



SNAP 2

Scotland's second
National Human Rights
Action Plan
(2023-2030)

A Scotland where everyone can live with human dignity

MARCH 2023

Acknowledgements

The co-Chairs and members of the SNAP Leadership Panel would like to acknowledge and thank all the individuals and organisations that provided their time, experience and expertise to support the development of SNAP 2.

This document is also available in [Easy Read](#).



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Foreword

Developing Scotland's second national human rights action plan (SNAP 2) has been a truly collaborative experience and we would like to give our thanks to all those involved.

This plan is the result of several years of hard work which has included a national participation process, public consultation, a Development Working Group and, more recently, the establishment of a SNAP Leadership Panel. It has drawn on expertise from civil society, organisations and individuals who are on the frontline championing human rights in Scotland, as well as public bodies, including the Scottish Government, who play a key role in providing the framework to ensure that your human rights can be sought and upheld.

As co-Chairs of the Leadership Panel, our role has been to help facilitate dialogue from a wide group of members, and to support them to identify a set of recommended actions which could help deliver transformational change in Scotland. That was our shared vision – to propose a plan to improve the realisation of human rights in people's lives in Scotland, but done in a collaborative and coordinated way.



That concept of co-production and joint work has been central to the development of SNAP 2. This is not a plan that has been imposed on others from one organisation, or from government to civil society. We have all genuinely sought to listen, learn, and work together. The set of actions that have been recommended reflect that shared commitment to improve human rights for all individuals living in Scotland. We hope that all Scots will be able to recognise the individual actions that should lead to a tangible and positive difference to their lives – from housing and social care, to promoting racial equality, and tackling poverty. That is the spirit of SNAP 2 – making a positive difference.

Our next collective challenge is to ensure that SNAP 2 is delivered. That will take renewed commitment and energy, but we are determined to succeed. Delivering on SNAP 2, and the new Human Rights Bill, which the Scottish Government is due to introduce this parliamentary session, will enable Scotland to better fulfil its international obligations and become a leading nation on human rights.

SNAP Leadership Panel co-Chairs, on behalf of all Panel members.

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SNAP 2 At A Glance



VISION

A Scotland where everyone can live with human dignity.



PURPOSE

Carry out coordinated human rights activity by public bodies, civil society and rights holders.
Promote greater awareness of human rights.
Advance the realisation of human rights.



PRINCIPLES

Participation and Collaboration.
Accountability.
Non-discrimination, Equality and Intersectionality.
Empowerment.
Legality.



PRIORITIES

Achieve a decent standard of living.
Improve health, wellbeing and the environment.
Enhance education and work.
Protect private and family life.
Ensure justice.
Learn from COVID-19.
Realise a human rights culture.
Plan and support incorporation.



54 ACTIONS

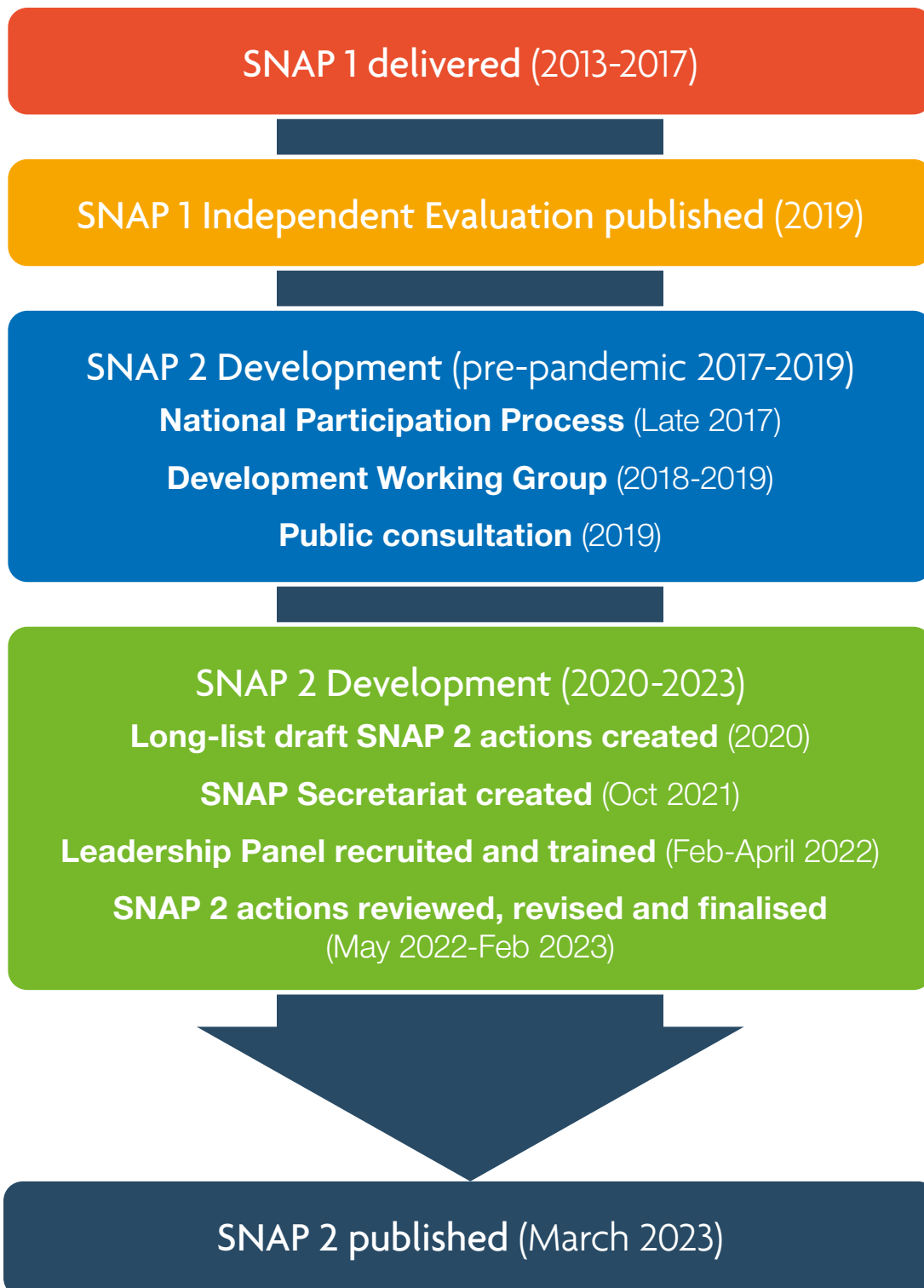


OUTCOMES

7 medium term outcomes by 2026 and
tailored outcomes for each action.
7 long term outcomes by 2030.



SNAP 2 Development Journey





1 Introduction

SNAP 2 is Scotland's second national human rights action plan. It is a strategic plan of 54 recommended, practical actions to be delivered by Scottish public bodies, civil society organisations, and rights holders, working together. The actions respond to human rights issues highlighted in robust research and extensive public engagement, carried out over a multi-year development process.

Ten years ago, Scotland became the first of the UK's four nations to adopt a national human rights action plan, known as SNAP 1. From 2013 to 2017, more than 40 individuals and organisations worked together to deliver over 50 actions. SNAP 2 will build upon these achievements.

Although there are positive signs of progress on human rights in Scotland, we should always aim to achieve better, and ongoing action is needed to make rights real in everyday life. SNAP 2 actions will help to promote greater awareness and understanding of human rights, advance their realisation, and achieve positive human rights outcomes for people across the country.

SNAP 2 is guided and underpinned by fundamental human rights principles. These apply to all SNAP 2 actions and are as follows:

- Participation and Collaboration.
- Accountability.
- Non-discrimination, Equality and Intersectionality.
- Empowerment.
- Legality.

SNAP 2 has eight key priorities. These reflect some of the major issues that currently affect people in Scotland, as well as universal human rights that should be respected, protected, and fulfilled. They are:

- Achieve a decent standard of living.
- Improve health, wellbeing and the environment.
- Enhance education and work.
- Protect private and family life.
- Ensure justice.
- Learn from COVID-19.
- Realise a human rights culture.
- Plan and support incorporation.

Ambitious in scope, but realistic and achievable, SNAP 2 actions tackle a broad range of human rights issues in a cross-sectoral and joined up way. It is neither practical nor feasible for SNAP 2 to address every issue and include every possible action at this point in time. The actions included at the time of publication are a starting point. They were identified by two multi-stakeholder groups, both of which made difficult but informed decisions about which actions to include, based on issues of concern raised during the development process.



SNAP 2 is a living plan so that human rights issues can be addressed on an ongoing basis, and action delivery will be phased and rolling. After launch, the SNAP Leadership Panel will work with Scottish Government and delivery stakeholders to refine actions and identify timelines and resourcing for phased delivery.

SNAP 2 is a significant part of a wider, long term and ongoing national process to promote and protect human rights in Scotland. It shows how embedded and integral human rights are to the issues that affect people's lives, like the cost of living crisis, and getting the right support at the right time. It is also an effective way for duty bearers to move beyond supportive statements about human rights to practical action that will deliver real change and positive outcomes for rights holders.

Finally, SNAP 2 is a way for rights holders, civil society, and public bodies to work together to promote and realise rights in Scotland. The collaborative nature of SNAP 2 is quite distinct from many other countries' national human rights action plans and shows how Scotland can continue to be world-leading in its approach.

2

Vision, Purpose and Outcomes



2.1 Vision

SNAP 2's vision is – A Scotland where everyone can live with human dignity.

2.2 Purpose

The purpose of SNAP 2 is as follows.

- Carry out coordinated human rights activity by public bodies, civil society and rights holders.
- Promote greater awareness of human rights.
- Advance the realisation of human rights.

2.3 Outcomes

SNAP 2 has medium and long term positive human rights outcomes.

Medium Term Outcomes

The SNAP Leadership Panel has identified the following medium term outcomes for SNAP 2 to achieve by 2026.

1. More rights holders have a greater understanding of how human rights affect their lives.
2. More rights holders know about, understand and support international human rights.
3. More rights holders are fully and meaningfully involved in informing, shaping, implementing and/or monitoring a rights-based approach in a range of contexts.



4. Gaps in the protection and realisation of people's rights are being systematically identified.
5. Disaggregated equality and human rights data is being collected and used to enable a more informed analysis of gaps in rights being realised.
6. Public bodies have a better understanding of human rights and a human rights-based approach.
7. Public bodies are increasingly and systematically acting on monitoring and feedback from rights holders to improve law, policy and practice across a wide range of rights issues.

The SNAP Leadership Panel recommend that tailored medium term outcomes and indicators of success should be identified and agreed by all delivery stakeholders, including rights holders, before each action begins.

Long Term Outcomes

There are seven long term outcomes for SNAP to achieve by the year 2030. These were identified during SNAP 1 and also apply to SNAP 2.

- 1. Empowerment**
Each of us is empowered to understand and embrace the value of human rights, asserting them in all parts of our lives.
- 2. Participation**
Each of us can participate in shaping and directing decisions that affect our human rights, and the rights of others.
- 3. Delivery of Public Services**
Organisations providing public services contribute to a human rights culture by valuing and putting human rights at the heart of what they do.



4. International Obligations

Scotland increasingly implements its international human rights obligations, influences and learns from international experience and promotes human rights in all of its international engagements.

5. Accountability

All organisations are held to account for the realisation of people's rights through international and domestic laws, regulation and monitoring.

6. Access to Public Services

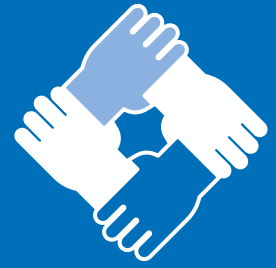
Each of us has access to and can enjoy quality public services, which respect our dignity, irrespective of who we are or where we live.

7. Equality

Each of us experiences improved opportunities and life outcomes whilst Scotland experiences an overall reduction in inequality of opportunity and outcomes.



3 Principles and Priorities



3.1 Guiding Human Rights Principles

SNAP 2 is guided and underpinned by fundamental human rights principles. These apply to all SNAP 2 actions and are as follows:

Participation and Collaboration

- Everyone has the right to participate in decisions that affect them and their rights – “nothing about us, without us”.
- People’s participation must be free, meaningful and active, and attention should be given to accessibility, including access to information in a form and a language that can be understood.
- SNAP 2 is a collaboration between rights holders, civil society, and public bodies in Scotland – in its development, delivery, and oversight.



Accountability

- Accountability means that duty bearers are responsible and answerable for their human rights obligations.
- In order to fulfil their human rights obligations, duty bearers must understand their responsibilities.
- For accountability to be effective, there must be suitable laws, policies, administrative procedures, redress mechanisms and effective remedies in order to secure human rights. Accountability also requires transparency and effective monitoring of human rights standards.

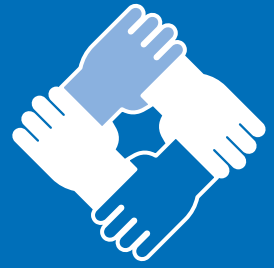




Non-discrimination, Equality and Intersectionality



- The United Nations (UN) notes that Article 1 of the Universal Declaration of Human Rights (UDHR) says, “All human beings are born free and equal in dignity and rights”, and that freedom from discrimination, as set out in Article 2 of the UDHR, is what ensures this equality. Being free from discrimination means that all discrimination must be prohibited, prevented and eliminated.
- People who are in the most vulnerable situations and who face the biggest barriers to realising their rights are prioritised. When developing SNAP 2 actions, the SNAP Leadership Panel were very aware that some people experience bigger barriers because of inequality and discrimination related to their characteristics or how their characteristics intersect. In SNAP 2, these rights holders are called “people whose rights are most at risk.”
- People whose rights are most at risk can vary from issue to issue. Delivery stakeholders will work together to identify and prioritise the people whose rights are most at risk in relation to each SNAP 2 action. A non-exhaustive list (because others can be identified) of people whose rights could be most at risk includes: Black and minority ethnic people; care experienced people; children and young people; families of accused persons and people in custody; disabled people, including people with learning disabilities and autistic people; LGBTQIA+ people; lone parents; migrants, refugees and people seeking asylum; older people; people on remand; people in poverty; people with lived experience of homelessness; people with lived experience of substance use; people with long term conditions; people with mental health conditions; people with religious belief/faith; people living in rural or remote areas; Scottish Gypsy/Travellers; unpaid carers; and women.



- All forms of discrimination should be looked at through an intersectional lens. In SNAP 2, the term ‘intersectionality’ is used to describe the intersection of different and multiple characteristics that create interdependent and complex systems of power, discrimination and disadvantage.

Empowerment

- People should be able to name and claim their rights, and be empowered and encouraged to participate in decision-making and the development of policy and practice that affects them and their rights.
- SNAP 2 actions are intended to promote and support rights holder empowerment.
- Rights holder participation in SNAP 2 actions should be an equal and empowering experience.



Legality

- The full range of legally protected human rights must be respected, protected and fulfilled. It also means that human rights should be recognised as legally enforceable entitlements, and included within national law.
- Several SNAP 2 actions are intended to help improve existing law or its implementation, or prepare for the incorporation of international human rights into domestic Scots law.





3.2 SNAP 2 Priorities

SNAP 2 has eight priorities. These reflect some of the main issues that currently affect people in Scotland, as well as universal human rights standards that should be respected, protected and fulfilled.

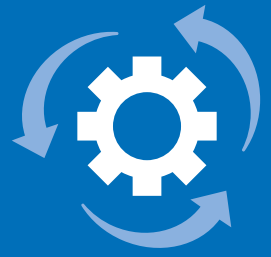
The SNAP 2 priorities are as follows:

- Achieve a decent standard of living.
- Improve health, wellbeing and the environment.
- Enhance education and work.
- Protect private and family life.
- Ensure justice.
- Learn from COVID-19.
- Realise a human rights culture.
- Plan and support incorporation.

Echoing the interdependence of human rights, there are strong connections between the priorities. For example, standard of living is closely related to health and wellbeing, as well as the environment, education, and work.



4 Actions and Delivery



4.1 Introduction

A Living Action Plan

The highlighted issues and actions included in SNAP 2 at the time of publication are a starting point. They were identified by two multi-stakeholder groups – the Development Working Group (2018-2019) and the SNAP Leadership Panel (2022-2023). Based on the evidence, both groups made difficult and informed decisions about which actions to include, and the absence of issues/actions is not intended to imply these are not also important.

SNAP 2 is a living plan. Action delivery will be phased and rolling so that issues can be addressed on an ongoing basis. After launch, the independent SNAP Secretariat will move into the Directorate for Equality, Inclusion and Human Rights within the Scottish Government. Its first task will be to undertake consultation with delivery stakeholders around each of the actions, working with the SNAP Leadership Panel to revise or update the actions, if necessary, whilst always maintaining the purpose and intended impact of each action.

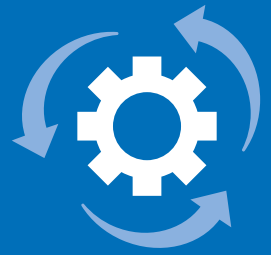
The SNAP Leadership Panel will then work with Scottish Government and delivery stakeholders to agree timelines and resourcing for phased delivery. At every stage of SNAP 2 development and implementation, it is important that there is transparency and clarity around decisions on the phasing of actions, decisions on the resources needed and available to progress these, and on achievements.



Core Criteria

As well as the guiding human rights principles and priorities, the SNAP Leadership Panel used the following core criteria to identify and develop actions:

- **Specific**
The action is clear and unambiguous.
- **Collaborative**
The action is delivered by a partnership of public bodies, rights holders, and civil society.
- **Feasible**
The action has the necessary resources, support from high-level and delivery-level duty bearers, and is realistic and achievable (e.g., within devolved powers).
- **Measurable**
There will be concrete indicator(s) to measure progress and impact.
- **Results**
The action will achieve positive impact and outcomes for rights holders.
- **Time-bound**
The action will have a time-frame and target date.



Scope of SNAP 2

SNAP 2 is a significant part of a wider, long term and ongoing national process to promote and protect human rights in Scotland. The aim is to be ambitious in scope, but realistic and achievable.

An important consideration for the SNAP Leadership Panel in identifying actions was that they should not repeat or duplicate other work. Instead, SNAP 2 should complement other national action plans. The actions should also build upon the human rights ambitions stated in national policy and strategy, thereby helping to bridge the ‘implementation gap’.

Collaboration and Participation

SNAP is a collaboration of many individuals and organisations in its development, delivery and oversight.

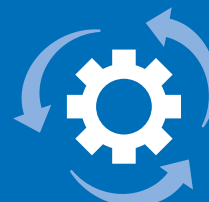
For example, the SNAP Leadership Panel – which developed and will monitor SNAP 2 – is a partnership of members who are rights holders, civil society and public body representatives, and Scotland’s National Human Rights Institutions (NHRIs). Similarly, the actions should be delivered collaboratively by rights holders, public bodies, and civil society organisations.

The SNAP Leadership Panel has identified some potential public body and civil society delivery partners for different actions. These organisations may vary from action to action, depending on their areas of expertise. Rights holders will be involved in every action because participation is an underpinning human rights principle of SNAP 2.

Implementing each action will start with identifying and engaging all key delivery stakeholders. Discussions will include planning, resourcing, implementation and monitoring of the relevant action.



4.2 The Actions



The rest of this section sets out the 54 SNAP 2 actions under the eight priorities.

Many actions relate to multiple elements of people's lives and rights. For example, one action alone can engage the right to equality and freedom from discrimination as well as the rights to education and to be free from violence and abuse. Therefore, although each action in the plan is set out under one priority, most actions relate to several priorities.

The list of issues provided under each priority is not intended to represent a complete record of every human rights concern in Scotland. Instead, these are a non-exhaustive note of issues highlighted during the development of SNAP 2 that relate most closely to the actions.

Some people can experience greater barriers to enjoying their human rights because of inequality and discrimination as a result of their characteristics or how their characteristics intersect. These people, whose rights are most at risk, can vary from issue to issue and action to action. Delivery stakeholders, including rights holders, should therefore work together to identify the people whose rights are most at risk in relation to each action.



PRIORITY:

Achieve a Decent Standard of Living



Standard of Living: ISSUES

A non-exhaustive list of issues raised during the development of SNAP 2 includes:

- Poverty is a human rights issue that engages many human rights standards that are interdependent and interrelated. This includes – but isn't limited to – equality and non-discrimination, the right to an adequate standard of living, food, housing, social security, health, work, education, participation, private and family life.
- For some people, the rights impacted by poverty are particularly at risk. People whose rights are most at risk should be identified and prioritised on an action-by-action basis, before activity begins.
- Despite repeated ambitions to move to a preventative and rights-based approach, action is needed to break the cycle of moving from one crisis and emergency response to another. Organisations can make genuine shifts to preventative action and a rights-based approach, which will help reduce the frequency of crises and their impact when they do occur.
- There are a range of commitments and ongoing activity to tackle rising rates of child poverty, including Local Child Poverty Action Reports. However, efforts are needed to ensure that human rights data is systematically collected and analysed in order to better understand the impact that child poverty actions have, and make improvements where needed.



- The stigma and discrimination experienced by people in poverty undermines their ability to access their rights in multiple domains. This is because stigmatising public attitudes and behaviours create a climate where people do not feel empowered and entitled to claim their rights. It is also because people working in public services engage in stigmatising and discriminatory attitudes and behaviours, and are not held to account for this.
- There is substantial evidence that some people do not enjoy their right to independent living and are inappropriately accommodated in a care home or hospital when they could and should be living at home or closer to their families. This is not well understood as a human rights issue, and better analysis is needed to inform and help improve policy and practice.
- Food insecurity is a growing problem, and there is a lack of robust information about where the gaps in public service provision lie and measures to tackle them. Some people experience particular infringements of their right to food, and setting targets is one way to ensure the practical reality of the right in people's everyday lives.
- Some people face particular infringements of their right to housing. However, there is a lack of rigorous data collection and analysis on different people's experiences in order to identify appropriate policy and practice that would lead to better human rights outcomes.



Standard of Living: ACTIONS

- To progressively realise the right to an adequate standard of living, duty bearers should consistently use preventative approaches to ensure fewer people fall into poverty, focused on the cost of living and increasing income through social security and employment. Duty bearers will re-examine their activity to determine to what extent it prevents poverty – including for those whose rights are most at risk – and work collaboratively to identify and publish steps they will take to enhance preventative approaches with clear timescales.
- Carry out a human rights review to identify how the right to independent living is respected, protected and fulfilled for older people, disabled people, including people with learning disabilities and autistic people, and people with mental health conditions. Use the findings and recommendations to inform, improve and support the implementation of rights-based policy and practice.
- Co-produce rights-based indicators to monitor the ability of people whose rights are most at risk to access a healthy, sustainable and culturally appropriate diet.
- Public bodies and delivery partners should take a human rights based approach to data gathering, measure and implement the impact of actions in the Child Poverty Delivery Plan and Local Child Poverty Action Reports. Findings will be used to scale up, adapt, or stop actions where necessary in order to meet the child poverty targets and progressively realise the right to an adequate standard of living.



- Develop and deliver an initiative to address the stigma experienced by people living on low incomes, co-designed with people with lived experience. This initiative could include awareness raising for public and frontline staff and coordinated social security take-up programmes, with outcomes being evaluated to enhance impact.
- Carry out a mapping exercise to identify publicly funded services that serve affordable, accessible, sustainable, nutritional, adequate, and culturally appropriate food, and where there are gaps. Use the findings and recommendations to develop collaborative action plans for public services to progressively address any gaps over the next 3-5 years.
- Improve the collection and analysis of disaggregated equality and human rights data to better understand the experiences and needs of different people in relation to their right to housing.



PRIORITY: Improve Health, Wellbeing and the Environment



Health, Wellbeing and the Environment: ISSUES

A non-exhaustive list of issues raised during the development of SNAP 2 includes:

- Many people do not fully enjoy their right to the highest attainable standard of physical and mental health, or the right to a healthy environment, and the rights of some people are particularly at risk. For each action, delivery stakeholders should ensure that the people whose rights are most at risk are identified and prioritised before activity begins.
- Although there is substantial research and evidence on life expectancy and mortality rates, improvements are needed to ensure that robust disaggregated equality and human rights data is gathered and analysed in order to better understand these as human rights issues and the experiences of people whose rights are most at risk.
- Evidence shows that some people experience systematic and growing levels of violence and abuse, and a range of national strategies and delivery programmes have been created to address the issues faced by different equality groups. However, while there is some evidence of connections between these, more work is needed to overcome silos and ensure a coordinated, rights-based approach.
- There is a serious, ongoing disconnect between rights-based policy ambitions in health and social care and financial decision-making, and much more is needed to align the two. To demonstrate that this is achievable, a first step should be to carry out human rights budget analysis at the local level. This would inform and influence further rights-based budget setting at the local level, and human rights budget work nationally, into the future.



- Despite the existence of several shared decision-making projects in healthcare settings, there is a lack of consistent and universal good practice and some people continue to experience infringements of their right to participate in decisions about their care and support. More work is needed to systematically map and identify the projects that take a rights-based approach, to inform and help improve practice in services across the country.
- Online bullying and harassment affects multiple groups in Scottish society, but it is not well understood as a human rights issue, and therefore rights-based measures to tackle it are being overlooked.
- People who experience mental ill-health face numerous human rights issues. This includes – but is not limited to – stigma and discrimination, unemployment and underemployment, rising rates of detention, over-use of medication, a lack of decision-making power, and barriers to accessing health and social care services that are available, accessible, acceptable and good quality.
- There is an ongoing tension between rights-based policy in social care and commissioning and procurement processes. Neither the Independent Review of Adult Social Care nor the National Care Service (NCS) proposals strongly align human rights with commissioning and procurement (Feeley references ‘commissioning for social good’, and the NCS proposals refer to ‘ethical commissioning’). More work is needed to inform and help improve rights-based policy and practice in social care commissioning and procurement. In future, this could be applied to commissioning and procurement across a wider range of public service provision.



- The right to health for some women is particularly at risk. Although women's health is a growing policy priority, action is needed to ensure all women across Scotland equally enjoy their right to available, accessible, acceptable and quality healthcare, including – but not limited to – reproductive and maternal healthcare services. There is a lack of investment in research and gender-competent, evidence-led policy related to women's health, and gaps in disaggregated equality and human rights data and analysis.
- Scotland must urgently prioritise environmental protection from a human rights perspective and tackle environmental damage and the disproportionate impact it has on areas of high disadvantage, and people whose rights are most at risk.

Health, Wellbeing and the Environment: ACTIONS

- Carry out a human rights review of current evidence on healthy life expectancy and adverse mortality rates in Scotland. Particular focus on population groups that experience shorter healthy life expectancy and the most adverse mortality rates, including care experienced people, people living in poverty, disabled people including people with learning disabilities and autistic people, people with mental health conditions, people with lived experience of substance use, minority ethnic people and transgender people.
- Carry out a human rights review of current national strategies and delivery programmes in Scotland in order to better understand, reduce and prevent infringements of people's right to be free from violence and abuse. Particular focus on population groups who experience the greatest infringement of this right, including disabled people, care experienced people, LGBTQIA+ people, minority ethnic people, women and girls.



- Pilot a human rights budget analysis of allocation and spend on health and social care in at least one Scottish region. The analysis will cover two budgetary cycles – one pre-COVID 19 and one during the pandemic period, after restrictions were lifted. Suggested budget cycles are 2018-2019 and 2022-2023. Use findings to inform and implement human rights budget work across all public sector budgets in Scotland.
- To help reduce inequalities and tackle discrimination, carry out a mapping exercise to identify good practice examples of rights-based decision-making in healthcare settings with people whose rights are most at risk. Use the findings and good practice examples to inform, improve and support the implementation of rights-based policy and practice across healthcare in Scotland.
- To support the progressive realisation of women's right to health: (a) increase investment in research and evidence-led policy; (b) improve rights-based intersectional data collection and analysis; and (c) develop national standards and gender-competent, rights-based professional development. Particular focus on women whose rights to available, accessible, acceptable and quality healthcare services are most at risk.
- Carry out a human rights review of online bullying, harassment and abuse in Scotland to better understand, mitigate and prevent the negative impact on people's rights. Particular focus on those whose rights are most at risk, including children and young people, disabled people including people with learning disabilities and autistic people, LGBTQIA+ people, minority ethnic people, older people, and women.
- Carry out a human rights review of collated baseline data on air, land and water pollution impacts and severe weather events. To address the disproportionate impact of environmental harms on marginalised places and people whose rights are most at



risk, prioritise focus on: (a) areas of highest deprivation and/or at higher risk; (b) the impact of environmental hazards on health outcomes; and (c) the extent to which mitigation and adaptation measures are prioritised for areas of highest deprivation. Use findings to inform national decision-making to help better realise the right to a healthy environment.

- Carry out a human rights review of commissioning and procurement in the social care sector. Use the findings and recommendations to inform, improve and support the implementation of rights-based practice across all public services in Scotland.
- As part of its work to review and develop actions, the SNAP Leadership Panel considered possible actions related to mental health, in addition to those included in this Plan. At the time of developing SNAP 2, extensive work in the area of mental health and human rights was underway. This included the Scottish Mental Health Law Review (SMHLR), the development of a new national mental health strategy, and the proposed incorporation of ICESCR and CRPD. In light of these developments, the Panel commits to keeping this issue under continuous review, in particular as the Scottish Government responds to the SMHLR, and new actions could be introduced in the future if required.
- As part of its work to review and develop actions, the SNAP Leadership Panel considered actions related to social care, in addition to those included in this Plan. At the time of developing the plan, a process to develop a National Care Service, following from the Independent Review of Adult Social Care, was in progress. As this process was subject to an ongoing co-design process, and a Bill was undergoing its passage through the Scottish Parliament, it was not clear at the time of development to what extent this process would advance human rights. In light of these developments, the Panel will continue to review this area for future consideration, once the outcome of this process is complete.

PRIORITY:

Enhance Education and Work



Education and Work: ISSUES

A non-exhaustive list of issues raised during the development of SNAP 2 includes:

- Children and young people's education is a priority policy issue, and numerous organisations and individuals are working on a broad range of improvements, however there are several ongoing problems. SNAP 2 can help fill gaps, including where education is not well understood as a human rights issue. Given the breadth of concerns and other work in progress, a phased approach is needed to ensure SNAP 2 activity is properly targeted, resourced and robust, and to avoid duplicating other plans or simply skimming the surface.
- Evidence shows that the right to education through the life course is not yet fully respected, protected and fulfilled, and that this right is particularly at risk for some people. However, there is a lack of disaggregated equality and human rights data and analysis that would identify the particular barriers faced by different people and the targeted activity needed to improve policy and practice.
- Girls experience sexualised bullying and sexual assault within school settings, which seriously infringes their rights to education and to be free from violence and abuse, amongst others. Equally Safe at School (ESS) is a positive, whole school approach developed by Rape Crisis Scotland and Zero Tolerance that tackles gender based violence. There are free, online resources readily available for any school to use, however because it is voluntary not all schools have implemented ESS.



- Some people disproportionately experience discrimination and inequality in access to good work, resulting in unequal pay and conditions, insecure work, and in-work poverty, amongst other infringements of their rights. Action is required to inform, influence and help improve employment policy and practice so that work is understood as a human rights issue, the right is progressively realised, and to identify and prioritise those whose right to work is most at risk.
- The stigma, discrimination, bullying and hate crime faced by transgender, non-binary, intersex and gender non-conforming people negatively impacts their rights to education and to work. More action is needed to work with rights holders to identify barriers and create tailored measures to overcome them.

Education and Work: ACTIONS

- Carry out a phased human rights review of Scottish education, focusing on the rights of all children and young people to:
(a) experience positive mental health and wellbeing in academic settings; (b) be supported to develop their full potential through a wide range of learning opportunities (including practical, experiential, cultural, technical, and outdoor learning); and (c) participate in decisions that affect them and have their voices heard.
- Carry out a phased human rights review to better understand the barriers to education and learning faced by those experiencing discrimination and disadvantage. Use the findings and recommendations to inform, improve and support the implementation of rights-based practice across education and learning from early years to later life.



- To better respect, protect and fulfil the right to work, carry out a human rights review of people's experiences and develop a best practice workers' rights framework. Particular focus on people who experience the greatest barriers to realising their right to work, including disabled people including people with learning disabilities and autistic people, care experienced people, minority ethnic people, lone parents, women, LGBTQIA+ people, older people, and unpaid carers.
- Deliver and complete Equally Safe at School at every secondary school in Scotland in order to better understand, reduce and prevent sexualised harassment, bullying and sexual assault on girls and its negative impact on their right to education.
- Put into place proactive measures to address the barriers faced by transgender, non-binary, intersex and gender non-conforming people in education and employment, to enable their full participation and the ability to live freely and independently.



PRIORITY:

Protect Private and Family Life



Private and Family Life: ISSUES

A non-exhaustive list of issues raised during the development of SNAP 2 includes:

- The right to private and family life includes many different elements and it is not as well understood as it should be. As a result, some people disproportionately experience infringements of this right. People whose rights are most at risk should be identified and prioritised by delivery stakeholders on an action-by-action basis.
- Disabled people, including people with learning disabilities and autistic people, experience disproportionate barriers to exercising control over their life choices and relationships, including as parents and to have healthy relationships, including sexual relationships. Action is needed to improve rights-based policy and practice.
- Infringements of the right to private and family life of the children and families of accused persons and prisoners occur at many points in the criminal justice process. Coordinated action is needed to ensure all stakeholders understand the right and apply a rights-based approach.
- Unpaid carers and young unpaid carers experience a wide range of issues in relation to their human rights that cut across many different areas of public policy-making and service provision. This includes – but is not limited to – the right to an adequate standard of living, to rest, leisure and to a reasonable limit of unpaid caring hours, work, education, private and family life, good physical and mental health, and the right to choose to be an unpaid carer. There is a gap in data and analysis to understand the experiences of unpaid carers through a rights-based lens, so that comprehensive, coordinated and targeted improvements can be made to policy and practice.



- There is a lack of awareness and understanding about the right to personal autonomy, and as a result of this gap some people have very poor experiences in their everyday lives. Action is needed to gather disaggregated equality and human rights evidence and examples of best practice across a wide range of policy and practice areas and carry out a human rights analysis, in order to inform and help implement rights-based policy and practice.
- Bodily integrity is an important element of the right to personal autonomy, but it is not well understood as a human right and some people experience ongoing problems with physical restraint and overmedication in a range of settings. While there is guidance being developed on restraint in school settings, there is a gap to develop, implement, and independently regulate rights-based guidance in relation to physical and pharmacological intervention in non-school settings.
- There are concerns that some use of investigatory powers, including communications surveillance, may be infringing people's human rights. A robust review is needed to identify human rights gaps in the current regulatory and scrutiny framework and make improvements where needed.

Private and Family Life: ACTIONS

- Carry out a human rights review to identify how disabled people, including people with learning disabilities and autistic people, have their right to private and family life respected, protected and fulfilled. Use the findings and recommendations to develop a rights-based approach and better realise people's right to private and family life, in particular their rights as parents and to form safe, healthy relationships, including sexual relationships.



- Carry out a human rights review of current national strategies and delivery programmes in Scotland in order to better understand, respect, protect and fulfil the rights of unpaid carers and young unpaid carers. Particular focus on unpaid carer's rights to an adequate standard of living, to rest and leisure (including a reasonable limitation of working hours), employment, private and family life, good physical and mental health, and the right to choose to be an unpaid carer. Use the findings and recommendations to inform, improve and support the implementation of rights-based policy and practice across Scotland.
- Carry out a human rights review to better understand and raise awareness of the right to personal autonomy in Scotland. The review will gather evidence (including people's experiences and best practice examples), identify gaps, and propose changes that are needed to improve the realisation of this right. Particular focus on the experiences of those whose right to personal autonomy is most at risk. Use the findings and recommendations to inform, improve and support the implementation of rights-based policy and practice across Scotland.
- Explore how best to promote and uphold the right to private and family life of the children and families of accused persons and prisoners at each stage of the criminal justice system.
- In order to better realise people's right to bodily integrity, develop rights-based guidance on physical and chemical restraint in all settings and ensure its consistent application.
- Carry out a human rights review of the legislative and policy framework in respect of investigatory powers in Scotland. The review should identify any areas of best practice as well as areas for development. Use the findings and recommendations to inform, improve and implement rights-based practice across Scotland.

PRIORITY:

Ensure Justice



Justice: ISSUES

A non-exhaustive list of issues raised during the development of SNAP 2 includes:

- Several human rights issues were raised in relation to the criminal justice system, and a particular focus was custodial sentences and the conditions for people on remand. For example, there are too many people on remand, some people can spend more time on remand than their sentence would have been if they had been convicted, and the conditions people on remand face can be worse than those of people who have been convicted. A comprehensive human rights review of the whole system has never been undertaken – without this, many issues may not be properly addressed.
- Some people experience poorer human rights outcomes and their rights are most at risk – both in accessing justice and within the criminal justice system. People whose rights are most at risk should be identified and prioritised on an action-by-action basis, before activity begins
- Members of migrant communities who are subject to or engaged by the criminal justice or immigration enforcement processes in Scotland face multiple human rights issues and can be excluded from decision-making. Action is needed to improve human rights compliance and rights-based approaches by relevant devolved institutions.
- Evidence shows that people whose rights are most at risk do not have good access to the independent advocacy services they need to help them participate in decision-making, access justice and realise their rights.



- There are existing gaps in legal and advice service provision which hampers people's routes to justice and remedy. Furthermore, to prepare for incorporation of economic, social, cultural and environmental rights into domestic Scots law, work is needed to systematically identify any gaps in accessibility to relevant, quality legal and other advice in relation to these rights.
- Human rights frameworks should include the tools and mechanisms for accountability of duty bearers on fulfilling their human rights obligations, which means tracking the steps taken to protect and realise rights outcomes not just reporting on processes. The place of rights-holders in being able to hold the government to account – particularly on strategies and action plans – is not well understood or applied.

Justice: ACTIONS

- Carry out a whole system human rights review of the justice system, focused on examining the root causes of over-reliance on custodial sentences and conditions for people on remand. Use the findings and recommendations to inform and influence work to reduce the remand population and improve conditions.
- Carry out a human rights review of the lived experience of members of migrant communities who are subject to or engaged by the criminal justice or immigration enforcement processes in Scotland. Particular focus on those members of migrant communities whose rights are most at risk and who live in socio-economic precariousness or legal immigration insecurity. Use the findings and recommendations to inform and improve human rights compliance by devolved institutions and rights-based participation and learning approaches with migrants.



- Carry out a mapping exercise of independent advocacy services that enable individuals and groups whose rights are most at risk to participate in decision-making, access justice and realise their rights. Use the findings and recommendations to inform, improve and support the implementation of work to develop, expand and ensure access to universal and specialist independent advocacy services across Scotland.
- Carry out a mapping exercise of the provision of legal and advice services to individuals on economic, social, cultural and environmental rights in Scotland, identifying any geographical, issue-specific, or service provision gaps. Use the findings and recommendations to inform and improve policy and funding for advice and other services, and implementation of the proposed Human Rights Bill in Scotland.
- Develop, test and evaluate mechanisms for rights holder-led accountability on at least two Scottish Government strategies or actions plans. Use the findings and recommendations to inform, improve and support the implementation of rights holder-led accountability across all public bodies in Scotland.



PRIORITY:

Learn from COVID-19



Covid-19: ISSUES

A non-exhaustive list of issues raised during development of SNAP 2 includes:

- Duty bearers can struggle to understand and take a rights-based approach to policy-making, which results in inconsistent and piecemeal approaches, including in relation to rights holder participation.
- Scottish policy-making rarely takes an intersectional approach, and where it has been attempted it could be developed further. Practical, rights-based approaches are needed to embed intersectionality in policy-making as well as making positive and ambitious statements.
- Decision-making by Scottish public bodies can be opaque and more transparency is needed. This includes proactive approaches to Freedom of Information law and ensuring people have good access to environmental and fiscal information.
- An ongoing lack of awareness and understanding about unpaid carers' rights, how to identify and properly engage with unpaid carers means that their rights and participation in decision-making are overlooked.
- In health and social care, people who access services should be able to make an informed choice about whether and how to do so digitally or not, and the workforce need relevant knowledge, skills and resources to deliver on their human rights obligations.



- Secure storage, access to, sharing, and ownership of health and care-related data are not well understood as human rights issues. People who access services should enjoy their rights to have access to data that is held about them by health and social care services, control over this data and how it is used.
- Some older people face numerous human rights issues. This includes – but is not limited to – inequality and discrimination, poorer health outcomes and access to public services, low incomes, food insecurity, barriers to independent living, good work and education, social exclusion, violence, abuse and neglect, and a lack of participation in decision-making.

Covid-19: ACTIONS

- Develop a toolkit on a rights-based approach to rights holder and civil society participation in public policy-making that includes best practice examples. The toolkit will be tested and evaluated to ensure it is accessible, valued and used across different areas of policy-making.
- Co-produce a pilot project for secure personal data stores in two Scottish health board areas, that allow people to add to and share all or part of their health and wellbeing information with others, including public services and their delivery partners. Use the findings and recommendations to inform and support the implementation of rights-based secure personal data stores across all health boards in Scotland.
- Carry out a mapping exercise to identify and showcase good practice examples of transparent decision-making by Scottish public bodies, including full and proactive compliance with Freedom of Information law and the right to environmental information. Use the findings and good practice examples to inform, improve and support the implementation of rights-based practice across all public bodies in Scotland.



- Co-produce a programme with unpaid carers to improve understanding of carers' rights, and how to identify and engage with unpaid carers. Use this programme to inform, improve and support the implementation of rights-based practice across all health and social care. Particular focus on unpaid carers whose rights are most at risk, including minority ethnic people and those on low incomes.
- Carry out a human rights review of the health and social care workforce's role in promoting 'digital choice', particularly for those whose rights are most at risk. Use the findings and recommendations to improve the workforce's digital skills in order to better respect, protect and fulfil the digital choice and human rights of people accessing services.
- Deliver rights-based intersectionality training and good practice models for Scottish policy-makers that are developed, monitored and evaluated in co-production with rights holders and civil society.
- Taking a rights-based approach, organise a national consultation and engagement process on the potential creation, role and function of an Older People's Commissioner for Scotland.

PRIORITY:

Realise a Human Rights Culture



Human Rights Culture: ISSUES

A non-exhaustive list of issues that were identified during the development of SNAP 2 includes:

- Evidence shows that there is a lack of widespread understanding and acceptance of human rights and international human rights law by the general public, specific groups of rights holders, and duty bearers. Without this, there is a less empowerment and ownership of human rights and accountability, which are essential to achieving a human rights culture.
- There are gaps in intersectional equality and human rights data and analysis on outcomes, and human rights are not comprehensively embedded and mainstreamed into the collection, analysis and reporting of intersectional equality data.
- Unlike many countries – including England and Wales – Scotland does not have a national human rights tracker tool. Without it, there is no comprehensive monitoring or scrutiny of human rights progress that identifies progress and success, as well as gaps where targeted action is needed.
- Human rights should be everyone's business, including the private sector. Developing a Business and Human Rights Action Plan was an action for SNAP 1, and although work began on a draft, a final plan has not been published. If Scotland continues with developing a Business and Human Rights Action Plan, it is important that this is coordinated with SNAP as the national human rights action plan.



- Ongoing and increasing levels of stigma, discrimination, bullying, hate crime, violence, negative attitudes and media coverage lead to worse outcomes across a range of human rights for LGBTQIA+ people.
- Despite the diversity of faith and belief communities in Scotland, freedom of faith and belief is not recognised or well understood as a human rights issue. There is a particular lack of reliable national and service-level data collection and published evidence on the needs of people from different religious communities across a variety of public services.
- Human rights are not fully embedded or mainstreamed into national equality policy to tackle race inequality on a long term basis, which means that there are potential gaps in ensuring that the rights of Black and minority ethnic people are respected, protected and fulfilled.
- Human rights should be fully embedded and mainstreamed into national equality policy focused on Scottish Gypsy/Travellers, and members of this community should be fully involved in policy-making.
- Everyone in Scotland has economic, social and cultural rights, regardless of where they were born or their immigration status. However, migrants – including those with No Resource to Public Funds, EU citizens that have been impacted by Brexit, and those born elsewhere who now live in Scotland – face some of the most serious risks to these rights. Even though immigration is a reserved matter for the UK Parliament, action can be taken in Scotland to help progressively realise the economic, social and cultural rights of migrants in a collaborative way.
- SNAP 2 should include its own explicit requirement for an independent, rights-based evaluation.



Human Rights Culture: ACTIONS

- Develop and deliver a strategic programme across Scotland to significantly increase understanding of human rights, human rights law and a human rights-based approach amongst rights holders – particularly those whose rights are most at risk – and those who work in public services. The programme will enable community level engagement to promote human rights understanding, embed human rights in professional and occupational training and education, and include evaluation and impact measurement from the outset to continually learn from experience and shape the programme to be as effective as possible.
- Mainstream and embed human rights in the collection, analysis and reporting of intersectional equality data, to support greater accountability, provide outcomes-related evidence, and help progressively realise economic, social and cultural rights.
- Develop and maintain an accessible tracker tool to measure, monitor and support the implementation of international treaty body and Universal Periodic Review (UPR) recommendations.
- Monitor and review Scottish Government's development and implementation of the emerging Scottish Business and Human Rights Action Plan.
- Put into place proactive measures to increase positive public awareness of the rights of LGBTQIA+ people. Monitor and challenge violations, negative public awareness, and negative media coverage of these rights.



- Carry out a human rights review of lived experience and discrimination related to freedom of religion and belief in Scotland. The review will explore diverse experiences and views and identify areas of concern for religious groups and communities. The findings and recommendations will be used to inform, improve and support the implementation of rights-based policy and practice.
- Mainstream and embed human rights in the Race Equality Framework 2030 and the proposed new independent Observatory being created to develop anti-racist infrastructure in Scotland.
- Mainstream and embed human rights in the new Scottish Gypsy Traveller Action Plan and ensure that there is measurable involvement of Scottish Gypsy Traveller communities in the Plan's development, implementation, monitoring, and evaluation.
- Carry out a human rights review of Scottish law, policy and practice to identify changes that can be made – as far as possible in the context of devolution – to meet the obligations of economic, social and cultural rights in relation to migrants in Scotland, including those who are subject to No Recourse to Public Funds.
- Design and deliver an independent rights-based evaluation of SNAP 2 that takes a learning and reflective approach across the actions and governance from the outset and focuses on the impact on people's lives and rights holder participation. Publish evaluation findings and recommendations to support widespread learning and help shape future human rights law and policy developments across Scotland, the UK, and beyond.

PRIORITY:

Plan and Support Incorporation



Incorporation: ISSUES

A non-exhaustive list of issues raised during the development of SNAP 2 includes:

- Rights holders must be supported to participate freely, meaningfully and actively in creating and implementing new legislation that will incorporate international human rights into domestic Scots law. Targeted action is needed to ensure that people whose rights are most at risk – who are often excluded from decision-making – are fully involved.
- Some people from Black and minority ethnic communities can be excluded from participation in decision-making due to systemic and structural racism. Proactive action is needed to ensure that the diversity of people from Black and minority ethnic communities are able to participate freely, meaningfully and actively in creating new legislation that will incorporate international human rights into domestic Scots law.
- The Scottish Human Rights Bill will necessitate setting minimum core obligations for all the economic, social and cultural rights that will be incorporated. If not, duty bearers will not understand the minimum that they are responsible for, and the rights will not be justiciable in law. Rights holders must be supported to participate freely, meaningfully and actively in setting the minimum obligations, alongside duty bearers.
- Rights holders living in social and private rented housing – and particularly those whose rights are most at risk – must be supported to participate freely, meaningfully and actively in setting the minimum obligations for the right to housing.



- Incorporating the right to housing into domestic Scots law will require duty bearers to take a rights-based approach, progressively realise and be held accountable for this right. Work is needed to ensure relevant duty bearers – like Registered Social Landlords – begin work and are prepared for their obligations as soon as possible.
- There has never been an independent review of the rights-based Health and Social Care Standards, which apply across all of health, social care, and social work. It is therefore unclear how duty bearers use these rights-based standards, or if they achieve positive human rights outcomes for people who access services and unpaid carers. Incorporation may require the development of new rights-based standards across a broad range of public service provision, which will need independent evaluation to measure progress and identify gaps where improvements are needed.

Incorporation: ACTIONS

- Scottish Government and Scottish Parliament to continue to develop and evaluate innovative and effective ways to ensure that people whose rights are most at risk engage with, directly inform, and shape the proposed new human rights law and its implementation.
- Scottish Government and Scottish Parliament to develop and deliver a plan of engagement with the diversity of members of Black and minority ethnic communities in Scotland to ensure that their experiences directly inform and shape the proposed new human rights law and its implementation. This engagement must ensure that barriers to engagement that people from ethnic minority backgrounds face are explicitly addressed, including, but not limited to: discrimination, lack of trust (by rights holders and duty bearers), and systemic and institutional racism.



- Facilitate rights holder participation (tenants in private and public housing) to develop minimum core standards of the right to housing in Scotland.
- Scottish Government and Scottish Parliament to develop and deliver a rights-based participatory process, including with people whose rights are most at risk, to define the minimum core obligations of incorporated economic, social, cultural and environmental rights.
- Develop a framework for social housing decision-makers, including Registered Social Landlords and local authorities, to help them: (a) take a rights-based approach; (b) ensure the progressive realisation of the right to housing; and (c) prepare for accountability on compliance. Particular focus on those whose right to housing is most at risk, including disabled people, people with learning disabilities, older people, Black and minority ethnic people, refugees and asylum seekers, and care experienced people.
- Carry out a human rights review of the Health and Social Care Standards to assess: (a) how local authorities, NHS Health Boards, private and third sector service providers use the Standards; (b) how scrutiny bodies use the Standards; and (c) the impact of the Standards on people who access services and unpaid carers.



5 Governance, Monitoring and Evaluation



5.1 Governance Principles

Nine principles for governing and delivering SNAP have been identified. These are based on important learning from SNAP 1 and the development of SNAP 2. The governance principles are as follows:

1. SNAP should be a collaboration between government, other duty bearers, civil society, and people with lived experience of human rights issues (also known as ‘rights holders’).
2. The Scottish Government should play a leadership role in SNAP as the key organisation with human rights obligations in Scotland, and this leadership should be enabling and empowering, rather than top-down and directive.
3. People with lived experience must be given real decision-making and governance power on an equal footing with other people – power imbalances between people with lived experience and paid professionals should be actively acknowledged and addressed.
4. People with lived experience should have their time and expertise recognised, acknowledged and valued, including through appropriate financial compensation.
5. Civil society organisations should have their time and expertise recognised, acknowledged and valued through appropriate financial compensation.
6. Rights holders should be meaningfully involved throughout the design, delivery, monitoring and evaluation of SNAP actions, and in SNAP governance structures.



7. Governance and delivery structures should be as simple and streamlined as possible, and they should have clearly articulated roles and responsibilities for everyone to see.
8. SNAP should be accessible, visible and accountable to people across Scotland through proactive and inclusive communications and appropriate reporting. This could include a formal accountability relationship with the Scottish Parliament.
9. Dedicated, independent secretariat support is needed to ensure the effective governance and delivery of SNAP, including support for rights holders' participation and administration of events and meetings.

For SNAP 2 to learn from the experiences of SNAP 1, work effectively, and put the nine governance principles into practice, there are some different (but related) requirements. This includes the SNAP Leadership Panel, the Secretariat, and the SNAP 2 actions.

5.2 SNAP Leadership Panel

Membership

The SNAP Leadership Panel is a voluntary partnership including members who are rights holders and people who represent civil society organisations, duty bearers (public bodies), and National Human Rights Institutions.

During the SNAP 2 development phase, the Panel was co-chaired by the Scottish Human Rights Commission and the Scottish Government. At the time of publishing SNAP 2, the members of the SNAP Leadership Panel are as follows:



- **Alessa Raine Catterall**
- **Alex Thorburn**
- **Charlie McMillan**, Chief Executive, Scottish Commission for People with Learning Disabilities (SCLD)
- **Clare Gallagher**, Human Rights Officer, CEMVO Scotland
- **Clare MacGillivray**, Director, Making Rights Real (MRR)
- **Fiona Taylor** (alternate), DCC Professionalism, Digital and Transformation, Police Scotland
- **Gordon Paterson**, Director for Social Care, NHS Education for Scotland
- **Heather Ford**
- **Henry Mathias**, Head of Professional Standards and Practice, Care Inspectorate
- **Hussein Patwa**
- **Ian Duddy**, Chair, Scottish Human Rights Commission (co-Chair)
- **John Wilkes**, Head of Scotland, Equality and Human Rights Commission (EHRC)
- **Lorraine Cook** (deputising), Policy Manager, Confederation of Scottish Local Authorities (COSLA)
- **Malcolm Graham** (alternate), DCC Crime and Operational Support, Police Scotland
- **Mhairi Snowden**, Director, Human Rights Consortium Scotland (HRCS)
- **Michael Heffernan**



- **Nicola Dickie**, Director of People Policy, Confederation of Scottish Local Authorities (COSLA)
- **Pat Scrutton**
- **Rob Gowans**, Policy and Public Affairs Manager, Health and Social Care Alliance Scotland (the ALLIANCE)
- **Rob Priestley**, Unit Head, Mainstreaming and Strategy Unit, Directorate for Equality, Inclusion and Human Rights, Scottish Government (co-Chair)
- **Sam Gluckstein**, Human Rights Lead/Inspector and NPM Coordinator, Her Majesty's Inspectorate of Prisons Scotland (HMIPS)
- **Sam Smith**, CEO, C-Change Scotland
- **Shaben Begum**
- **Susan Docherty**
- **Tim Mairs** (deputising), ACC Local Policing East, Police Scotland

Panel members were recruited via an open process in early 2022 and took part in an intensive induction programme from March to April 2022. Before their appointment, some members had previous experience of human rights policy-making and action planning – including involvement in SNAP 1 – while other members were new to these issues.

From May 2022 to February 2023, members of the SNAP Leadership Panel met monthly or more, and formed subgroups in between, to review, revise, finalise and launch SNAP 2. Now that SNAP 2 has been published, the Panel's role is to monitor and oversee its implementation.



Terms of Reference and Ways of Working

The [Leadership Panel's Terms of Reference](#) for the period 2022 to 2025 includes information about how members work and their focus.

Panel members work together collaboratively and as equals, using a tailored form of [consensus-based decision-making](#) – developed for them by the Secretariat – to agree the SNAP 2 actions. The Panel's work was underpinned by the 'Working Together Values' of:

- **Dignity and respect**
We are considerate and respectful of each other and treat each other with dignity.
- **Equality and inclusion**
We try to ensure all members can play an equal part in, and make a meaningful contribution to, the panel. We try to follow the [Six Principles of Inclusive Communication](#).
- **Human rights**
We are passionate about human rights and our work takes a human rights-based approach.
- **Curiosity**
We are open-minded, listen to each other and are curious about other people's experiences and views.
- **Collaboration**
We recognise we all have different experiences and views, and work together equally and in partnership to achieve a common shared goal.



5.3 SNAP Secretariat

During the development phase from 2021 up to the launch of SNAP 2, the Leadership Panel and co-Chairs were supported by an independent SNAP Secretariat.

In October 2021, an interim Secretariat Lead was appointed, temporarily hosted by the Scottish Human Rights Commission (SHRC) and resourced by SHRC and the Scottish Government. Lucy Mulvagh, the interim Secretariat Lead, helped to recruit and train members of the Leadership Panel, and then supported their work to review, revise, finalise and publish SNAP 2.

After SNAP 2 launch, the independent SNAP Secretariat will be hosted by the Scottish Government, within the Directorate for Equality, Inclusion and Human Rights.

5.4 Monitoring and Evaluation

SNAP 2 Monitoring Framework

The SNAP Leadership Panel propose that the Secretariat develop a monitoring and evaluation framework for SNAP 2 in order to track action delivery and impact. This should use the medium and long term outcomes, as well as tailored medium term outcomes and indicators of success that will be developed in collaboration with delivery stakeholders.



National Performance Framework

In the Scottish public policy context, the Scottish Government's commitment to human rights is reflected in the National Performance Framework (NPF). This includes a National Outcome to respect, protect and fulfil human rights and live free from discrimination.

SNAP provides a practical framework for delivering progress towards the NPF National Outcomes and the relationship between the two has been mapped in detail as part of the SNAP 2 development work.

Sustainable Development Goals

The relationship between human rights and sustainable development is generally becoming more widely recognised, and is made explicit through SNAP. The long term outcomes map directly across to the Sustainable Development Goals (SDGs), making clear the mutually supportive and reinforcing nature of both frameworks.

The SDGs will be integrated into the SNAP 2 monitoring and evaluation framework, enabling progress to be demonstrated towards both the SDGs and SNAP outcomes.

Independent Evaluation

Like SNAP 1, SNAP 2 should be independently evaluated to assess its process and outcomes. This should be collaborative and participatory. One of the actions is: “Design and deliver an independent rights-based evaluation of SNAP 2 that takes a learning and reflective approach across SNAP actions and governance from the outset and focuses on the impact on people’s lives and rights holder participation. Publish evaluation findings and recommendations to support widespread learning and help shape future human rights law and policy developments across Scotland, the UK, and beyond.”

APPENDIX 1: SNAP 2 Foundations

SNAP 2 is based on firm foundations about what is required for national human rights action plans and important learning from SNAP 1.

International Guidance and Recommendations

The United Nations (UN) has identified [eight criteria](#) for best practice in national human rights action plans like SNAP. This is how SNAP 2 follows the UN guidance:

- 1. Be evidence-based**
SNAP 2 actions are based on robust research and extensive public consultation and engagement.
- 2. Be inclusive**
Multiple stakeholders – including rights holders, civil society and duty bearers – have been involved in developing SNAP 2 actions.
- 3. Have high-level and long-term support from all state and public bodies**
Duty bearers with responsibilities for human rights – including Scottish Government – support SNAP 2.
- 4. Be action-orientated**
SNAP 2 has 54 specific, practical actions.
- 5. Be realistic**
Delivery of SNAP 2 actions will take account of practical restrictions and be joined up with the other work of public bodies.



6. Be measurable

SNAP has long term and medium term outcomes. With delivery stakeholders, indicators will be created for SNAP 2 actions to help monitor progress.

7. Be supported with resources and capacity

Scottish Government has committed to resourcing the SNAP Secretariat and Leadership Panel. Discussions with all relevant stakeholders will take place to help identify and put resources into place for action delivery.

8. Be monitored

With support from the SNAP Secretariat, SNAP 2 will be monitored and overseen by the SNAP Leadership Panel, and an independent external evaluation will be commissioned.

Recommendations by the Council of Europe's Commissioner for Human Rights for best practice in action plans reiterates the UN guidance.

The importance of SNAP is reflected in Concluding Observations for Scotland and the UK. For example:

- In 2019, the UN Committee Against Torture recommended the implementation of SNAP.
- The adoption of a national action plan on human rights was recommended to the UK as state party during the 2017 Universal Periodic Review (UPR) of the UK's implementation of all human rights treaty obligations.
- In 2016, the UN Committee on the Rights of the Child recommended full implementation of SNAP.
- In 2016, the Committee on the Elimination of Racial Discrimination welcomed SNAP as a policy measure to combat racial discrimination.
- In 2016, the Committee on Economic, Social and Cultural Rights noted with appreciation the adoption of SNAP.
- In 2015, the Committee on Civil and Political Rights welcomed the adoption of SNAP.

Learning from SNAP 1 (2013 to 2017)

SNAP 1 Reports and Case Studies

Scotland's first SNAP (SNAP 1) ran from 2013 to 2017. It was developed and implemented as a collaborative partnership, bringing together the Scottish Government, public bodies, civil society organisations, the National Human Rights Institutions, and rights holders across Scotland. In total, over 40 organisations and people took part in delivering, governing and monitoring SNAP.

From 2013 to 2017, SNAP 1 involved over 50 different actions. The SNAP 1 Annual Progress Reports and Case Studies provided important learning for the development of SNAP 2.

SNAP 1 Independent Evaluation

An independent evaluation of SNAP 1 was commissioned in March 2017, building on qualitative interviews evaluating SNAP that took place from 2014 onwards, as well as documentary analysis.

The independent evaluation was carried out by Dr Jo Ferrie of the University of Glasgow, and the final report was published in 2019. Its recommendations included the following:

- 1. Build on the existing SNAP evidence base.**
Several SNAP 2 actions call for lived experience engagement, a human rights review or a mapping exercise.
- 2. Improve and provide resources to support the participation of rights holders and civil society organisations.**
Rights holders and civil society organisations are key members of the SNAP Leadership Panel that developed SNAP 2 and will monitor and oversee it. SNAP 2 actions will be delivered by rights holders, civil society, and public bodies, working collaboratively.
- 3. Address the issue of the Scottish Human Rights Commission's role and investment of resources.**
Scottish Government provided resources to support SHRC's interim hosting of SNAP during the SNAP 2 development process in 2020-2023.



- 4. Foster commitment from those with human rights duties.**

Public bodies (human rights duty bearers) are key members of the SNAP Leadership Panel, and will play a vital role as action delivery stakeholders.
- 5. Ensure actions are clear, specific, measurable and have buy-in.**

SNAP 2 actions have been developed with reference to core criteria that include specific, measurable, and feasible.
- 6. Temper ambition with realism about practical ability to deliver.**

SNAP 2 is realistic and achievable. An initial set of actions is identified at time of publication. As a living plan, actions will be delivered on a phased and rolling basis.
- 7. Develop a monitoring framework at the outset.**

A monitoring framework should include outcomes and indicators of success. Medium and long term outcomes for SNAP 2 have been identified. Tailored medium term outcomes and indicators for every SNAP 2 action will be identified in collaboration with delivery stakeholders. The SNAP Leadership Panel will use the framework to monitor implementation and progress, with support from the Secretariat.
- 8. Ensure adequate resources from the state for infrastructure and actions.**

Scottish Government has committed to resourcing the SNAP Secretariat and Leadership Panel. Discussions with all relevant stakeholders will take place to help identify and put resources into place for action delivery.
- 9. Continue to use communications for transparency and accountability.**

The SNAP website has been kept regularly updated during the SNAP 2 development process. After publication, regular reports on SNAP 2 implementation and governance will be published.

APPENDIX 2: Human Rights Treaties, Standards and Principles

The United Nations (UN) notes that: “A credible national action plan must be built on a commitment to universal human rights standards. An important element of any national action plan should be a commitment to the Universal Declaration of Human Rights. Embracing both civil and political rights and economic, social and cultural rights, it constitutes the foundation of the international human rights system.”

Following the UN guidance, SNAP 2 is built on a commitment to universal human rights standards – those included in the Universal Declaration of Human Rights (UDHR) and a broad range of other human rights treaties.

Human Rights Treaties

The human rights that form the basis for SNAP 2 are found in a range of international treaties that the UK, including Scotland, has signed up to, as well as domestic law. This section lists some of these. A helpful overview of the equalities and human rights legislative framework at international, UK and Scottish levels can be found [in this 2021 Scottish Parliament briefing](#).



The International Bill of Human Rights

The UDHR is regarded as the foundation of the international human rights system. With two international human rights treaties, the UDHR forms the International Bill of Human Rights. These two treaties are:

- International Covenant on Civil and Political Rights (ICCPR).
- International Covenant on Economic, Social and Cultural Rights (ICESCR).

The UK, including Scotland, has ratified both Covenants. The Scottish Government has committed to incorporating ICESCR into domestic Scots law.

International Human Rights Treaties

Other international treaties that form the basis of SNAP 2 are:

- Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).
- Convention on the Elimination of Racial Discrimination (CERD).
- Convention on the Rights of Persons with Disabilities (CRPD).
- Convention on the Rights of the Child (CRC).
- Convention Against Torture (CAT).
- Convention on the Rights of Migrants and their Families (ICMW).

The UK, including Scotland, has ratified all these treaties except the ICMW. The Scottish Government has committed to incorporating CEDAW, CERD, CRPD, and CRC into domestic Scots law.

Council of Europe

The following Council of Europe treaties also form the basis of SNAP 2:

- European Convention on Human Rights (EHRC).
- European Social Charter (ESC).

Human Rights Act 1998 and Scotland Act 1998

The Human Rights Act 1998 (HRA) incorporates the EHRC into domestic UK law. The Scotland Act 1998 requires that all Scottish Parliament legislation must be compatible with the rights set out in the HRA.

Equality Framework

SNAP 2 is also built on a commitment to UK equality law.

This includes the following:

- Equality Act 2010.
- Public Sector Equality Duty.
- Fairer Scotland Duty.

Devolved and Reserved Matters

Under the current constitutional arrangements, some issues are 'reserved' to the UK Parliament and some are 'devolved' to the Scottish Parliament. For example, immigration, defence and foreign affairs are reserved matters. Devolved matters include – but are not limited to – criminal and civil justice, education and early years, environment, health and social care, housing, and some aspects of social security and taxation. SNAP 2 relates to devolved matters.



Human Rights Progressed by SNAP 2

SNAP 2 aims to help progress the realisation of the following human rights. These are found in the treaties listed above.

- Adequate Standard of Living, including Food, Housing, and Social Security.
- Access to Justice.
- Education.
- Equality and Freedom from Discrimination.
- Freedom of Expression and Opinion.
- Freedom of Religion.
- Freedom from Violence, Abuse and Neglect.
- Health.
- Healthy Environment.
- Information.
- Participation.
- Personal Autonomy, including Bodily Integrity.
- Private and Family Life.
- Work.

SNAP 2 also aim to promote and progress the realisation of rights of the following groups, amongst others:

- Black and Minority Ethnic People.
- Care Experience People.
- Children and Young People.
- Disabled People, including People with Learning Disabilities and Autistic People.
- LGBTQIA+ People.
- Migrants, Refugees and Asylum Seekers.
- People on Low Incomes.
- People with Mental Health Conditions.
- Scottish Gypsy/Travellers.
- Older People.
- Unpaid Carers.
- Women and Girls.

Human rights are universal and belong to everyone. However, people who are in the most vulnerable situations and who face the biggest barriers to realising their rights should be prioritised. In SNAP 2, these rights holders are called “people whose rights are most at risk.”

Taking an intersectional approach to actions is also imperative. In SNAP 2, the term ‘intersectionality’ is used to describe the intersection of different and multiple characteristics that create interdependent and complex systems of power, discrimination and disadvantage.



Human Rights Principles

SNAP is guided and underpinned by human rights principles that are based on the well-regarded PANEL Principles of a human rights-based approach. These cut across all SNAP 2 actions.

In addition, there are other important human rights principles that underpin SNAP 2, like ‘progressive realisation’ and ‘non-retrogression’. These are set out in Appendix 5 and a [**comprehensive overview is available from the United Nations \(UN\)**](#).

APPENDIX 3:

How SNAP 2 Was Developed

SNAP Origins

SNAP 2 has both international and national origins.

International Beginnings

SNAP 2 is published 30 years after the [1993 United Nations' Vienna Declaration](#), where the concept of national human rights action plans was first introduced.

The Vienna Declaration makes multiple recommendations for countries to take action to bring human rights 'closer to home', moving them 'off the page' and into practice in people's lives. One recommendation was that all countries should develop national human rights action plans as a practical way to strengthen the promotion and protection of people's rights.

At the time, this new concept was based on a view that lasting improvements in rights in any country was ultimately dependent on its government and people taking concrete action to bring about positive change.

Since then, UN treaty bodies and the Universal Periodic Review (UPR) have consistently recommended the adoption of national human rights action plans like SNAP. An estimated 140 national human rights action plans have been adopted in 75 countries. 35 countries, like Scotland, [have adopted more than one plan](#).

In 2009, [the Council of Europe \(CoE\) also recommended](#) that national human rights action plans be used to systematically implement human rights by countries across Europe – a message the CoE repeated in 2017.



National Origins

In Scotland, developing a national human rights action plan was first identified as a priority during the early years of the Scottish Human Rights Commission (SHRC). The SHRC led a major research project to identify gaps in achieving human rights in Scotland. This was called '[Getting it Right?](#)', and the report was published in 2012. This laid the groundwork for SNAP 1, which ran from 2013 to 2017.

SNAP 2 Development Process

Introduction

No country – including Scotland – can expect to address all its human rights issues with one plan or in a relatively short time period. The UN advises that promoting and protecting human rights should be a continuing process. It recommends that as one national human rights action plan draws to an end, another is developed to take its place.

Following this approach, work to create SNAP 2 started in late 2017 as SNAP 1 came to an end. Hundreds of people and organisations across Scotland have been involved in developing SNAP 2. This process is explained in more detail below.

2017-2020 Pre-pandemic Development

SNAP 2 development started in late 2017 and continued into 2020, when the process was interrupted by the global COVID-19 pandemic.

2017 – SNAP 2 National Participation Process

In late 2017, over 1,500 people around Scotland took part in a National Participation Process to inform the future of SNAP. This was fully funded and coordinated by the SHRC.

The National Participation Process involved the following:

- Eight community-based events around Scotland.
- An online survey.
- A National Participation Event of around 200 people.

During the National Participation Process, people analysed the SNAP 1 actions and recommendations from the SNAP 1 independent evaluation and UN treaty bodies. From this work, people identified key human rights themes and some possible actions for SNAP to focus on in the future.

2018-2019 – Development Working Group

In early 2018, a Development Working Group (DWG) was formed to build upon the National Participation Process and progress SNAP development. The DWG was supported and chaired by the SHRC and had around fifteen members from Scottish civil society, public bodies, and rights holders. It met nine times between July 2018 and July 2019, supported by an independent facilitator, and carried out substantial work in between meetings.

During its work, the DWG did the following:

- Learnt from the original evidence base underpinning SNAP 1, gathered more evidence and views about human rights issues from people and organisations across Scotland, and carried out further analysis.
- Learnt from the independent evaluation of SNAP 1.
- Learnt from the discussions and key themes proposed by the 2017 National Participation Process.
- Proposed SNAP issues and actions related to the key themes.
- Recommended a SNAP delivery, governance and resourcing model.



2019-2020 – Draft SNAP 2 Publication and National Consultation

In September 2019, the DWG published draft proposals for SNAP 2. This included the following:

- 25 key human rights themes.
- Over 60 potential actions by 2025.
- Rolling actions for 2025-2030.
- Medium term outcomes and indicators of success.
- A delivery, governance and resourcing model.

The draft SNAP 2 was shared widely for comment, feedback and engagement in a national consultation process. This included the following:

- An online consultation that ran for three months. This received over 60 responses including around 30 organisational responses.
- Two engagement events, one for around 60 rights holders from communities who had been historically under-represented in previous outreach and engagement work, and one for around 30 representatives from national and local public bodies with relevance for proposed SNAP actions.
- Bilateral engagement with key groups, including Gypsy Traveller groups and the Children and Young People's Commissioner.
- Scottish Government officials from across relevant departments contributed extensive analysis and feedback on the fit between SNAP and their own work.

A report summarising the public and public body feedback on the draft SNAP 2 was published in September 2020 (delayed due to COVID-19).

In January 2020, just before the COVID-19 pandemic took hold in Scotland, the former SHRC Chair, some SHRC staff, and some DWG members met with Scottish Government Ministers and officials. After this, the SHRC submitted a Business Case to the Scottish Government with proposals to create an independent SNAP Secretariat (and staffing) and a Leadership Panel, as key activity to help get SNAP 2 finalised, published and implemented.

2020-2021 Developments during COVID-19 restrictions

COVID-19 struck in early 2020, and Scotland entered a period of nearly 16 months of lockdowns and other restrictions, during which many aspects of people's lives and work were severely disrupted. Despite this, some further development of SNAP 2 took place.

The SHRC published all collective SNAP action planning completed as of September 2020, setting out indicative costings where available, mapping draft actions to the National Performance Framework and identifying first steps required to implement the actions.

SHRC staff also carried out the following work:

- Refined the long-list of draft SNAP 2 actions from 60 to around 50, based on the 2019 consultation feedback and subsequent changes in the external context, like COVID-19.
- Identified potential delivery stakeholders for each draft action.
- Created draft medium term outcomes.

2021-2023 SNAP Leadership Panel and Secretariat

As pandemic restrictions eased, SNAP 2 development was picked up, including the proposals set out in the SHRC Business Case to create a SNAP Leadership Panel (co-Chaired by the Scottish Government and SHRC) and an independent Secretariat.



With interim hosting and resources by SHRC, and funding provided by the Scottish Government, from October 2021 to March 2023, a Secretariat Lead was appointed to help set up an independent Secretariat, and recruit and support the new SNAP Leadership Panel to review, revise, finalise and publish SNAP 2.

From February to April 2022, members of the multi-stakeholder SNAP Leadership Panel were openly recruited, appointed, and took part in an immersive induction programme.

The Panel's substantive work to review, revise and finalise SNAP 2 took place from May 2022 to February 2023. Panel members worked together collaboratively and as equals, using a form of consensus-based decision-making to agree SNAP 2 actions.

In developing the actions, the Leadership Panel did the following:

- Built upon the foundations of SNAP.
- Agreed guiding human rights principles and eight priorities.
- Identified core criteria for SNAP 2 actions.
- Reviewed the refined long-list of draft SNAP 2 actions.
- Analysed the wealth of information and evidence from the 2017-2020 development phase, and the changes that had occurred since, like COVID-19 and the cost of living crisis.
- Consulted numerous external stakeholders, including rights holders, civil society organisations, and public bodies.
- Noted gaps on issues that SNAP 2 actions could address.
- Identified 54 ambitious but practical actions that could be delivered collaboratively by rights holders, public bodies, and civil society organisations, working together.
- Created medium term outcomes.

APPENDIX 4:

National Context

SNAP 2 is an important part of a wider programme to improve and protect human rights in Scotland, and this section provides an overview of the national context. Given the breadth of human rights issues and other rights-related activity across the country, it is not possible to cover everything in detail here, and links to further sources of information are provided. The information published in this section is correct at the time of publication.

Rights-based Policy and Practice

In Scotland, there is a developing body of national, regional and sectoral policy and practice aimed at addressing human rights issues. However, this can be disjointed and work in silos.

SNAP 2 is different – it is a coordinated and cross-sectoral approach to human rights activity. For example, in this one plan there are actions that address a diverse range of policy issues like health, the environment, education, work, housing, social care, public finance, women's rights, and justice, to name just a few.

During the 2019 public consultation on the draft SNAP 2, valuable feedback was received from Scottish Government policy leads working in different Directorates on many of these issues. The SNAP Leadership Panel carefully examined this, as well as changes and developments that have taken place since, in its work to review, revise and finalise the actions.

SNAP 2 actions are designed to complement, not repeat or duplicate, the work of other plans and strategies. By framing policy issues as human rights issues and promoting a rights-based approach, they help break down compartmentalised ways of working and foster collaboration.



Incorporation

In March 2021, the Scottish Parliament unanimously passed the United Nations Convention on the Rights of the Child (CRC) (Incorporation) (Scotland) Bill. Following a ruling by the UK Supreme Court, the Scottish Government and Scottish Parliament need to do more work on some technical aspects of the Bill before it can become law. In the meantime, the Scottish Government is working with partners to progress CRC implementation.

In the [2021-2022 Programme for Government](#), the Scottish Government announced its intention to incorporate other international human rights into domestic law as part of its work to progress all 30 recommendations of the [National Taskforce for Human Rights Leadership](#).

The proposed Scottish Human Rights Bill will include the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the right to a healthy environment, a right for older people to live a life of dignity and independence, and provisions to ensure everyone has equal access to the rights in the Bill.

Incorporation has the potential to be the most progressive and purposeful domestic action on human rights since devolution. If passed, it could transform the legal framework that protects people's rights in Scotland. However, rights are needed in practice as well as in law. Implementation and accountability are crucial for the new legal framework to make a real and practical difference in everyday life.

Incorporation and SNAP 2 are mutually reinforcing, and the actions are aligned to the rights that will be included in the new Bill. Many actions will help to prepare for incorporation and support its implementation and accountability once enacted. There is also scope to include SNAP in the Bill.

Documenting and Monitoring Human Rights

In 2012, the SHRC published '[Getting it Right?](#)', upon which SNAP 1 was based. This comprehensive report includes the findings from a three-year research project that identified gaps in human rights protection in Scotland.

Since then, a large body of evidence about human rights in Scotland has been produced, including issues raised during the development of SNAP 2. The SNAP Leadership Panel examined many reports and publications, including those produced by National Human Rights Institutions (NHRIs), civil society organisations, the Scottish Government, and other public bodies.

The SNAP 1 independent evaluation recommended that SNAP 2 build on the evidence base of 'Getting it Right?', and ongoing research, documentation and monitoring of human rights issues is vital to identify areas where there are gaps and change is needed. However, there is a lack of systematic and robust disaggregated equality and human rights data gathering and analysis in Scotland.

Several SNAP 2 actions will develop the qualitative and quantitative evidence base to help improve rights-based policy and practice. This could be through rights holder engagement and co-production, human rights reviews, mapping exercises, and the development of an accessible national human rights tracker tool.



Economic, Social and Cultural Rights

Economic, social and cultural rights include the rights to adequate food, adequate housing, education, health, social security, to take part in cultural life, to work and fair work conditions. Several reports note that people in Scotland face a wide range of problems fully realising these rights, and that the rights of some people – who experience specific barriers – are particularly at risk. These reports include the following:

- [Is Scotland Fairer?](#) (EHRC, 2018).
- [Submission to the United Nation’s Committee on Economic Social and Cultural Rights](#) (SHRC, 2022).
- [ICESCR Joint Report to the UN Committee on Economic Social and Cultural Rights](#) (Human Rights Consortium and others, 2022).
- [ICESCR Pre-sessional Shadow Report](#) (Engender and others, 2022).
- [ICESCR Report to the UN Committee on Economic, Social and Cultural Rights](#) (Health and Social Care Alliance Scotland, 2022).

The Scottish Government has indicated its intention to incorporate ICESCR into Scots law, which could substantially improve the legal protection of economic, social and cultural rights. Recent Scottish Government reports also document the ongoing work it and other public bodies are doing to respect, protect and fulfil people’s economic, social and cultural rights, through law, policy, and other action plans. This includes the [ICESCR Position Statement](#) and the [UPR Position Statement](#).

Numerous SNAP 2 actions will help to promote and progressively realise people’s economic, social and cultural rights, including – but not limited to – the rights to work, education, food, housing, health, and an adequate standard of living.

Participation and Accountability

Ensuring that rights holders participate in decisions that affect them, and that duty bearers take responsibility for their human rights obligations, are both fundamental human rights principles. Participation is crucial for accessing other rights, particularly for people whose voices and views are typically under-represented. Without robust accountability, rights holders are left without justice, and mistakes can continue to be made.

While there are examples of good practice in Scotland, improvement is needed to ensure a consistent rights-based approach is taken to participation and accountability across the country, irrespective of the issues, people, or sectors involved.

Participation and accountability are two of SNAP 2's guiding human rights principles and they cut across the whole plan. For example, as members of the SNAP Leadership Panel, rights holders and civil society worked alongside duty bearers to develop SNAP 2. Rights holders should also participate equally in the design and delivery of every action.

The actions themselves will improve rights holder participation and duty bearer accountability in specific sectors or on particular issues. Examples include actions to improve access to information – which will strengthen duty bearer transparency and ensure rights holders can make informed decisions – and on independent advocacy, which supports participation and informed decision-making.



Awareness and Understanding of Human Rights

Everyone needs to be aware of, accept and understand human rights, so that people are empowered to own and claim their rights, and public bodies can meet their obligations. It is also important to help realise a human rights culture across Scotland and support incorporation – two SNAP 2 priorities.

However, [research indicates](#) that although there is support for human rights in Scotland, work is needed to strengthen this and build understanding. SNAP 2 actions will help significantly increase understanding of human rights, human rights law and a human rights-based approach amongst both rights holders – particularly those whose rights are most at risk – and public bodies.

Equality and Non-discrimination

Although human rights are universal and belong to everyone, some people in Scotland experience significant problems and much poorer outcomes because of inequality and discrimination.

Non-discrimination and equality are fundamental human rights principles, and these – along with intersectionality – guide SNAP 2. Many actions promote and progress the rights of people across a broad range of population groups, including those whose rights are most at risk. A short overview of the national context for some of these groups is set out below.

BLACK AND MINORITY ETHNIC PEOPLE

Black and minority ethnic people face a broad range of human rights problems, including – but not limited to – systemic and structural racism, poverty, hate crime, barriers to education, decent work, and participation in decision-making. Black and minority ethnic people are disproportionately impacted by COVID-19 and the cost of living crisis. Recent reports have highlighted many of these issues, including the following:

- [Is Scotland Fairer?](#) (EHRC, 2018).
- [Submission to the United Nation's Committee on Economic Social and Cultural Rights](#) (SHRC, 2022).
- [Race Rights in the UK](#) (EHRC, 2016).
- A range of [publications, consultation responses and briefings](#) (Coalition for Racial Equality and Rights (CRER), various dates).
- A range of [publications](#) (Black and Ethnic Minority Infrastructure in Scotland (BEMIS), various dates).

Incorporating CERD and other international human rights treaties into Scots law could transform legal guarantees for Black and minority ethnic people's rights. Amongst other reports, the [Scottish Government's UPR Position Statement](#) and [ICESCR Position Statement](#) set out recent and ongoing work it and other public bodies are doing to progress race equality, including through law, policy and other action plans. Relevant information can also be found on the [Scottish Government's dedicated webpages on race equality](#).

SNAP 2 actions that address human rights problems faced by Black and minority ethnic people in Scotland target issues of poverty, food insecurity, housing, stigma and discrimination, gaps in equality and human rights data gathering and analysis, environmental rights, life expectancy and adverse mortality, violence and abuse, health and wellbeing, justice, online bullying and harassment, employment, education, unpaid caring, and participation in decision-making.



CHILDREN AND YOUNG PEOPLE

Recent reports emphasise a range of human rights problems experienced by children and young people in Scotland, including the disproportionate impacts of COVID-19 and the cost of living crisis. This includes the following:

- [**Report of the Children's Commissioners of Northern Ireland, Scotland and Wales to the United Nations Committee on the Rights of the Child**](#) (authors include the Children and Young People's Commissioner for Scotland, November 2022).
- [**Additional Evidence to the UN Committee on the Rights of the Child**](#) (SHRC, January 2023).
- [**Is Scotland Fairer?**](#) (EHRC, 2018).
- [**State of Children's Rights reports**](#) (Together for Children's Rights, various dates).

The CRC is due to be incorporated into Scots law, which will greatly strengthen children's rights in law. In the meantime, Scottish Government and partners are working to progress its implementation. Amongst others, [**Scottish Government's UPR Position Statement**](#), [**ICESCR Position Statement**](#), and [**Embedding Children's Rights Position Statement**](#) set out other ongoing work it and other public bodies are doing to ensure that children and young people's rights are respected, protected, and fulfilled.

SNAP 2 actions that address human rights problems faced by children and young people in Scotland target issues of poverty, food insecurity, housing, gaps in equality and human rights data gathering and analysis, environmental rights, violence and abuse, private and family life, health and wellbeing, online bullying and harassment, education, unpaid caring, and participation in decision-making.

DISABLED PEOPLE, INCLUDING PEOPLE WITH LEARNING DISABILITIES AND AUTISTIC PEOPLE

In Scotland, disabled people, including people with learning disabilities and autistic people, face many human rights problems, including – but not limited to – ableism, poverty, hate crime, barriers to health and social care, education, decent work, participation in decision-making, and social exclusion. Disabled people, including people with learning disabilities and autistic people, are disproportionately impacted by COVID-19 and the cost of living crisis. Recent reports have highlighted many of these issues, including:

- [Is Scotland Fairer?](#) (EHRC, 2018).
- [Disabled People's Rights](#) (SHRC, various dates).
- [CRPD Shadow Report 2022](#) (Inclusion Scotland, 2022).
- [Resources and publications](#) (Scottish Commission for People with Learning Disabilities, various dates).

The CRPD is due to be incorporated into Scots law, which could transform the legal framework for disabled people's rights. Amongst other reports, the [Scottish Government's UPR Position Statement](#) and [ICESCR Position Statement](#) set out recent and ongoing work it and other public bodies are doing to progress disabled people's rights through law, policy and other action plans. Relevant information can also be found on the [Scottish Government's dedicated webpages on disabled people, and on autism and learning disabilities](#).

SNAP 2 actions that address the human rights problems faced by disabled people, including people with learning disabilities and autistic people, target issues of poverty, food insecurity, independent living, housing, stigma and discrimination, health and wellbeing, private and family life, personal autonomy, bodily integrity, life expectancy and adverse mortality, justice, gaps in equality and human rights data gathering and analysis, environmental rights, violence and abuse, online bullying and harassment, education, and participation in decision-making.



GYPSY/TRAVELLERS

Gypsy/Travellers in Scotland experience a wide range of human rights problems, including – but not limited to – persistent stigma, discrimination and racism, poverty, hate crime, social exclusion, barriers to health and social care, education, decent work, and participation in decision-making. Recent reports that highlight several issues include:

- [Is Scotland Fairer?](#) (EHRC, 2018).
- [Race Rights in the UK](#) (EHRC, 2016).
- [Evidence Review: Accommodation Needs of Gypsy/ Travellers](#) (Scottish Government, 2020).
- [Submission to the United Nation’s Committee on Economic Social and Cultural Rights](#) (SHRC, 2022).

Incorporating CERD and other international treaties into Scots law could strengthen the justiciability of a range of Gypsy/Traveller’s rights. Amongst other reports, the [Scottish Government’s UPR Position Statement](#) and [ICESCR Position Statement](#) set out recent and ongoing work it and other duty bearers are doing to progress the rights of Gypsy/Travellers in policy and public services. Relevant information can also be found on the [Scottish Government’s dedicated webpages on Gypsy/Travellers](#).

SNAP 2 actions that address human rights problems faced by Gypsy/Travellers in Scotland target issues of poverty, food insecurity, housing, stigma and discrimination, gaps in disaggregated equality and human rights data gathering and analysis, justice, health and wellbeing, private and family life, environmental rights, violence and abuse, online bullying and harassment, education, unpaid caring, and participation in decision-making.

LGBTQIA+ PEOPLE

In Scotland, LGBTQIA+ people face many human rights problems, including – but not limited to – persistent stigma and discrimination, biphobia, lesbophobia, homophobia and transphobia, hate crime, poverty, barriers to health and care services, education and decent work. Recent reports that have highlighted these issues include the following:

- [Is Scotland Fairer?](#) (EHRC, 2018).
- [ICESCR Joint Report to the UN Committee on Economic Social and Cultural Rights](#) (Human Rights Consortium and others, 2022).
- [Life in Scotland for LGBT Young People](#) (LGBT Youth, 2022).
- [Trans People and Work](#) (LGBT Health and Wellbeing, 2021).

The Scottish Government has committed to ensuring that everyone – including LGBTQIA+ people – will have equal access to the rights in the new incorporation law. Amongst other reports, the [Scottish Government's UPR Position Statement](#) and [ICESCR Position Statement](#) documents the ongoing work it and other duty bearers are doing to respect, protect and fulfil the rights of LGBTQIA+ people. Relevant information can also be found on the [Scottish Government's dedicated webpages on LGBTQIA+ people](#).

SNAP 2 actions that address human rights problems faced by LGBTQIA+ people in Scotland target issues of poverty, food insecurity, housing, stigma and discrimination, gaps in disaggregated equality and human rights data gathering and analysis, health and wellbeing, private and family life, personal autonomy, justice, environmental rights, violence and abuse, online bullying and harassment, education, unpaid caring, and participation in decision-making.



OLDER PEOPLE

In Scotland, older people face a range of human rights problems, including – but not limited to – ageism, poverty, barriers to education, decent work and participation in decision-making, violence, abuse and neglect, and social exclusion. Older people have been disproportionately impacted by COVID-19. Recent reports have document many of these issues include:

- [Is Scotland Fairer?](#) (Equality and Human Rights Commission, 2018)
- [Submission to the United Nation’s Committee on Economic Social and Cultural Rights](#) (SHRC, 2022).
- [ICESCR Joint Report to the UN Committee on Economic Social and Cultural Rights](#) (Human Rights Consortium and others, 2022).

The Scottish Government has committed to ensuring that incorporation will include a right for older people to live a life of dignity and independence. The [Scottish Government’s UPR Position Statement](#) and [ICESCR Position Statement](#) set out recent and ongoing work it and other duty bearers are doing to respect, protect and fulfil older people’s rights.

SNAP 2 actions that address human rights problems faced by older people in Scotland target issues of poverty, food insecurity, housing, stigma and discrimination, gaps in disaggregated equality and human rights data gathering and analysis, environmental rights, health and wellbeing, violence and abuse, online bullying and harassment, justice, education, unpaid caring, and participation in decision-making.

UNPAID CARERS

Unpaid carers in Scotland experience many human rights issues, including – but not limited to – poverty, barriers to education, decent work and participation in decision-making, and the ability to make a free and active choice about unpaid caring. Unpaid carers – the majority of whom are women – have been disproportionately impacted by COVID-19 and the cost of living crisis. Recent reports have highlighted many issues. This includes the following:

- [Submission to the United Nation's Committee on Economic Social and Cultural Rights](#) (SHRC, 2022).
- [State of Caring 2022](#) (Carers UK, 2022).
- [Response to the National Care Service Call for Evidence](#) (National Carer Organisations, 2022).

The [Scottish Government's 2022 UPR Position Statement](#) and [ICESCR Position Statement](#) set out recent and ongoing work it and other duty bearers are doing to respect, protect and fulfil unpaid carer's rights, through law, policy and other action plans. Relevant information can also be found on the [Scottish Government's dedicated webpages on unpaid carers](#).

SNAP 2 actions that address human rights problems faced by unpaid carers in Scotland target issues of poverty, food insecurity, housing, gaps in disaggregated equality and human rights data gathering and analysis, health and wellbeing, environmental rights, education, participation in decision-making, and private and family life.



WOMEN

Women in Scotland face numerous human rights problems, including – but not limited to – misogyny, sexism, poverty, violence and abuse, barriers to health and social care, education, fair work, and participation in decision-making. Women represent the majority of lone parents, unpaid carers, and people working in social care, and have been disproportionately impacted by [COVID-19](#) and [the cost of living crisis](#). Recent reports have highlighted many of these issues, including:

- [Submission to the United Nation’s Committee on Economic Social and Cultural Rights](#) (SHRC, 2022).
- [ICESCR Pre-sessional Shadow Report](#) (Engender and others, 2022).
- [ICESCR Report to the UN Committee on Economic, Social and Cultural Rights](#) (Health and Social Care Alliance Scotland, 2022).
- [CEDAW Follow up to Concluding Observations](#) (Engender, 2021).

Incorporating CEDAW and other international human rights treaties into Scots law could have a profound effect on the legal protection of women’s rights. Amongst other reports, the [Scottish Government’s 2022 UPR Position Statement](#) and [ICESCR Position Statement](#) set out recent and ongoing work it and other public bodies are doing to progress gender equality, including through law, policy and other action plans. Relevant information can also be found on the [Scottish Government’s dedicated webpages on gender equality](#).

SNAP 2 actions that address human rights problems faced by women in Scotland target issues of poverty, food insecurity, housing, stigma and discrimination, health and wellbeing, intersectional data gathering and analysis, private and family life, personal autonomy, justice, gender-competent professional development, environmental rights, violence and abuse, online bullying and harassment, education, unpaid caring, and participation in decision-making.

Poverty and the Cost of Living Crisis

People across Scotland are currently experiencing a profound cost of living crisis, which means that the price of things is going up but incomes – from wages or social security – are not increasing at the same rate. This negatively affects people's ability to pay for essential items like food, heating, hygiene products, transport, groceries, rent, and mortgages.

Even before the current crisis, people in Scotland were living with unacceptable levels of poverty, and rates are rising. Poverty interferes with the realisation of many interrelated human rights, like the right to live with dignity, to an adequate standard of living, to food, decent housing, good mental and physical health, education, fair work, independent living, equality and freedom from discrimination. People in poverty and on low incomes have been disproportionately impacted by COVID-19. [Reports by the Poverty and Inequality Commission](#) document the impact of poverty from before the pandemic onwards.

Some people in Scotland are particularly affected by poverty and the cost of living crisis, and their rights are most at risk. This includes – but is not limited to – [children](#), [disabled people](#), [Black and minority ethnic people](#), [lone parents](#), [migrants](#), [refugees and people seeking asylum](#), [unpaid carers](#), and [women](#).

Across the UK – including in Scotland – thousands of workers have taken industrial action to improve pay and conditions and ease the cost of living burden. However, both the UK and [Scottish Government](#), as well as [local government in Scotland](#), have indicated that rising costs and inflation are having a serious impact on public finances and their ability to continue to provide the same levels of budget and services.

Incorporation of ICESCR and other international treaties into Scots law could substantially improve the legal protection of rights that are badly impacted by poverty and the cost of living crisis. Amongst



other reports, the [Scottish Government's 2022 UPR Position Statement](#) and [ICESCR Position Statement](#) set out recent and ongoing work it and other duty bearers are doing to tackle poverty and the cost of living crisis. Relevant information can also be found on the Scottish Government's dedicated webpages on the [cost of living crisis, poverty and social justice](#).

SNAP 2 actions that address the human rights problems caused by poverty and the cost of living crisis target issues like prevention, stigma, food, housing, work, education, gaps in disaggregated equality and human rights data gathering and analysis, participatory policy-making, and human rights budget work.

Health and Social Care

Health and social care services in Scotland are under immense pressure. Many people are unable to fully realise their right to good physical and mental health and access the right services, in the right place, at the right time. For some people – including, but not limited to, people living with long term conditions, disabled people including people with learning disabilities and autistic people, women, Black and minority ethnic people, and LGBTQIA+ people – these are long-standing problems that pre-date the current crisis. Some people experience particular barriers to their right to health and social care. Recent reports that highlight some of the issues include:

- [Submission to the United Nation's Committee on Economic Social and Cultural Rights](#) (SHRC, 2022).
- [ICESCR Pre-sessional Shadow Report](#) (Engender and others, 2022).
- [ICESCR Report to the UN Committee on Economic, Social and Cultural Rights](#) (Health and Social Care Alliance Scotland, 2022).
- [CEDAW Follow up to Concluding Observations](#) (Engender, 2021).

- [CRPD Shadow Report 2022](#) (Inclusion Scotland, 2022)
- [Scottish Mental Health Law Review – Final Report](#) (2022)
- [Independent Review of Adult Social Care in Scotland](#) (Scottish Government, 2021)

With incorporation of international human rights treaties, the right to health and rights related to social care could be strengthened in Scots law. Information about action being taken by the Scottish Government to tackle problems in health and social care can [found on their dedicated web pages](#). The [Scottish Government's UPR Position Statement](#) and [ICESCR Position Statement](#) also set out recent and ongoing work it and other duty bearers are doing to advance human rights in health and social care.

SNAP 2 actions that address the human rights problems in health and social care target issues like prevention, participation in decision-making, the health rights of women, disabled people, LGBTQIA+ people, and Black and minority ethnic people, gaps in disaggregated equality and human rights data gathering and analysis, an independent review of rights-based health and social care standards, and human rights budget work.

COVID-19 and Pandemic Recovery

The COVID-19 pandemic has had a significant impact on people's rights across Scotland. It has also strongly highlighted many of the pre-existing inequalities that continue to prevent some people from being able to fully realise their rights.

People whose rights have most been affected by COVID-19 include – but are not limited to – [children and young people](#), [Black and minority ethnic people](#), [disabled people, including people with learning disabilities and autistic people](#), [older people](#), [people in poverty and those on low incomes](#), [unpaid carers](#), and [women](#).



A [**joint report by the Scottish Government and COSLA**](#) demonstrates how COVID-19 has impacted on these groups as well as progress to achieve Scotland's National Outcomes. The [**SHRC has also documented**](#) several human rights issues during the course of the pandemic. [**Another report from civil society highlights**](#) gaps in rights-based decision-making by public bodies' in relation to COVID-19.

A report by the Scottish Government's [**Social Renewal Advisory Board**](#) underlined the urgent need for human rights to anchor policy and decision-making as Scotland moves through and beyond the pandemic. The [**independent COVID-19 inquiry**](#) has indicated it will take a rights-based approach.

Like other countries around the world, Scottish Government and other public bodies took unprecedented action to tackle the pandemic and mitigate its affects. A wide range of relevant information can be found on the [**Scottish Government's dedicated coronavirus webpages**](#).

SNAP 2 has an important role to play in delivering actions that relate to Scotland's experience of COVID-19, and learning from the pandemic is one of the plan's eight priorities. Specific SNAP 2 actions target issues like participatory and rights-based policy-making, transparency in public bodies' decision-making and information-sharing, the rights of unpaid carers and older people, and digital choice.

Brexit and UK Regression

As a consequence of the UK's exit from the EU, the legal protection of the EU Charter of Fundamental Rights is lost. In addition, there are several UK Government proposals that potentially threaten human rights protections. This includes the Nationality and Borders Bill, the Retained EU Law Bill, the Strikes (Minimum Service Levels) Bill, and efforts to 'overhaul' the Human Rights Act 1988.

By creating a legal framework for international human rights in Scots law, incorporation could reduce the impact of regressive activity on rights at the UK level. Preparing and supporting incorporation is one of SNAP 2's eight priorities. The actions will help ensure that incorporated rights deliver real improvements to people's outcomes, with monitoring and accountability at their centre.

The Climate Emergency

Like other countries, Scotland needs to prioritise environmental protection from a human rights perspective. Access to a clean and healthy environment is a human right, and there are strong connections between this and other rights like the right to health, to an adequate standard of living, to food, decent housing, and freedom from discrimination.

There are a number of substantive environmental problems in Scotland. Many people, particularly people who live in areas of high deprivation, suffer from pollution, poor environmental quality, close proximity to derelict land, and poor access to biodiverse or multifunctional greenspace, all of which exacerbate health inequalities. Children, older people, disabled people including people with learning disabilities and autistic people, and people with health problems are hardest hit. In addition, people in poverty and on low incomes are less resilient to the impacts of climate change because they have fewer resources to adapt and recover.

Incorporating the right to a healthy environment into Scots law could greatly strengthen its justiciability. Information about action being taken by the Scottish Government to tackle climate change can be [found on their dedicated web pages](#). The [Scottish Government's UPR Position Statement](#) and [ICESCR Position Statement](#) also set out recent and ongoing work it and other duty bearers are doing to advance human rights and the environment.

SNAP 2 actions that address the environment target issues like access to information, and gaps in systematic data gathering and comprehensive analysis.



APPENDIX 5: Human Rights Review – Definition and Process

Some SNAP 2 actions call for a ‘human rights review’ to be carried out on an issue. The SNAP Leadership Panel have identified a definition and process for SNAP 2 human rights reviews.

Definition of Human Rights Review

The SNAP definition of a human rights review is:

A human rights review is necessary to improve human rights outcomes. It involves examining the facts of an issue through a human rights lens to determine how people’s rights are respected, protected and fulfilled, and what change may be needed.

This definition, and the review process that SNAP advocates, build upon and synthesise work by the UN and SHRC to create a human rights based approach to data/information-gathering, as well as Human Rights Budget Work and Equality and Human Rights Impact Assessment.

SNAP 2 Human Rights Review Process

The human rights review process for SNAP 2 actions uses the well-established FAIR Framework and PANEL Principles. It includes nine steps, and all of these must be included. Additional steps can be added, depending on the issues and rights being examined. Supporting information is also provided.

FACTS

STEP 1

Identify the facts of the issue.

- Use qualitative and quantitative information to identify the important facts to understand, including people's experiences.
- Information sources can include research and reports by public bodies, National Human Rights Institutions, and civil society organisations; domestic law, policy and strategies; budgets and other finance documents.



ANALYSIS

Legality

STEP 2

Establish the human rights that are relevant to the issue, the specific components and essential elements of each right and evaluate the issue against them.

- Identify the specific articles/rights in the European Convention on Human Rights (ECHR), and international human rights treaties (e.g. ICESCR, CEDAW, CPRD, CRC) that apply to the issue.
- Identify if these are absolute rights, or if they can be restricted. If the right can – and has – been restricted, assess if this been lawful, legitimate and proportionate.
- For each right, assess how the state has complied with its obligations to respect, protect and fulfil people’s rights in relation to the issue.
- For each right, find the relevant ECHR case law and UN jurisprudence/recommendations, e.g. Treaty Body General Comments, UPR and Special Rapporteur reports, UN human rights indicators. Evaluate the issue against the case law/jurisprudence/recommendations.
- Identify if there are essential elements for each right. Evaluate whether all the essential elements of each right are being correctly applied.
- For economic, social and cultural rights – additional human rights standards and obligations apply. Evaluate whether all the standards and obligations of each right are being correctly applied.

ANALYSIS

Participation

STEP 3

Examine how the PANEL Principle of Participation is applied to the issue.

- Evaluate how rights holders inform, influence and participate in a free, equal and meaningful way in decision-making about their rights and lives in relation to this issue.
- Evaluate how duty bearers are involved in decision-making (people and organisations with human rights responsibilities).

Accountability

STEP 4

Examine how the PANEL Principle of Accountability is applied to the issue.

- Identify the relevant duty bearers for the issue.
- Evaluate how relevant duty bearers should be (in law, policy, guidance) and are (in practice) held to account.
- Identify any accountability gaps.
- Assess if impacts on human rights outcomes are monitored and evaluated over time.



ANALYSIS

Non-discrimination and Equality

STEP 5

Examine how the PANEL Principle of Non-discrimination and Equality is applied to the issue.

- Identify which population groups are affected by the issue, including those with protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity), other marginalized groups, and those with intersecting identities.
- Identify the specific equality and socio-economic duties and any pre-existing analysis that is relevant to the issue. For example, the Public Sector Equality Duty, the Fairer Scotland duty, gender analysis.
- Evaluate the impact of the issue on each population group, including those with intersecting identities.

Empowerment

STEP 6

Examine how the PANEL Principle of Empowerment is applied to the issue.

- Evaluate if rights holders fully understand their rights and fully participate in the development of policy and practice that affects their rights and lives in relation to the issue.
- Evaluate how rights holders should be (in law, policy, guidance) and are (in practice) able to claim their rights.
- Assess whether rights holders have access to adequate support to understand and claim their rights if needed.

IDENTIFYING SHARED RESPONSIBILITIES

STEP 7

Identify what changes are necessary to ensure that people's rights are respected, protected and fulfilled.

- If the analysis reveals gaps between the facts of the issue and people's experiences on the one hand, and what is necessary and expected in international human rights law on the other hand, identify what change(s) is needed and the action that could be taken to bridge the gaps.

STEP 8

Identify who is responsible for helping to make these changes.

- Identify the duty bearers that are needed to make the necessary changes.
- Develop targeted recommendations for action by specific duty bearers.
- Consider recommendations for other relevant stakeholders, e.g. rights holders, civil society, academia, NHRIs.



RECALL

STEP 9

Over time, identify if the necessary changes have occurred. If not, identify who is to be held accountable.

- If the purpose of the human rights review is to take action on the necessary changes that have been identified, a monitoring and evaluation framework should be created to assess improvements to human rights outcomes.

Supporting Information for a Human Rights Review

FAIR Framework

This methodology was developed by the SHRC. It applies a human rights based approach (HRBA) to information-gathering. It was used to gather information for 'Getting it Right?', which formed the evidence base for SNAP 1.

Taking a HRBA to information-gathering is about putting the human being at the centre of the scoping project.

F – Facts.

What are the important facts to understand?

A – Analysis.

What are the human rights or issues at stake?

I – Identifying Shared Responsibilities.

What changes are necessary? Who has responsibilities for helping to make the necessary changes?

R – Recall.

Over time have the necessary changes occurred? If not, who is to be held accountable?



UN Human Rights Based Approach to Data (HRBAD)

The UN has created a [set of principles, recommendations and good practices](#) under the following headings of an HRBAD:

PARTICIPATION

Participation of relevant population groups in data collection exercises, including planning, data collection, dissemination and analysis of data.

Key Principles

- Consider a range of processes that facilitate and encourage participation.
- Clearly communicate how participatory processes are conducted and the outcomes of these exchanges.
- Ensure that the views of vulnerable or marginalized groups, and groups who are at risk of discrimination, are represented.
- Maintain knowledge holdings and institutional memory in relation to information gathered through participatory processes.

DATA DISAGGREGATION

Disaggregation of data allows data users to compare population groups, and to understand the situations of specific groups.

Disaggregation requires that data on relevant characteristics are collected.

Key Principles

- More detailed data than national averages is key in identifying and understanding inequalities.
- Data should be disaggregated by key characteristics identified in international human rights law.
- Collection of data to allow disaggregation may require alternate sampling and data collection approaches.
- Birth registration is foundational for robust data sets that allow accurate disaggregation.

SELF-IDENTIFICATION

For the purposes of data collection, populations of interest should be self-defining. Individuals should have the option to disclose, or withhold, information about their personal characteristics.

Key Principles

- Data about personal characteristics should be provided by the individuals to whom the data refers (at the individual's discretion).
- Data collection activities should be conducted in accordance with the human rights principle of 'doing no harm'.



TRANSPARENCY

Data collectors should provide clear, openly accessible information about their operations, including research design and data collection methodology. Data collected by State agencies should be openly accessible to the public.

Key Principles

- Official Statistics are part of the public's right to information.
- Information about how data is collected should be publicly available.
- Data should be disseminated as quickly as possible after collection.

PRIVACY

Data disclosed to data collectors should be protected and kept private, and confidentiality of individuals' responses and personal information should be maintained.

Key Principles

- Privacy and confidentiality must be considered alongside access to information.
- Information that identifies individuals or discloses an individual's personal characteristics should not be made public as a result of data dissemination.
- Data collectors must have robust data protection mechanisms and procedures.
- When personal data is released, this should only be done with the permission of the individual concerned (or their appropriate representatives).

ACCOUNTABILITY

Data collectors are accountable for upholding human rights in their operations, and data should be used to hold States and other actors to account on human rights issues.

Key Principles

- Data can, and should, be used to hold human rights actors to account.
- National Statistical Offices are human rights duty-bearers and are accountable for respecting, protecting and fulfilling human rights.



PANEL Principles

The PANEL Principles form the basis of a human rights based approach. They are:

P – Participation.

People should be involved in decisions that affect their rights.

A – Accountability.

There should be monitoring of how people's rights are being affected, as well as remedies when things go wrong.

N – Non-discrimination and equality.

All forms of discrimination must be prohibited, prevented and eliminated; People who face the biggest barriers to realising their rights should be prioritised.

E – Empowerment.

Everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives.

L – Legality.

Approaches should be grounded in the legal rights that are set out in domestic and international laws.

Absolute and Qualified Rights

Some human rights are absolute, including the right to life and the right not to be subjected to inhuman or degrading treatment. This means they can never be restricted.

Many rights are qualified, and can be restricted. This means they can be limited, but only if (a) there is a law that allows it; (b) there is a good reason; and (c) it is proportionate and the least restrictive option.

Duty to Respect, Protect, and Fulfil

According to the UN, “The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights.”

Essential Elements of Rights

Some rights have essential elements. An important step in a human rights review is to identify the essential elements of the relevant rights, and evaluate how the issue being reviewed compares to each one.

Examples of the essential elements of some human rights include the following. This is not a full list, and a human rights review should include research to establish the essential elements of all relevant rights.



HUMAN RIGHT	ESSENTIAL ELEMENTS	MORE INFORMATION
Right to health	<ul style="list-style-type: none"> ● Availability ● Accessibility ● Acceptability ● Quality ● Participation ● Accountability 	OHCHR OHCHR and the right to health
Right to food	<ul style="list-style-type: none"> ● Availability ● Accessibility ● Acceptability ● Sustainability 	OHCHR OHCHR and the right to food
Right to social security	<ul style="list-style-type: none"> ● Availability ● Adequacy ● Affordability ● Accessibility 	OHCHR OHCHR and the right to social security

HUMAN RIGHT	ESSENTIAL ELEMENTS	MORE INFORMATION
Right to housing	<ul style="list-style-type: none"> ● Legal security of tenure ● Affordability ● Habitability ● Availability of services, materials, facilities and infrastructure ● Accessibility ● Location ● Cultural adequacy 	OHCHR OHCHR and the right to adequate housing

Human Rights Standards and Obligations

Some human rights standards and obligations [specifically apply to economic, social and cultural rights](#). An important step in a human rights review is to identify these, and evaluate how the issue being reviewed compares to each one. The UN has the following to say about these specific obligations.

Progressive Realisation

States are required to progressively achieve the full realization of these rights over a period of time. Regardless of resource availability, States have an immediate obligation to take appropriate steps to ensure continuous and sustained improvement in the enjoyment of these rights over time.



Minimum Core

States are required, with immediate effect, to ensure the enjoyment of minimum essential levels of each right.

Non-retrogression

The duty to progressively fulfil economic, social and cultural rights implies a prohibition of measures that would diminish the current enjoyment of rights. For example, States must ensure that their policies and measures do not undermine access to health care or social security.

Non-discrimination

This covers laws, policies and practices which are discriminatory in effect, no matter the intent. Respecting the principle of non-discrimination requires specific measures to ensure the protection of the rights of marginalized populations as a priority. Even when resources are limited, the State has a duty to adopt measures to protect those most at risk. Such measures may include taxation and social transfers to mitigate inequalities that arise or are exacerbated in times of crisis.

Take Steps

Take steps towards the full realization of economic, social and cultural rights for all.

Maximum Available Resource

States have a duty to use their maximum available resources for the progressive realization of economic, social and cultural rights. Even if a State clearly has inadequate resources at its disposal, it should still introduce low-cost and targeted programmes to assist those most in need so that limited resources are used efficiently and effectively.

Human Rights Budget Work

Human Rights Budget Work has two components:

- **Budget review/analysis.**
To assess if a government is complying with its human rights obligations.
- **Budget development.**
Using a rights-based process to create a budget that reflects human rights standards

A human rights budget review involves examining public budgets to assess a government's compliance with its human rights obligations. This is done with the central goal of making public budgets more effective in helping to realise human rights, to ensure that everyone can live a life of human dignity. It involves exploring both the budget process: to ensure that it is participative, transparent and accountable; as well as examining a government's resource generation, allocation and spend with reference to the agreed human rights standards.

A human rights budget process would include the following steps:

- Examine a country's international human rights obligations and commitments.
- Analyse the human rights concerns facing different groups within and across different social sectors (e.g. housing, health, education).
- Design policies that respond to those concerns.
- Allocate adequate budget to implement those policies.
- Monitor whether the money was spent as planned, what was delivered and to whom.
- Evaluate whether the policy was implemented and what impact it had.



Equality and Human Rights Impact Assessment

The Scottish Human Rights Commission and Equality and Human Rights Commission have devised a process to combine **Equality and Human Rights Impact Assessments (EQHRIAs)**. This identifies **10 good practice building blocks** for assessing impact on equality and human rights. The building blocks are divided into organisational and process elements.

Organisational building blocks – These are the key steps that need to be taken by senior management in any organisation to create an environment which will encourage and facilitate EQHRIAs that have a positive impact on policy outcomes.

1. Senior Level Commitment and Engagement.
2. Timing and Capacity to Influence Decisions.
3. Staff, Training and Resources.

Process building blocks – These relate to the EQHRIA process itself and are the core elements that need to be undertaken in any individual EQHRIA. The process elements can be organised and understood according to the Scottish Human Rights Commission's FAIR Framework which can assist in bringing a rights based approach to decision making.

4. Understanding the legal basis of EQHRIA.
5. Deciding What to Assess and the Scope of the Assessment Process.
6. Evidence to Support Assessments.
7. Involvement of Communities.
8. Assessing Combined Impacts.
9. Conclusions and Recommendations.
10. Transparency and Review.

APPENDIX 6:

Glossary – Explaining Terms and Abbreviations

A

AAAQ – Available, Accessible, Acceptable, Quality

The United Nations identifies these core elements for the right to health. This is sometimes referred to as the 'AAAQ', and means that the provision of goods, services and facilities that enable this right should be available, accessible, acceptable, and of good quality. The other core elements of the right to health are Participation and Accountability. For more information see <https://www.ohchr.org/en/health>.

AAAS – Available, Accessible, Adequate, Sustainable

The United Nations identifies these core elements for the right to food. Availability: Food should be obtainable from natural resources, either through the production of food, by cultivating land or animal husbandry, or through other ways like fishing, hunting or gathering. Food should be on sale in markets and shops.

Accessibility: Food must be affordable. Individuals should be able to have an adequate diet without compromising on other basic needs, such as school fees, medicines or rent. Food should be accessible to the physically vulnerable, including children, sick people, people with disabilities and the elderly. Food must also be available to people in remote areas, to victims of armed conflicts or natural disasters, and to prisoners.



Adequacy: Food must satisfy dietary needs, taking into account a person's age, living conditions, health, occupation, sex, culture, etc. Food should be safe for human consumption and free from adverse substances.

Sustainability: Food should be accessible for both present and future generations.

For more information see <https://www.ohchr.org/en/food>.

Absolute Right

A right that is so fundamental that it can never be interfered with, like the right to life and the right not to be tortured.

Accessible

In SNAP 2, accessible has two meanings. It means that something (like information, a document, a process, or a service) is made accessible to all rights holders on an equal basis, including individuals and population groups who can experience access barriers unless specific measures are taken. In SNAP 2, accessible also means that something is made available to as large a number of people as possible, whoever they are.

Accountability

There should be monitoring of how people's rights are being affected, as well as remedies when things go wrong. In order to be accountable, duty bearers must know and understand their obligations.

Adequate Standard of Living

The right to an adequate standard of living includes the rights to food, housing, social security.

Advocacy

Support for an individual or group from another person or organisation in order to express views and opinions and get help realising rights and needs.

Autonomy

The ability to be the author of one's own life and have one's will and preferences respected.



CAT

Convention Against Torture.

Carer (Unpaid)

SNAP uses the term 'unpaid carer' to describe a person who provides care and support to family members, friends and neighbours. SNAP recognises that this is a contested term and that not all unpaid carers refer to themselves in this way. Anybody can become an unpaid carer at any time in their life and sometimes for more than one person at a time. Unpaid carers can be any age from young children to very elderly people. An unpaid carer does not need to be living with the person they care for.

Carer (Paid)

SNAP uses the term 'paid carers' to describe people who provide others with care services as their job. Paid carers can be employed in a range of roles with different job titles, for example Personal Assistant, care worker, support worker.

Carer

In SNAP, the term 'carer' is used to mean people who provide both unpaid and paid care.



CEDAW

Convention on the Elimination of All Forms of Discrimination Against Women.

CERD

Convention on the Elimination of All Forms of Racial Discrimination.

Children and Young People

SNAP uses the term ‘children and young people’ to mean those aged under 18. The UN Convention on the Rights of the Child states that a child is anyone under the age of 18. In Scotland, for most purposes a child is someone aged under 16. In general, duties on public bodies or professionals to pay special attention to children and young people apply to anyone aged under 18, but provisions regarding the decision-making ability of the child, such as on medical consent, or appointing a named person, apply to children aged under 16.

Civil Society

A wide range of organisations: community groups, non-governmental organisations (NGOs), labour unions, indigenous groups, charitable organisations, faith-based organisations, professional associations, and foundations.

CoE

Council of Europe.

Collaboration

Working together in equal partnership.

Collaborative Leadership

Leading together in equal partnership.

Collective Advocacy

A group of people who are all facing a common problem and have had similar experiences get together to work on specific issues and have their voices heard. The group as a whole may campaign on an issue that affects them.

Consensus (and consensus-based) decision-making

The SNAP Leadership Panel used consensus decision-making when identifying the actions and other content of SNAP 2. This means they reached decisions and agreement as a group.

Convention

These are the nine core human rights conventions (also called 'treaties' or 'instruments') developed by the UN. The UK has ratified the first seven.

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of Racial Discrimination (CERD)
- Convention on the Elimination of Discrimination against Women (CEDAW)
- Convention against Torture (CAT)
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons with Disabilities (CRPD)
- Convention on the Rights of Migrants and their Families (ICMW)
- Convention on the Protection of All Persons for Enforced Disappearance (CPED)

The United Kingdom is reviewed regularly for its compliance with most of these treaties by UN Committees of special experts.



Every four to five years, the United Kingdom is subject to Universal Periodic Review (UPR). This process means the UK's compliance with all treaties is reviewed by other countries based on international human rights standards. This happens at the UN Human Rights Council based in Geneva.

Co-production (also 'co-produce')

Working together on an equal basis. Goes beyond participation and partnership working.

COSLA

Convention of Scottish Local Authorities.

CRC

Convention on the Rights of the Child.

CRPD

Convention on the Rights of Persons with Disabilities.

D

Digital Choice

People should be able to make an informed choice between using digital or non-digital services and support – and to switch between them at any time – without compromising the quality of services or support they experience. People should be fully involved in decisions made about their services and support. This should include information about any digital options being considered, and the non-digital alternatives. More information about digital as a choice in health and social care is available from the work by [the ALLIANCE, Scottish Care and Voices Of eXperience \(VOX\)](#).

Disabled People

In SNAP 2, unless otherwise stated, the term 'disabled people' includes people living with long term conditions, people living with physical disabilities, people with sensory impairments, people with learning disabilities and autistic people.

Duty Bearer

In human rights, a duty bearer is an individual or organisation that has a responsibility to respect, protect and fulfil human rights. The State – and those employed by it – are the main duty bearers. Duty bearers include people and organisations like Scottish Government Ministers and officials, local authorities and their employees, schools and teachers, health boards and health workers, social care workers, police officers.



ECHR

European Convention on Human Rights.

EHRC

Equality and Human Rights Commission.

Embed

To make something an integral part of.

Empowerment

Everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives.



Equality and Non-discrimination

Equality means the state of being equal, in status, rights or opportunities. Article 1 of the Universal Declaration of Human Rights (UDHR) says: “All human beings are born free and equal in dignity and rights.” Freedom from discrimination, as set out in Article 2 of the UDHR, is what ensures this equality. Being free from discrimination means that all discrimination must be prohibited, prevented and eliminated.

EU

European Union.



Gender Competence

Gender competence refers to the skills, knowledge and analytical capability to develop policy that is well-gendered; that takes account of the socially constructed difference between men’s and women’s lives and experiences; and ensures that discriminatory structures are changed and new and diverse development opportunities are opened to all genders.

Gender Mainstreaming

Gender mainstreaming is the public policy concept of assessing the implications for people of different genders of a planned policy action, including legislation and programmes. Mainstreaming offers a pluralistic approach that values the diversity among people of different genders.



HRA

Human Rights Act 1998.

Human Rights

We all have human rights. These are basic rights and freedoms, based on our common humanity. Human rights are outlined in law and they set out a minimum standard for how we should all be treated by state organisations, including the NHS and local authorities. At an individual level, while we are all entitled to respect for our own human rights, we should also respect the rights of others. Human rights apply to everyone, regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Rights cannot be taken away except in specific, pre-determined situations and according to law. However, it's important to recognise that there are different types of rights. In particular there are absolute rights and qualified rights.

Human Rights Based Approach

Taking a human rights based approach is about making sure that people's rights are put at the very centre of policies and practices, empowering and enabling people to know about and claim their rights, and increasing the ability and accountability of duty bearers in giving effect to these rights. The PANEL Principles are one way of breaking down what this means in practice. These are: Participation, Accountability, Non-discrimination and Equality, Empowerment and Legality. Done correctly, a human rights based approach would also ensure that intersectionality and people whose rights are most at risk are central to the process.



Human Rights Budget Analysis / Human Rights Budget Work

Human rights budget work is using human rights standards and principles to develop and analyse a budget.

Human Rights Review

A human rights review is necessary to improve human rights outcomes. It involves examining the facts of an issue through a human rights lens to determine how people's rights are respected, protected and fulfilled, and what change may be needed.

The SNAP Leadership Panel has identified a process for human rights reviews, using the well-established FAIR Framework and PANEL Principles. It includes 9 steps, and all of these must be included. Additional steps can be added, depending on the issues and rights being examined.



ICESCR

International Covenant on Economic, Social and Cultural Rights.

ICCPR

International Covenant on Civil and Political Rights.

Inclusive Communication

Sharing information in a way that everyone can understand.

Incorporate / Incorporation

To take in or include into part of a whole. In 2021, the Scottish Parliament passed the United Nations Convention on the Rights of the Child (CRC) (Incorporation) (Scotland) Bill, which is intended to incorporate the CRC into domestic Scots law. The Scottish Government intends to incorporate other international human rights treaties into domestic Scots law, including CEDAW, CERD, CRPD, and ICESCR.

Independent Advocacy

Independent support for an individual or group from another person or organisation in order to express views and opinions and get help realising rights and needs.

Indivisible and Interdependent

All human rights are indivisible and interdependent. The UN notes that, “This means that one set of rights cannot be fully enjoyed without the other. For example, making progress in civil and political rights makes it easier to exercise economic, social and cultural rights. Similarly, violating economic, social and cultural rights can negatively affect many other rights.”

Instrument

These are the nine core human rights instruments (also called ‘treaties’ or ‘conventions’) developed by the UN. The UK has ratified the first seven.

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of Racial Discrimination (CERD)
- Convention on the Elimination of Discrimination against Women (CEDAW)
- Convention against Torture (CAT)
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons with Disabilities (CRPD)
- Convention on the Rights of Migrants and their Families (ICMW)
- Convention on the Protection of All Persons for Enforced Disappearance (CPED)



The United Kingdom is reviewed regularly for its compliance with most of these treaties by UN Committees of special experts.

Every four to five years, the United Kingdom is subject to Universal Periodic Review (UPR). This process means the UK's compliance with all treaties is reviewed by other countries based on international human rights standards. This happens at the UN Human Rights Council based in Geneva.

International Human Rights Law

The member states of the UN draft human rights treaties known as Conventions. This means states voluntarily make their own international obligations. Once a Convention is drafted it is then up to the states to ratify it within their own system. This means that they are required to comply with the treaty Articles.

The Articles contained within the Conventions set the international standard, while leaving individual states to implement the standards according to their own legal and policy processes.

Some states incorporate the Conventions into their legal systems.

So far, the UK, has incorporated one international Convention into its legal systems – the European Convention of Human Rights, through the Human Rights Act 1998.

Intersectionality

In SNAP, the term 'intersectionality' is used to describe the intersection of different and multiple characteristics that create interdependent and complex systems of power, discrimination and disadvantage. The SNAP definition does not include reference to specific characteristics to ensure it is fully inclusive. SNAP acknowledges and credits the work of Professor Kimberlé Crenshaw, the First Minister's National Advisory Council on Women and Girls (NACWG), and others in the development of its definition.



Justiciable

Subject to trial in a court of law.



Legality

Approaches should be grounded in the legal rights that are set out in domestic and international laws.

LGBT

Lesbian, Gay, Bisexual, Transgender.

LGBTQIA+

Lesbian, Gay, Bisexual, Transgender, Queer (or Questioning), Intersex, Asexual and Aromantic.

Lived Experience

A person with lived experience is someone who has direct, personal experience of something. This is different from a person who has experience of an issue due to their profession or work. A person can have both lived and professional experience of something.



Mainstream

To make something start to be considered normal.

Mapping Exercise

A methodical review of a subject to produce detailed information that can be used to design and develop effective interventions.



Maximum Available Resources

States have a duty to use their maximum available resources for the progressive realization of economic, social and cultural rights. Even if a State clearly has inadequate resources at its disposal, it should still introduce low-cost and targeted programmes to assist those most in need so that limited resources are used efficiently and effectively.

Minimum Core

States are required, with immediate effect, to ensure the enjoyment of minimum essential levels of economic, social and cultural rights.



NHRI

National Human Rights Institution. This is an institution that has been officially recognised by the UN because they follow the standards set out in the Paris Principles, endorsed by the UN General Assembly in 1993. There are two NHRIs in Scotland – the Equality and Human Rights Commission (EHRC), and the Scottish Human Rights Commission (SHRC).

Non-discrimination and Equality

Equality means the state of being equal, in status, rights or opportunities. Article 1 of the Universal Declaration of Human Rights (UDHR) says: “All human beings are born free and equal in dignity and rights.” Freedom from discrimination, as set out in Article 2 of the UDHR, is what ensures this equality. Being free from discrimination means that all discrimination must be prohibited, prevented and eliminated.

Non-exhaustive

This means that not everything that could be included is included. For example, “A non-exhaustive list of issues raised during the development of SNAP 2” means that the list that follows does not include all the issues that were raised.

Non-retrogression / Non-regression

The duty to progressively fulfil economic, social and cultural rights implies a prohibition of measures that would diminish the current enjoyment of rights. For example, States must ensure that their policies and measures do not undermine access to health care or social security.



OHCHR

UN Office of the High Commissioner for Human Rights.



Participation

People should be involved in decisions that affect their rights and lives.

People with Lived/Living Experience

This means people that have direct, personal experience of an issue, instead of experience through work or training.



People (or those) whose rights are most at risk

In SNAP 2, this means the people who are in the most vulnerable situations and who face the biggest barriers to realising their rights. In Scotland, some people experience bigger barriers because of inequality and discrimination related to their characteristics or how their characteristics intersect. People whose rights are most at risk can vary from issue to issue. A non-exhaustive list (because others can be identified) of people whose rights could be most at risk includes:

- Black and minority ethnic people.
- Care experienced people.
- Children and young people.
- Families of accused persons and people in custody.
- Disabled people, including people with learning disabilities and autistic people.
- LGBTQIA+ people.
- Lone parents.
- Migrants, refugees and people seeking asylum.
- Older people.
- People on remand.
- People in poverty and/or on low incomes.
- People with lived experience of homelessness.
- People with lived experience of substance use.
- People with long term conditions.
- People with mental health conditions.
- People with religious belief/faith.
- People living in rural or remote areas.
- Scottish Gypsy/Travellers.
- Unpaid carers.
- Women.

Principle

A fundamental truth or proposition that serves as the foundation for a system of belief or behaviour or for a chain of reasoning.

Progressive Realisation

States are required to progressively achieve the full realization of economic, social and cultural rights over a period of time. Regardless of resource availability, States have an immediate obligation to take appropriate steps to ensure continuous and sustained improvement in the enjoyment of these rights over time.

Protected Characteristic

Under the Equality Act 2010, people are protected from these types of discrimination:

- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Age
- Disability



Qualified Right

Some human rights are qualified, which means they can be restricted in some circumstances and within limits, like the right to respect for private and family life, home and correspondence, and the right to freedom of thought, conscience and religion.

Ratify / Ratified

When a country signs or gives formal consent to a treaty, contract or agreement, making it officially valid.

Respect, Protect, Fulfil

Under international law, states have obligations and duties to respect, protect and fulfil human rights. According to the UN, “The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights.”

Rights Holder

In human rights, individuals are right holders.

Rights holder-led Accountability

Monitoring of how people’s rights are being affected that is led by rights holders.

S

SHRC

Scottish Human Rights Commission

Social Model of Disability

The social model of disability says that disability is not caused by any impairments that people might have, but instead it is caused by the barriers that arise because society is not designed to accommodate disabled people. Barriers can be attitudinal, environmental, organisational, or communication. It is these barriers that disable people. If these barriers are removed, a person may still have an impairment but would not experience disability.

T

Third Sector

The part of the economy or society comprising non-governmental and non-profit-making organisations or associations, including charities, voluntary and community groups, cooperatives, etc.

Treaty

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- Convention on the Elimination of Discrimination against Women (CEDAW)



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Treaty Body

In international law, a treaty body (or treaty-based body) is an internationally established body of independent experts that monitor how States party to a particular international convention/treaty are implementing their obligations under it.



UN

United Nations

UDHR

Universal Declaration of Human Rights

Universal

The principle of universality of human rights is the cornerstone of international human rights law. It means that all human beings are all equally entitled to human rights. This principle was first outlined in the UDHR, and is repeated in many international human rights conventions.

Unpaid Carer

SNAP uses the term 'unpaid carer' to describe a person who provide care and support to family members, friends and neighbours. SNAP recognises that this is a contested term and that not all unpaid carers refer to themselves in this way. Anybody can become an unpaid carer at any time in their life and sometimes for more than one person at a time. Unpaid carers can be any age from young children to very elderly people. An unpaid carer does not need to be living with the person they care for.

UPR

Universal Periodic Review.





SNAP – Scotland’s second National Human Rights Action Plan

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