head Statistician on the launch of the 2018 NPF, that the NPF team would work with the Commission to deliver an improved set of indicators for the National Outcome on Human Rights. This has not yet been delivered and the current indicators for this Outcome remain unfit for purpose.

At best, they provide only a partial measure of the Outcome, focused primarily on civil and political rights, with little consideration of economic, social and cultural rights. With the forthcoming incorporation of

international human rights treaties into legislation in Scotland, improved indicators must be considered if progress towards the National Outcome on human rights is to be effectively measured.

The Commission has published a document⁶ which summarises the Commission's vision on the key legal features for the proposed new Human Rights Bill for Scotland. Included in this document are the Commission's expectations of a Human Rights Scheme which should be laid in Parliament at regular intervals. For such purposes we have suggested that, the scheme should include reporting on:

- The measures taken to ensure the minimum essential levels for a person to live a dignified life (minimum core obligations);
- The concrete and targeted plans to fulfil the rights in the framework;
- The proposed coordinated, coherent and comprehensive measures that are in place to realise the rights in the framework;
- The measures taken to ensure the maximum available resources needed to realise rights, including in relation to resource mobilisation, allocation, and expenditure (through human rights budgeting, for example);
- The measures that are being proposed to respond to, as matter of priority, the precarious situation of disadvantaged and marginalised individuals or groups and those at high risk; and
- Plans have been put in place after a transparent and participative decision-making processes.

The NPF team should explore with the Bill Team in due course, what information it plans to include in the Human Rights Scheme and use that to explore the potential for meaningful indicators to measure progress within the Human Rights Outcome.

The new indicator that was committed to development for the Human Rights Outcome at the previous review in 2018 was: ***'Public Services treat people with dignity & respect'***. The Commission was included in the review and selection process for this indicator, although the Commission did convey its strong reservations at the time as to the suitability of both the choice of indicator and the limited human rights

experience of the research team awarded the contract to develop it. The indicator was due to be delivered in 2020, it is still under development.

The Commission's key concerns with the indicator were, first, the intent for it to look at service delivery from a needs-based perspective, not a rights-based one (needs can always be cut back to 'the most needy', rights provide a red line below which service provision should not fall). Second, there is little correlation between how local services are designed and how an individual feels they are treated by a service. An individual may feel that they have been treated nicely but this bears no correlation on whether their rights have been respected in that process. All four indicators for the Human Rights Outcome are perception/satisfaction based indicators. This does not and cannot provide an adequate picture of rights realisation in practice.

Perception-based indicators have serious limitations for understanding actual progress. This reliance on perception data is not confined to this outcome and is something that warrants review across all outcomes.

The second element of the Human Rights Outcome includes a commitment that people in Scotland can live free from discrimination. There is currently no indicator for measuring progress on discrimination. This is despite the development of a validated global SDG indicator 16.b.1 and 10.3.1: ***“Proportion of the population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law”***, developed by the Office of the High Commissioner for Human Rights (OHCHR), which is available to all countries to use.⁷

Indicators for the NPF as a whole

There are a wide range of indicators throughout the NPF that could have relevance to measuring human rights progress (because there are aspects of all the National Outcomes that have relevance to human rights as set out in response to the first part of this question). However, these indicators need to be connected to elements of specific rights and be presented and understood as underpinned by the human rights framework within the narrative of the NPF, which they currently are not.

The Commission understands the potential of the NPF to support a vision for progress in Scotland and its importance in measuring progress towards delivery of the SDGs. As it stands though, it only presents a snapshot of result outcome and doesn't allow for an analytical understanding of why these results are what they are, or importantly how to change them where necessary.

As in the previous two reviews, the Commission is again recommending the inclusion of human rights based indicators to support this analytical potential. Best practice explains that such indicators help to measure progress across three levels, namely: having the right structures in place with regards to law and policy, ensuring that the correct processes can support effective implementation (including resources – connecting the budget) and result outcome. Together they address the essential aspects of human rights implementation, namely: commitment, effort and result.

The focus on commitment and effort, as opposed to only measuring result outcome, is one of the areas which make human rights indicators distinct. Result outcome indicators look backwards at results, whereas Structure and Process indicators help governments to look forward and make more progress, e.g. by removing barriers to better outcomes such as systemic discrimination as a result of law or policy, intended or unintended; or identifying insufficient resourcing of good law or policy intentions.

Process indicators also strengthen evidence-based policymaking by assisting governments in determining whether their interventions are actually leading to improved outcomes or whether they need to be adjusted.

Result outcome indicators demonstrate “the what” which by themselves don't take us very far to where we want to go. Structure tells us “why” we have not made more progress and Process tells us “how” we can make more progress. This is the “power tool” of a human rights based approach to monitoring progress.

Reflecting the SDGs' emphasis on means of implementation, the inclusion of structure and process indicators would also better support

delivery of some Targets which focus on policies and laws for example around gender equality (SDG indicator 5.1.1), youth employment strategies (8.b.1), or integration of biodiversity into policymaking (15.9.1). Identification of relevant delivery plans and actors might also have benefits for the wider take-up and effectiveness for the NPF across government.

Further in relation to the SDGs, the reviews of alignment undertaken by Dr. Graham Long⁸ and the Commission (see Appendix 1) during to the last review process, revealed many areas where better alignment needed to be considered. This included a range of cases where an NPF indicator that is relevant to the SDGs could be changed to one that is better aligned with the SDGs. It also included also a range of cases where there are themes in the SDGs tracked by global targets and indicators that are relevant to Scotland, but which are not tracked in the NPF, even though they could be. This needs to be reconsidered. See submissions from Dr. Graham Long (Newcastle University) and the SDG Network for further specifics.

The value of the 'perception' based indicator being developed for the Human Rights Outcome (noted above), is also an issue more widely across the NPF indicator set. The NPF indicators make heavy use of perceptions-based indicators e.g. 'level of satisfaction with housing'; 'perception of crime rate'. There is value at this point in exploring whether it is possible to replace or at least supplement these with *less* perceptions-based measures that are also currently available. For example – in relation housing include - 'percentage of properties meeting Scottish house quality standard' and in relation to crime include - 'recorded crime'.

The Commission recommends that attempts to amend the indicator set should follow the review of Outcomes, as a distinct project, to provide the necessary time to fully explore what would contribute to a more meaningful indicator set (with Targets and benchmarks) that delivers for both the National Outcomes and the SDGs.

4. What impact does the current National Outcomes have on your work?

Engagement with the NPF Team

The National Outcomes shape how the Commission works, by being a key area of strategic focus. Initial contact came via Scotland's National Action Plan Monitoring Progress Group (set up and led by the Commission Research Officer) which brought together the Scottish Government leads from the NPF, Sustainable Development Goals (SDGs) and Human rights teams in 2015 to explore the interconnectedness between these three mutually reinforcing frameworks. This formed the seeds of inclusion of the SDGs within the previous review of the National Outcomes.

The Commission's Research Officer also performed an in-depth analysis of the suitability of the pre-2018 and proposed-2018 NPF indicators in relation to their relevance to monitoring the SDGs. This complemented the work undertaken for ONS by Dr. Graham Long at Newcastle University.

During the previous 2018 review, the Commission co-ran the human rights focused workshop with the NPF team, that resulted in the inclusion of the National Outcome on Human Rights. The Commission was also included in the review and selection process for the (still under development) human rights indicator on dignity and respect in the use of public services. Although, the Commission did convey its reservations at the time as to the suitability of both the choice of indicator and the lack of human rights experience of the research team awarded the contract to develop it (see Question 3 for further details).

In 2019 the Commission facilitated knowledge exchange events in Edinburgh which focused on how to and the importance of, taking a Human Rights Based Approach (HRBA) to the NPF. These events involved Scottish Government Director Generals, civil service staff and the 3rd sector, learning from the expertise of the Office of the High Commissioner for Human Rights (OHCHR), Danish Institute for Human

Rights (who are global experts on the connections between SDGs and human rights) and the Global Alliance for National Human Rights Institutions (GANHRI).

The Commission has remained engaged with the NPF team through its various interactions over the most recent NPF cycle, primarily through the SDG Network of which it is a Steering Group member, and through the Equality and Human Rights Budget Advisory Group which has long advocated for better connectivity between the National Outcomes and resource generation, allocation and spend.

Engagement with the NPF National Outcomes

The Commission's current Strategic Plan (2020-2024) has four central priorities, the second of which is to **strengthen 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.

Understanding progress in how well Scotland is realising people's rights is an important element required to inform this accountability. As such, one of the Outcomes under our current Strategic Priority is focused on supporting future development of the NPF to enable it to better measures progress towards realising human rights and makes stronger connections between human rights and achieving the Sustainable Development Goals.

One of the most prominent examples of the Commission's engagement with the National Outcomes comes through its collaborative working on [Scotland's National Action Plan \(SNAP\)](#). Scotland's first National Action Plan for Human Rights ran from 2013 to 2017. Working together, more than 40 organisations and individuals achieved over 50 actions working towards seven long-terms (2030) goals deliberately aligned with the SDG agenda.

The UN recommends that national human rights action plans like SNAP should be part of a long-term process, and as one action plan draws to

an end, another is developed to take its place. SNAP 2 development began in 2017 with an independent evaluation of SNAP 1, a robust evaluation of evidence of ongoing human rights issues in Scotland, and a national public participation process. Following a COVID-related pause in development, SNAP 2 was launched in March 2023.

SNAP 2 brings the aims of SDG Goal 17 to life, as a process of collaborative action requiring effective public, public-private and civil society partnerships, building on the experience and resources strategies of partnerships. Thematically SNAP 2 proposed actions cover a wide spectrum of SDG goals (Goals 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 16) and in turn will address issues across the full spectrum of National Outcomes.

Finally, the Commission routinely engages with the data for the NPF indicators when preparing its reports for international treaty reviews and our response to the Universal Periodic Review. Moving forward, improved indicators, meaningful linkage between the NPF and the human rights framework and connection of government proposed action to address its UN Concluding Observations and Recommendations, would better support the Scottish Government to deliver on their human rights obligations, SDGs and National Outcomes.

5. What are the main obstacles and barriers in the further implementation of the National Outcomes? /How could accountability be improved for delivering the National Outcomes?

As noted in response to Question 1, a key concern with the current NPF is the degree to which progress has/has not been made towards the National Outcomes and the fact that without having set any targets, it is not possible to make that assessment.

Where the SDGs provide targets against which to measure global progress, which (accompanied by national targets and indicators) enable comparison of national ambitions and performance against the global ones, the NPF currently has no targets. This makes it really difficult to assess how far Scotland has made progress towards the National Outcomes. It also hinders any evaluation of Scotland's contribution to

the SDGs and any assessment as to whether Scotland's NPF tracks the SDGs in its ambition, not just its themes. A revised NPF with a combination of targets drawn from the SDGs and/or from existing legislation or policies in Scotland, is essential for this evaluation to more easily take place.

By introducing Specific, Measurable, Achievable, Relevant and Time-bound (SMART) Targets to the National Outcomes, everyone will have a much clearer idea what, how and by when the NPF is aiming to achieve. A clearer sense of purpose could help to refocus efforts on implementation at all levels of government.

If accountability is to be improved, the Scotland Government has to be willing to set NPF Targets and be held accountable for meeting them – but those Targets must be developed in agreement with local authorities and other public bodies so as not to be imposed from the top-down. Working with Local Authorities and other public bodies to map out what targets already exist locally and nationally and how they fit within the NPF could support a better localisation of what the aims of the NPF are – as well as build better buy-in at the local level to increase a willingness to support implementation. National Targets with local variance places an accountability structure at both levels.

At present, without the monitoring framework in place, the NPF remains a statement of ambition, rather than a progressive programme which supports the realisation of human rights for all in Scotland.

End

Appendix 1: Commission NPF SDG Gap Analysis (extract from submission to the Equality and Human Rights Committee in 2018⁹)

The Commission has undertaken a 'gap analysis' of the SDGs and the previous NPF, which revealed that only approximately 20% of the SDGs indicator measures were reflected in the NPF. On receiving the more detailed table of Measures and Indicators for the review of the new NPF, the Commission's Research Officer has redone this 'gap analysis' with the new NPF indicators and measures.

Of the 232 unique SDG indicators, this draft analysis has compared the measures being used for the SDGs with those being proposed for the new NPF [2018 version]. Comparison has been made with both the current and newly proposed NPF indicators. An analysis of the key gaps presented Goal by Goal is contained below.

Indicators were placed in a range of categories:

Indicators exist at all (whatever quality of fit)

- Good /close fit indicator
- Partial / possible fit indicator
- Poor fit indicator

Not in NPF but achieved

- No indicator in NPF but issue considered achieved (e.g. existence of law/policy/practice)

Not in NPF considered achieved - but has gaps

- No indicator in NPF and although issue considered achieved (e.g. existence of law/policy) – practice is known to fail to deliver (e.g. access to universal social security for refugees/asylum seekers/homeless people/ Scottish Gypsy/Travellers etc)

Not in NPF

- No comparable indicator of any quality exists in NPF

Old NPF [pre-2018]	n	%
	37	16%
Indicators exist at all (whatever fit)	18	8%
• Good quality	19	8%
• Partial/possible	0	0
• poor		
Not in NPF but achieved	9	4%
Not in NPF considered achieved - but have gaps	3	1%
Not in NPF	184	79%

New NPF [2018]	n	%
	60	26%
Indicators exist at all (whatever fit)	18	8%
• Good quality	38	16%
• Partial/possible	4	2%
• poor		
Not in NPF but achieved	9	4%
Not in NPF considered achieved - but have gaps	3	1%
Not in NPF	161	69%

As can be seen from the summary tables above, there has been some improvement in the proposed measures within the NPF that will allow for increased ability to measure progress towards the SDGs (by approximately 10%). It is clear, however, that there will be a requirement for measures and data supplementary to that provided within the NPF if Scottish Government is to be able to adequately measure progress towards all of the SDGs. Many of these measures

and data are available in Scotland – they are just not included within the NPF.

It is worth noting that there is an expectation that individual countries will not necessarily focus on all targets within the SDGs, but rather, will decide on which targets have the most relevant domestic applicability. A more in-depth analysis of the relevancy of the SDG targets to the situation in Scotland will certainly highlight a range of indicators that may not be considered applicable for Scotland. Decisions need to be made, transparently, about which indicators are being measured by Scotland. If the decision is that only the NPF will be used to measure progress nationally, then there will be significant gaps.

It is also the case that some countries may chose more challenging targets if those presented within the SDGs have already been or are close to being achieved. In addition, countries may choose more domestically appropriate indicators. Scotland has included a range of such indicator measures (see below).

However, with regard to Scotland, there are a number of specific areas with considerable (and concerning) gaps, in terms of what is not currently covered within the NPF. A summary of these areas/ issues is presented Goal by Goal below.

On reading the ‘gap analysis’ assessment below, please note that those indicators highlighted with a ‘*’ would be classed as Structural (Law/Government commitments) and Process (Policy effort/ Budget commitment) in terms of Human Rights Based Indicators. As the decision was to only focus on result Outcome indicators in the NPF, the Government will need to consider how it measures progress across the range of structural and process indicators used for the SDGs.

Goal 1: End poverty in all its forms everywhere

Under this goal, the NPF presented very thorough and strong measures for poverty in all its dimensions (Target 1.2/ indicators 1.2.1 and 1.2.2). No other targets are catered for within the NPF. This leaves gaps in relation to:

- *Access to basic services**

- *Land ownership*
- *Percentage of resources allocated to poverty reduction programmes**
- *Spending on essential services* (key indicator for human rights budget analysis of Economic, Social and Cultural Rights- ESCR)*

Goal 2: End hunger, achieve food security and improved nutrition, and promote sustainable agriculture

SDG Indicator 2.1.2 covers food insecurity through use of the Food Insecurity Experience Scale (FIES) which comprises of 8 questions to form the measure. The NPF measure will use 3 of these questions hence providing a partial matched indicator. No other targets are catered for within the NPF. This leaves gaps in relation to:

- *Undernourishment*
- *Malnutrition*
- *Stunting of growth / underweight, children*
- *Sustainable food production (structural and policy concerns)**
- *Income of food producers*

Goal 3: Ensure healthy lives and promote well-being for all at all ages

The majority of 'any fit' indicators under Goal 3 are limited to some partial fits. A small number of targets are also considered to be sufficiently achieved e.g. Coverage of essential health services – however, we know from our own research that certain populations are still 'left behind' in reality – e.g. those with no recourse to public funds: asylum seekers, refugees; and many marginalised groups such as homeless people, Scottish Gypsy/Travellers and Transgender/Intersex people.

The NPF does include a number of new additions that relate to the health (especially preventative health) of people in Scotland which are not covered in the SDGs – including: Journeys by active travel; physical activity; and quality of health care experience.

Other targets that are not catered for within the NPF leave gaps in relation to:

- *Maternal mortality*
- *Births attended by skilled health personnel**

- *Under5 mortality*
- *HIV infection*
- *Mortality by specific conditions (cardiovascular disease; cancer; diabetes or chronic respiratory disease) or attributed to unintentional poisoning; household or ambient air pollution; or unsafe water.*
- *Suicide*
- *Deaths due to road traffic injuries*
- *Teenage birth rate*
- *Specific data on harmful alcohol use and smoking prevalence (although there is a combined risk behaviour indicator)*
- *Coverage of treatment interventions for substance use disorders**
- *Meeting the family planning needs of women of reproductive age**

Goal 4: Ensure inclusive and equitable quality education and promote life-long learning opportunities for all

SDG Goal 4 has moderate cover within the NPF, in particular for attainment and participation rates of school age young people. It also provides a range of indicator measure not included within the SDG Goals which are important for creating a country where children can be helped to realise their full potential, including; Children's voices, Confidence of children and young people, Resilience of children & young people, Children have positive relationships and Engagement in extra-curricular activities (not just educational).

Targets that are not catered for within the NPF leave gaps in relation to:

- *Pre-school participation*
- *Structural infrastructure (including safe school environments; adequate school toilets and schools fit for purpose for children with disabilities)**
- *Universal access to education on Sustainable Development; gender and human rights (via national policy; curriculum; teacher training and assessment)**
- *Availability disaggregated data for of all educational indicators.**

Goal 5: Achieve gender equality and empower all women and girls

Goal 5 is particularly poorly catered for by the NPF and disappointingly, this has not improved with the most recent version. The existence of the Equality Act 2010 means that a couple of the targets within this goal are

met and the inclusion of the indicator on Gender balance in organisations may (TBC) provide suitable information for target 5.5 on women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

No other targets are catered for within the NPF. This leaves gaps in relation to:

- *Violence Against Women & Girls – sexual, psychological, physical abuse (current and/ or former intimate partner)*
- *Forced Marriage*
- *FGM*
- *Time spent on unpaid domestic and care work*
- *Ability to make independent decisions about sexual relations, contraceptive use & reproductive health*
- *Legal right to sex education**
- *Monitoring system to track and make public allocation for gender equality and women's empowerment**

Goal 6: Ensure availability and sustainable management of water and sanitation for all

In relation to Goal 6 – the new (still to be developed) measure on Contribution of development support to other nations and the Marine Environment indicators may provide a suitable match indicator. More will be known once they are developed.

No other targets are catered for within the NPF. This leaves gaps in relation to:

- *Use of safe drinking water (most people will have access but may be an issue for those who are 'left behind' e.g. homeless people, people who are destitute, Scottish Gypsy/Travellers.)*
- *Use of safely managed sanitation services (issue same as point above)*
- *Waste water treatment*
- *Water-use efficiency*
- *Levels of water stress*
- *Integrated water resource management**
- *Changes in water related eco-system*

Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all.

For Goal 7 one indicator on renewable energy is covered in the NPF. Other potentially relevant areas not covered include:

- *Population access to electricity*
- *Proportional reliance on clean fuel and technology*
- *Energy efficiency*

Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

Goal 8 is provided for by some partial match indicators including Economic Growth and Productivity; Economic Participation in terms of employment rates and Young People's Participation, as well as an indicator on Growth in Cultural Economy. The NPF also provides some highly appropriate indicators in this area that are not covered in the SDGs including: Contractually Secure Work; Living Wage; Pay Gap and People working in Arts & Culture.

Where the NPF indicators leave information gaps include:

- *Informal employment*
- *Material footprint*
- *Material consumption*
- *Average earnings (disaggregated by at least gender, age and disability)*
- *Unemployment (disaggregated by at least gender, age and disability)*
- *Child labour (disaggregated by at least gender and age)*
- *Fatal & non-fatal injuries at work (disaggregated by at least gender & migrant status)*
- *Access to banking facilities*
- *National compliance of labour rights (incl. freedom of association and collective bargaining)**
- *Government spending in social protection and employment programmes as a proportion of national budgets & GDP (key indicator for human rights budget analysis of ESCR fulfilment)*

Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation.

A couple of NPF indicators mapped well against Goal 9 relating to Co2 emissions and research and development expenditure.

Other potentially relevant areas not covered include:

- *Rural inequality of access to infrastructure*
- *Manufacturing*
- *Small-scale industries.*

A number of new NPF indicators which may, however, provide more domestically appropriate indicators compared to many in Goal 9 include: Number of businesses, High growth businesses, Innovative businesses, Entrepreneurial activity, International exporting and Productivity.

Goal 10: Reduce inequality within and among countries.

Two measures of Goal 10 are covered within the NPF which cover Targets 10.1 and 10.2 on sustainable income growth of the bottom 40 per cent of the population and income inequality. The NPF also provides a measure on the Living Wage which would have domestic applicability for this Goal.

Other potentially relevant areas, which are not covered, include:

- *Discrimination & Harassment (Law, Policy & Practice)*
- *Labour share of GDP*
- *Financial Soundness Indicators*
- *Migration Policy Index*
- *Trafficking*

Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable.

Of the measures provided for under Goal 11 there are a mixture of good fit (Waste generated); partial fit (Access to green & blue space); possible fit (Contribution of development support to other nations) and poor fit (Satisfaction with housing; Influence over local decision making; State of historic Sites). The key gaps under this Goal within the NPF include:

- *Physical & sexual harassment*
- *Access to adequate, affordable and safe housing*
- *Access to public transport*
- *Land consumption*
- *Local development strategies**
- *Local participation structures**
- *Cultural & heritage expenditure**

Goal 12: Ensure sustainable consumption and production patterns.

Goal 12 is not well catered for by the NPF. The Natural Capital NPF indicator may provide a partial fit for Material Footprint and the Waste Generated NPF indicator may provide partial information regarding recycling (domestic waste only). The key gaps under this Goal within the NPF include:

- *Sustainable consumption national action plan (or mainstreamed target through national policy)**
- *Domestic consumption*
- *Food loss (Global food loss index)*
- *International multilateral environmental agreements on hazardous waste**
- *Hazardous waste generation*
- *National recycling rates*
- *No. of companies publishing sustainability reports**
- *Implementation of sustainable public procurement policies & action plans**
- *Mainstreaming of global citizenship education & education for sustainable development (including climate change education) – in national policy; national curricula; teacher education; student assessment**
- *Development & implementation of tools to monitor sustainable development impacts for sustainable tourism**
- *Fossil-fuel subsidies*

Goal 13: Take urgent action to combat climate change and its impacts.

As it currently stands none of the measures used for measuring Goal 14 are currently covered within the NPF measures, this includes:

- *Availability of national and local disaster risk reduction strategies**
- *No. of deaths/missing persons and persons affected by disaster*
- *Integration of climate change measures into national policies, strategies and planning**

Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

The NPF will provide data under this goal that relates to Marine Environment (exact measure still TBC) and Sustainability of fish stocks. Key gaps, however, include:

- *Coastal eutrophication and floating plastic debris*
- *Proportion of national exclusive economic zones managed using ecosystem-based approaches**
- *Marine acidity*
- *Coverage of protected areas in relation to marine areas*
- *Progress re implementation of international instruments aiming to combat illegal, unreported and unregulated fishing**
- *Scientific knowledge, research capacity and transfer of marine technology (Oceanographic Commission Criteria & Guidelines)**
- *Application of legal/regulatory/policy/institutional framework recognising and protecting small-scale fisheries**
- *Ratification, acceptance & implementation (through legal, policy and institutional frameworks) of the UN Convention on the Law of the Sea**

Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

The NPF's ability to adequately measure progress under Goal 15 is not easy to determine at this point. The NPF team is still to develop what the exact measures will be for the Natural Capital Index and the Biodiversity Indicators and hence a fuller assessment of this Goal will be necessary at a later date.

It is likely, however, that gaps will exist around the following:

- *Sustainable forest management**
- *Mountain Green Cover Index*

- *Adoption of legislative, administrative and policy frameworks to ensure fair and equitable sharing of benefits**
- *Trading of poached or illegally trafficked wildlife*
- *Public expenditure on conservation and sustainable use of biodiversity and ecosystems**

Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Goal 16 is particularly important for the ability to fully realise Scotland's commitment to respect, protect and fulfil human rights and live free from discrimination. NPF indicators on Influencing local decisions, Children's voices, Trust in Public Organisations and Gender Balance in Organisations all partially support a small number of Goal 16 indicators. Existing Equality and FOI legislation and the existence of an 'A' Status National Human Rights Institution also support this Goal.

Key gaps, however, include:

- *Indicators related to violence:*
 - *Homicide*
 - *Physical, psychological & sexual violence,*
 - *Physical/ psychological aggression towards children under 18 by caregivers*
 - *Perception of safety*
 - *Sexual violence against young men/women*
 - *Human trafficking*
 - *Victimisation/discrimination*
- *Bribes & corruption/ organised crime*
- *Access to information regarding fundamental freedoms**
- *Government expenditure by sector (key indicator for human rights budget analysis of Scottish budget)**
- *Unsentenced detainees as a proportion of prison population*

Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development.

Only a small number of NPF indicator are reflected within Goal 17 of the SDGS, namely, Economic Growth; Access to superfast Broadband & Contribution of development support to other nations.

Key gaps for this goal include:

- *Government revenue (by source) as a % of GDP (key indicator for human rights budget analysis of Scottish budget)**
- *Proportion of domestic budget funded by domestic taxes (key indicator for human rights budget analysis of Scottish budget)**
- *Foreign direct investment**
- *National investment policy reforms that incorporate sustainable development objectives/safeguards**
- *Ratification & Implementation of relevant international instruments under the Maritime Organisation and the fundamental conventions and recommendations of the ILO**
- *Amount of finance committed to public-private and civil society partnerships*.*

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Appendix 2: Direct connections between the human rights framework and each proposed new National Outcome

Proposed National outcome	Related human rights
<p><u>Violence:</u></p> <p>We live free from Violence in all its forms</p>	<ul style="list-style-type: none"> • Right to non-discrimination and equality • Right to life, liberty and security of person • Prohibition of torture and subjection to cruel, inhuman or degrading treatment or punishment • Right to marriage, with free consent • Right of the child to be protected against all forms of discrimination or punishment • Right of the child to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse • Right of people with disabilities to protection from all forms of exploitation, violence and abuse • Council of Europe Convention on Action against Trafficking in Human Beings 2005; • Council of Europe Convention on preventing and combating violence against women and domestic violence 2011; • Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2018.
<p><u>Care:</u></p> <p>We live with dignity through the</p>	<ul style="list-style-type: none"> • Right to Independent living <p>This right is integral to the realisation of many of the other rights enshrined in the CRPD, such as equality and non-discrimination, autonomy and liberty, legal capacity and freedom of movement.</p>

<p>provision of care that is valued</p>	<ul style="list-style-type: none"> • Right to the full enjoyment of life on an equal basis with others • Right to the highest attainable standard of physical and mental health • Right to social security • Right to work and to just and favourable conditions of work
<p><u>Inequalities:</u></p> <p>We tackle persistent inequalities together</p>	<ul style="list-style-type: none"> • Right to non-discrimination and equality A core element of every human rights treaty and convention. • Prohibition and elimination of discrimination in all its forms • Equal rights of women in economic life • Equal rights to participation • Right to equal access to public service • Right to equal pay for equal work • Equal right of men and women to the enjoyment of all economic, social and cultural rights • Right to the highest attainable standard of physical and mental health • Right to an adequate standard of living (including access to housing, clothing and food; freedom from destitution)

Appendix 3: Direct connections between the human rights framework and each current National Outcome

National outcome	Related human rights
<p><u>ECONOMY:</u></p> <p>We have a globally competitive, entrepreneurial, inclusive and sustainable economy</p>	<ul style="list-style-type: none"> • UN Guiding Principles on Business & Human Rights: Respect, Protect & Fulfil • Right to work and to just and favourable conditions of work • Prohibition of slavery, forced labour and trafficking of persons • Prohibition of child labour • Right to equal pay for equal work • Right to social protection to mothers (maternity cover) • Equal rights of women in relation to employment • Equal rights of women to financial credit and rural infrastructure • Right to economic resources • Supporting young people’s right to work, training or education • Right to access information • Right to enjoy the benefits of scientific progress
<p><u>HUMAN RIGHTS:</u></p> <p>We respect, protect and fulfil human rights and live free from discrimination</p>	<p>Human Rights Framework in Scotland</p> <ul style="list-style-type: none"> • Universal Declaration of Human Rights 1948; • European Convention for the Protection of Human Rights and Fundamental Freedoms 1950; • UN Refugees Convention 1951; • European Social Charter 1961 ; • International Convention on the Elimination of Racial Discrimination 1965; •

	<p>International Covenant on Economic, Social and Cultural Rights 1966; • International Covenant on Civil and Political Rights 1966; • International Convention on the Elimination of all forms of Discrimination against Women 1979; • Convention Against Torture and other forms of cruel, inhuman and degrading treatment or punishment 1984; • European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 1987</p> <p>• Human Rights Act 1998; • European Charter for Regional or Minority Languages 1992; • Framework Convention for the Protection of National Minorities 1995; • Convention on the Rights of the Child 1989; • Council of Europe Convention on Action against Trafficking in Human Beings 2005; • Convention on the Rights of Persons with Disabilities 2006; • Universal Declaration on Human Rights Education and Training 2011; • Council of Europe Convention on preventing and combating violence against women and domestic violence 2011; • Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2018.</p> <ul style="list-style-type: none"> • Human Rights Based Approach & Develops a culture of human rights • Right to non-discrimination and equality • Right to participate in public affairs • Elimination of all forms of discrimination against women • Effective monitoring & the collection and dissemination of disaggregated data (evidence) <p>A necessary requirement for states to comply with their legal obligations to ensure equality and non-</p>
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	discrimination in progressively realising economic, social and cultural rights
<p><u>INTERNATIONAL:</u> We are open, connected and make a positive contribution internationally</p>	<ul style="list-style-type: none"> • International cooperation to support the realisation of rights • Freedom of movement • Right to non-discrimination and equality • Freedom of expression • Refugee Integration & the right to seek asylum
<p><u>POVERTY:</u> We tackle poverty by sharing opportunities, wealth and power more equally</p>	<ul style="list-style-type: none"> • Right to an adequate standard of living (including access to housing, clothing and food; freedom from destitution) • Right to social security • Equal rights of women in economic life • Right to adequate food • International cooperation, including ensuring equitable distribution of world food supplies • Prohibition of inhumane or degrading treatment (including destitution)
<p><u>COMMUNITIES:</u> We live in communities that are inclusive, empowered, resilient and safe</p>	<ul style="list-style-type: none"> • Right to access information • Freedom of expression • Right to participate in public life & affairs • Right to adequate housing, including land and resources • Access to sustainable modern energy • Accessibility of transportation, facilities and services • Right to life, liberty and the security of the person • Protection of children from all forms of violence, injury or abuse, neglect, maltreatment or exploitation, sexual abuse • Elimination of violence against women and

	<p>girls</p> <ul style="list-style-type: none"> • Right of disabled people to freedom from exploitation, violence and abuse • Prohibition of slavery, forced labour and trafficking of persons • Right to respect for private, family and home life (including personal autonomy, and physical and mental integrity) • Right to humane treatment of persons deprived of their liberty
<p><u>CHILDREN AND YOUNG PEOPLE:</u> We live in the best place for children to grow up</p>	<ul style="list-style-type: none"> • UN Convention on the Rights of the Child (All articles within CRC) • Right to non-discrimination and equality <p>Cross reference other Outcomes for issues relating to children and: human rights, education; independent living; freedom from poverty, and violence; health; culture; housing; safe communities; participation; justice & accountable institutions.</p> <ul style="list-style-type: none"> • Refugee Integration & the right to seek asylum
<p><u>EDUCATION:</u> We are well educated, skilled and fulfil our potential</p>	<ul style="list-style-type: none"> • Right to education • Right to human rights education • Equal rights of women and girls in the field of education • Right to work, including technical and vocation training • Right to higher education and in particular by the progressive introduction of free education • International cooperation - particularly in relation to children and persons with disabilities

<p><u>FAIR WORK AND BUSINESS:</u></p> <p>We have thriving and innovative businesses, with quality jobs and fair work for everyone</p>	<ul style="list-style-type: none"> • Right to work and to just and favourable conditions of work • Prohibition of slavery, forced labour and trafficking of persons • Prohibition of child labour • Right to equal pay for equal work] • Right to social protection to mothers (maternity cover) • Equal rights of women in relation to employment • Equal rights of women to financial credit and rural infrastructure • Right to economic resources • Supporting young people’s right to work, training or education • Right to access information • Right to enjoy the benefits of scientific progress
<p><u>HEALTH:</u></p> <p>We are healthy and active</p>	<ul style="list-style-type: none"> • Right to life • Right to the highest attainable standard of physical and mental health • Right to reproductive health • Special protection for mothers and children • Right to enjoy the benefits of scientific progress and its application • International cooperation, particularly in relation to the right to health and children’s rights • Right to Independent living <p>This right is integral to the realisation of many of the other rights enshrined in the CRPD, such as equality and non-discrimination, autonomy and liberty, legal capacity and freedom of movement.</p> <ul style="list-style-type: none"> • Right to the full enjoyment of life on an equal basis with others

<p><u>ENVIRONMENT:</u> We value, enjoy and protect our environment</p>	<ul style="list-style-type: none"> • Awareness raising, education and human/ institutional capacity on climate change & justice • Right to participation • Right to a safe, clean, healthy and sustainable environment • Right to safe & sustainable drinking water and sanitation • Right to enjoy the benefits of scientific progress • Access to sustainable modern energy • Accessibility of transportation, facilities and services • Right to adequate housing, including land and resources • Right of all people to freely dispose of their natural resources • Protection from natural disasters
<p><u>CULTURE:</u> We are creative and our vibrant and diverse cultures are enjoyed widely</p>	<ul style="list-style-type: none"> • Right to participate in cultural life • Freedom of expression • Right to non-discrimination

Endnotes

¹ See [Treaty and International Work \(scottishhumanrights.com\)](https://www.scottishhumanrights.com)

² See [A-Scotland-that-cares Briefing_September-2022.pdf \(scottishcare.org\)](#) and [A Scotland that Cares - 29 September - Scottish Care](#)

³ See [SDGs and human rights | The Danish Institute for Human Rights](#)

⁴ See [The Human Rights Guide to the Sustainable Development Goals | Linking human rights with all Sustainable Development Goals and targets](#)

⁵ This has previously been shared with the NPF team and some parliamentary committees. This can be shared with the NPF team again on request.

⁶ Building a new human rights framework for Scotland: Key legal features September 2022 (please contact the commission for a copy).

⁷ See

https://www.ohchr.org/sites/default/files/Documents/Issues/HRIndicators/SDG_Indicator_16b1_10_3_1_Guidance_Note_.pdf

⁸ See [SDG-Discussion-paper-February-2019.pdf \(globalgoals.scot\)](#)

⁹ See <https://www.scottishhumanrights.com/media/1761/submission-to-ehric-re-npf-230418.docx>