



Scotland's National Action Plan for Human Rights

2013 - 2017

SNAP Overview Diagram

Vision

Our vision is for a Scotland where everyone is able to live with human dignity.

Purpose

To focus and coordinate action by public, private, voluntary bodies and individuals to support the realisation of internationally recognised human rights.

	<u>SNAP Outcome</u>	<u>Related National Outcomes</u>	<u>SNAP Priorities</u>
Better Culture	People understand and can affirm human rights and organisations are enabled and accountable to put human rights into practice.	Our public services are high quality, continually improving, efficient and responsive to local people's needs.	1. Empowerment: Increase people's understanding of human rights and their participation in decisions.
Better Lives	Scotland effectively tackles injustice and exclusion, improving lives.	We have tackled the significant inequalities in Scottish Society.	Enhance respect, protect rights to achieve: 4. High quality health 5. An adequate standard of living 6. Justice and safety
Better World	Scotland gives effect to its international obligations at home and internationally.	We take pride in a strong, fair and inclusive national identity.	7. Implement international human rights obligations.

...uals to achieve human dignity for all through

		<u>Actions</u>	<u>Measuring Change</u>
<p>2. Ability: Increase organisations' ability to put human rights into practice.</p>	<p>3. Accountability: Increase accountability through human rights based laws, governance and monitoring.</p>	<p>Human Rights Action Groups involving public, private and voluntary organisations, alongside people directly affected will identify, promote and test actions.</p>	<p>Evidence of Improvement in awareness, impact and delivery of human rights.</p>
<p>...tection and fulfillment of human ... and social care. ...ard of living for all. ... for all.</p>			<p>Evidence of better outcomes being delivered.</p>
<p>8. Respect, protect and fulfill human rights in our international action.</p>	<p>9. Engage constructively with the international human rights system.</p>		<p>Treaty reporting and mapping of engagement.</p>

Contents

06	Foreword
08	Executive Summary
15	Vision
	Purpose
	Realising Human Rights
16	Where do human rights come from?
17	Bringing Human Rights Home
18	Into the “small places”: embedding a human rights culture throughout Scotland
19	How SNAP is of our time
21	How was SNAP developed?
22	What will SNAP do?
23	How will SNAP lead to change?
26	Putting SNAP into Practice: Taking a Human Rights Based Approach
	Outcomes and Priorities for Action
29	Outcome 1: Better Culture - People understand and can affirm human rights and organisations are enabled and accountable to put rights into practice.
30	SNAP Priority 1: Empowerment - Increase people’s understanding of human rights and their participation in decisions.
32	SNAP Priority 2: Ability - Increase organisations’ ability to put human rights into practice.
33	SNAP Priority 3: Accountability - Increasing accountability through human rights based laws, governance and monitoring.
35	Outcome 2: Better Lives - Scotland effectively tackles injustice and exclusion, improving lives.
36	SNAP Priority 4: Enhance respect, protection and fulfilment of human rights to achieve high quality health and social care.
39	SNAP Priority 5: Enhance respect, protection and fulfilment of human rights to achieve an adequate standard of living for all.
41	SNAP Priority 6: Enhance respect, protection and fulfilment of human rights to achieve justice and safety for all.
44	Outcome 3: Better World - Scotland gives effect to its international obligations at home and internationally.
45	SNAP Priority 7: Implement international human rights obligations.
	SNAP Priority 8: Respect, protect and fulfil human rights in our international action.
	SNAP Priority 9: Engage constructively with the international human rights system.
48	Moving Forward
49	Annex: SNAP Advisory Council
50	Endnotes

Foreword

“Scotland is a country where everyone is able to live with human dignity”

This is the bold vision of Scotland’s first National Action Plan for Human Rights (SNAP). It reflects the vision set out in the Universal Declaration of Human Rights (UDHR) which is the foundation of modern human rights.

SNAP is a practical roadmap for the progressive realisation by Scotland of the internationally recognised human rights first set down in the UDHR.

The UDHR established that everyone has the right to a social and international order in which the human dignity of all can be realised and that it is the duty of each of us to build a community in which this can be achieved. These values accord with Scotland’s own historical approach to rights, our vision of limited sovereignty of the state, and the relationship between the individual and community. They also resonate with present day values of fairness, empathy and dignity.

Inspired by this vision and grounded in evidence and broad participation SNAP was developed in a spirit of consensus, involving a wide range of organisations and individuals from different parts of society and different parts of the country.

Through this participatory approach SNAP has gone beyond a traditional action plan, with a tick list of actions, to become a collaborative process to bring about sustainable culture change. This requires those in positions of authority and those whose rights are at stake to work together to agree what needs to be done, within a human rights framework. This increased empowerment and accountability represents the application of a human rights based approach.

SNAP has been shaped to fit the times. It recognises progress achieved since devolution and identifies next steps which need to be taken to build a better society whatever the outcome of the 2014 referendum.

Human rights are contested in parts of UK politics and media, caricatured as serving only those seen as “undeserving”. SNAP outlines a clear alternative. Human rights belong to everyone. They work best for everyone when accepted by society as working for the benefit of us all.

To unlock this potential SNAP will pursue three Outcomes. It will promote the integration of a human rights based approach into the day to day decision making which impacts all of us, so as to develop a Better Culture. Today’s challenges are addressed through the putting human rights into practice in the areas of health and social care, standard of living and justice and safety for all so as to help enable us all to enjoy Better Lives. It also helps open up Scotland to learn from the experience of others whilst meeting its responsibilities to contribute to a Better World.

Implementation of SNAP is a shared responsibility. There is a role for each of us in our everyday lives to help make Scotland a country where everyone can live with human dignity. As Mary Robinson said at the launch of the Scottish Human Rights Commission, in a lovely Irish phrase, “it is in each other’s shadow that we flourish”. ¹

I would like to thank each and every colleague in the Advisory Council, Drafting Group, and Scottish Human Rights Commission who have contributed immensely to developing this innovative and best practice plan of action. All of us have learned a great deal from one another and from everyone else who has participated in this endeavour and all of us have been inspired by the words of Eleanor Roosevelt, an architect of the UDHR, who said:

“Where after all do universal human rights begin? In small places close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works...Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.” ²

Professor Alan Miller

- Chair of the Scottish Human Rights Commission
- Chair of the Advisory Council and the Drafting Group for Scotland’s National Action Plan for Human Rights



Executive Summary

Scotland's National Action Plan for Human Rights (SNAP) is a roadmap for the realisation of all internationally recognised human rights. It is based on evidence and broad participation. It has been developed by a Drafting Group from across the public and voluntary sectors and overseen by an Advisory Council whose members reflect the diversity of Scottish civic life.

Our vision is of a Scotland in which everyone is able to live with human dignity. SNAP will coordinate action by a wide range of public bodies and voluntary organisations towards achieving this vision. It is not a traditional action plan but a transformative programme of action including agreed outcomes, priorities and a process for working together from 2013 - 2017 to progressively realise the potential of human rights in all areas of life.

Realising Human Rights

Human rights are the fundamental freedoms and rights to which everyone is entitled. They are built on universal values such as dignity, equality, freedom, autonomy and respect, first set down in the Universal Declaration of Human Rights 65 years ago and now grounded in international laws. Scots contributed to the development of the modern understanding of human rights, which resonates with our deeply held values of fairness and responsibility to the community.

Twenty years ago the international community agreed to promote national action plans for human rights, to identify steps to bring these rights into practice. In the UK the Human Rights Act and Scotland Act were passed five years later, bringing rights in the European Convention on Human Rights (ECHR) directly into the law of Scotland. National institutions were also created to promote and protect all human rights. SNAP is the next step to make human rights meaningful in our homes, our schools, at work and in our communities. It builds on international best practice and is based on four years of research and a broad participation process led by the Scottish Human Rights Commission.

SNAP responds to the current political and economic context in Scotland. It responds to debate about how human rights can form part of Scotland's constitutional framework. It fits with the ethos of Public Service Reform and the need to ensure that public services and economic decisions promote human dignity for all, even in times of austerity. It also reflects where Scotland is on its journey to fully realise human rights, seeking to embed a sustainable human rights culture, map out next steps in areas where the value of a human rights approach is already recognised, and to foster learning and innovation in areas of life where the value of human rights has not yet been fully recognised.

What will SNAP do?

SNAP will pursue three Outcomes, supported by nine Priorities. Human Rights Action Groups involving public sector and voluntary bodies will work together to identify how best to achieve change in each area. A Leadership Panel involving high level representation of public and voluntary sectors as well as people whose human rights are directly affected will oversee the implementation of SNAP.

In delivering SNAP, organisations will be encouraged to identify, promote and replicate good practice and to innovate - learning about practice across Scotland and the world and testing out new ways of seeking to address both old and new challenges.

SNAP will be delivered by an expanding coalition of public bodies and voluntary organisations. It will be underpinned by a constructive process of accountability including independent monitoring and evaluation, annual reports and InterActions with broad participation to review progress and address challenges.

The model for change which SNAP promotes is a “human rights based approach” which emphasises participation, accountability, non-discrimination, empowerment and legality (“PANEL”). This has several proven benefits: upholding the rights of everyone, supporting person centred services, helping good decision making, improving institutional culture and relationships and, finally, ensuring legal compliance and promoting best practice.



Outcome 1: Better Culture

People understand and can affirm human rights and organisations are enabled and accountable to put human rights into practice.

There are a growing number of examples of human rights being put into practice in Scotland but these are not yet the norm. SNAP itself demonstrates an important commitment from a range of organisations to achieving a sustainable human rights culture. Under Outcome 1 we will seek to harness, build on and channel that enthusiasm, focussing on how to achieve the outcome in practice, learning from the best of experiences from across Scotland and the world.

Research and participation has identified a range of areas for change.

SNAP Priority 1: Empowerment - Increase people's understanding of human rights and their participation in decisions.

People don't know enough about what human rights are and their benefits in everyday life. There is a need for greater consistency to ensure meaningful participation of people in decisions that affect their lives. While ideas of fairness and "difference" are widely accepted in Scotland, negative social attitudes against certain groups persist.

SNAP Priority 2: Ability - Increase organisations' ability to put human rights into practice.

Organisations providing public services need to understand what human rights mean and how to put them into practice. There is a lack of understanding of human rights and the relationship between equality and human rights. There is interest in pursuing a human rights based approach in practice, including through meaningful human rights impact assessment processes and other tools such as budget analysis.

SNAP Priority 3: Accountability - Increasing accountability through human rights based laws, governance and monitoring.

There is significant support for international human rights laws to be brought into domestic law, and concern at threats from some UK politicians to repeal the Human Rights Act and withdraw from the European Convention on Human Rights. Scottish Parliament mechanisms on human rights could be strengthened, and human rights should be integrated into outcome measurement and inspection frameworks.

To advance Outcome 1, Innovation Forums on "How to Embed a Human Rights Culture" will be held in 2014, bringing together organisations to share best practice from across Scotland.

Amongst other things the Forums will explore:

- **Empowerment:** How to involve people in decisions which affect their lives, and integrating human rights into advocacy, communications and campaigns.
- **Ability:** How those delivering public services can integrate human rights into training, decision making, budget and procurement processes.
- **Accountability:** Benefits of further incorporation of human rights law; how Government and Parliament can best consider human rights; integrating human rights in measuring progress and inspecting practice.



Outcome 2: Better Lives

Scotland effectively tackles injustice and exclusion, improving lives.

Scotland has gone further in integrating human rights in some areas of life than others. This Outcome therefore includes concrete and measurable initial actions in some areas, and a focus on learning, understanding and pursuing commitment in others.

SNAP Priority 4: Enhance respect, protection and fulfilment of human rights to achieve high quality health and social care.

While progress has been made, inconsistencies remain in upholding human rights in healthcare and in Scotland's public health record. Opportunities include the integration of health and social care, steps under the new Mental Health Strategy and efforts to address health inequalities.

Although co-production in independent living is widely praised, there remain challenges in practice, to uphold autonomy and ensure human rights based decision making. Additional steps are also required for, among others, care leavers and unpaid carers (such as kinship carers).

Initial steps under SNAP Priority 4 will include: Putting human rights at the heart of health and care integration; pursuing a human rights based approach to independent living, self-directed support, and learning disability practice and to reducing health inequalities; increasing awareness of the rights of carers; and increasing understanding of human rights in mental health care and treatment.

SNAP Priority 5: Enhance respect, protection and fulfilment of human rights to achieve an adequate standard of living for all.

Budget decisions do not generally take human rights into account and a combination of welfare reform measures are thought to risk increasing poverty. Child poverty, fuel poverty, reducing homelessness and increasing availability and habitability of social housing remain priorities. Transport is a concern for disabled people and people in rural areas who also have less access to services. The lack of appropriate, serviced accommodation for Gypsy/Traveller communities should be resolved. Gender equality and rights of young people, blacklisting and migrants' rights remain concerns in employment. In education gender and other inequalities persist as does bullying. There is an opportunity to consider human rights based land reform.

To consider human rights based action, an Innovation Forum will be held on "How to Uphold Human Rights in times of Austerity". The Forum will explore the value of incorporating economic, social and cultural rights into domestic law, how to monitor those rights, human rights based budgeting and participatory approaches to poverty eradication.

SNAP Priority 6: Enhance respect, protection and fulfilment of human rights to achieve justice and safety for all.

Barriers to access to justice include cost, inaccessibility to particular groups and concerns related to reform measures. For example there are concerns that cuts to legal aid may impact on access to remedies for domestic abuse. Asylum processes too require reform, and denial of access to work risks destitution. In criminal justice various concerns exist related to children's rights, victims' rights and prosecution rates in sexual offences, and, there is ongoing debate about the value and risks of abolishing corroboration. Women's rights, overcrowding and access to mental health services are priorities in detention while the creation of Police Scotland provides an opportunity to further embed human rights in police training and accountability. Scotland's new Violence Against Women strategy should be complemented by an Action Plan and additional measures are needed to address human trafficking. Hate crime is growing and monitoring could be enhanced. More could be done to uphold the human rights of victims, and protect children from violence.

Initial steps under SNAP Priority 6 will include: Strengthening human rights training and accountability of Police Scotland; raising awareness of hate crime; developing a victim centred approach to human trafficking; finalising an Action Plan on Justice for Victims of Historic Child Abuse; monitoring the impact of criminal justice reforms; identifying steps to increase access to justice and adopting a comprehensive human rights based strategy on Violence Against Women.



Outcome 3: Better World

Scotland gives effect to its international obligations at home and internationally.

Scotland increasingly recognises its international obligations. SNAP identifies next steps which reflect growing recognition of the responsibilities of all actors, including business, and emerging global challenges to human rights such as climate change. Importantly they set out a process in which Scotland can increasingly embody good practice in its involvement in the international human rights system.

Priority 7: Implement international human rights obligations.

Priority 8: Respect, protect and fulfil human rights in our international action.

Priority 9: Engage constructively with the international human rights system.

There is increasing support for the UK to accept additional human rights commitments internationally, and to explore incorporation of other treaties at domestically. Coordination of efforts to implement human rights across government and with civil society could be improved.

Scotland should ensure that human rights are consistently upheld in its international engagement, and in hosting international events such the Glasgow Commonwealth Games 2014. Scotland should, for example, continue to champion Climate Justice, and develop a plan to implement the UN Guiding Principles on Business and Human Rights.

Initial steps under SNAP Outcome 3 will include: Developing an effective mechanism to coordinate the implementation of international treaties, and exploring the benefits of incorporation of additional treaties; ensuring human rights are at the heart of Scotland's International Framework; developing an Action Plan on business and human rights; championing Climate Justice; supporting civil society to engage in international human rights reviews and the adoption and implementation of a human rights policy for the Glasgow Commonwealth Games 2014.

Next Steps

Human Rights Action Groups will be co-convened by public bodies and voluntary organisations and will engage with people whose human rights are directly affected. They will identify actions under each Priority. A Monitoring Group will develop indicators to track implementation.

A first Annual Report on progress will be presented to the Scottish Parliament in 2014, and a first National InterAction will be held on 10 December 2014 to ensure accountability and address challenges in implementation. Progress will also be considered in international human rights reviews of the UK, including the United Nations Universal Periodic Review.

Vision

Our vision is of a Scotland where everyone is able to live with human dignity.

Purpose

The purpose of Scotland's National Action Plan for Human Rights (SNAP) is to coordinate action by public, private, voluntary bodies and individuals to achieve human dignity for all through the realisation of internationally recognised human rights.

SNAP is a vehicle for embedding human rights into all areas of life. It sets out a programme of action with agreed outcomes and priorities and a process for how we will move forward together. In delivering SNAP we will identify and test actions to bridge the gap between people's legally recognised human rights and their everyday lives.

Realising Human Rights

"Every human has rights. What does it mean? It means simply that rights belong to people not governments. That the Universal Declaration on Human Rights gave a birthright to every child born in the world."

Mary Robinson, former President of Ireland and former United Nations High Commissioner for Human Rights. ³



Where do human rights come from?

Human rights are the fundamental freedoms and rights which everyone is entitled to simply as a human being. They provide the shared values and the legal basis to ensure that everyone is protected against abuses which undermine their dignity, and given the opportunities they need to realise their full potential, free from discrimination. They are built on universal values such as freedom, autonomy, dignity, respect and equality.

The modern system of human rights can be traced back to the devastating global events of the first half of the 20th Century. The Holocaust, two World Wars and the Great Depression led the world to restate the common values of humanity. The Universal Declaration of Human Rights (UDHR) was adopted in 1948. Its 30 articles establish a “common standard of achievement” in which every individual and every part of society, everywhere in the world, will seek to realise the civil, political, economic, social and cultural rights needed to live a life of human dignity, free from discrimination.

The UDHR was and remains a beacon of hope. It has subsequently been developed and extended by a wide range of international and regional human rights treaties which have established human rights legal obligations among contracting states. The United Kingdom has ratified (agreed to be legally bound by) a wide range of human rights treaties including those related to civil and political as well as economic, social and cultural rights, and those that relate to particular members of the population including racial and ethnic minorities, women, children, refugees and disabled people. These reflect the place of equality and non-discrimination at the heart of the realisation of human rights.

Human Rights Treaties to which the UK is party

Among the international human rights treaties which the UK has signed and ratified are:

- International Covenant on Civil and Political Rights.
- International Covenant on Economic, Social, and Cultural Rights.
- Convention Relating to the Status of Refugees and Protocol Relating to the Status of Refugees.
- Convention on the Rights of the Child.
- Convention Against Torture.
- Convention on the Elimination of All Forms of Racial Discrimination.
- Convention on the Elimination of All Forms of Discrimination Against Women.
- Convention on the Prevention and Punishment of the Crime of Genocide.
- Convention on the Rights of Persons with Disabilities.

Among the regional human rights treaties which the UK has signed and ratified are:

- Convention on Action against Trafficking in Human Beings.
- European Charter for Regional or Minority Languages.
- European Convention on Human Rights and fundamental freedoms.
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.
- European Social Charter.
- Framework Convention for the Protection of National Minorities.

Bringing Human Rights Home

After the Cold War a UN World Conference on Human Rights in Vienna in 1993 set out a renewed global vision for realising all human rights. The conference reaffirmed the fundamental connection between civil and political rights and economic, social and cultural rights. It agreed that human rights were not an “a la carte” menu. Each of us needs to be able to enjoy all of our rights in order to fulfil our potential, participate as a member of the community and live with dignity. For example, the right to a private and family life cannot be fully enjoyed without the right to adequate housing just as the right to free speech cannot be fully realised without the right to an effective education.

The conference agreed steps to bring international human rights legal commitments into practice. It agreed that human rights should shift from words on a page in Geneva and New York to concrete steps on the ground from Glasgow to New Delhi. To help ensure this happened the Conference recognised the need for independent national human rights institutions to promote and protect human rights, as well as the development of national action plans for human rights to agree steps to realise rights in practice.

In the 20 years since the Vienna World Conference the number of national human rights institutions has grown exponentially to over 100 around the world, and more than 30 countries have adopted national action plans for human rights.

In the UK, five years after Vienna, the UK Parliament brought into domestic law the civil and political rights provided by the European Convention on Human Rights (ECHR). These form part of the law of Scotland through the Human Rights Act 1998 and the Scotland Act 1998. While the UK has voluntarily agreed to be bound by legal obligations under a wide range of international and regional human rights laws, the ECHR remains the only one to be fully incorporated into domestic law.

The Human Rights Act gives everyone in Scotland the means of protecting and enforcing ECHR rights within our courts and tribunals. It makes it unlawful for an organisation carrying out a “public function” (such as a local authority or a court) to act in a way that is incompatible with ECHR rights. All public authorities must respect ECHR rights in everything they do and look through the lens of the Human Rights Act when interpreting other laws. This is not the case at present with other human rights conventions to which the UK is party although they are legal obligations which all parts of the UK must respect, protect and fulfil as a matter of international law. In Scotland, Scottish Ministers must “observe and implement” all of these obligations under the Scotland Act 1998. These duties sit alongside general and specific duties under equality law, particularly those that flow from the Equality Act 2010.

National human rights institutions were created across the UK. The Northern Ireland Human Rights Commission was established in 1999, and the Equality and Human Rights Commission and Scottish Human Rights Commission were both established in 2006. The Scottish Parliament also established Scotland’s Commissioner for Children and Young People in 2003 with explicit reference to the rights of the child.

These steps laid the foundations to bring human rights home. But realising the full potential of human rights requires something more. We need to deliver positive outcomes for people in all aspects of our lives. SNAP lays out a roadmap for how that will be achieved over time.

“Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

Eleanor Roosevelt, architect of the Universal Declaration of Human Rights.⁵



Into the “small places”: embedding a human rights culture throughout Scotland

We may not always realise it, but human rights impact on all of our lives every single day. They can be a powerful driver of humane, dignified, fair and equal treatment in our homes, our schools, where we work and in our communities. But to make this happen we need to work together as a society to understand where we are, and how we move forward in realising rights.

Human rights principles are evident in Scottish moral and philosophical history and identity. Concepts such as fairness, dignity and humanity resonate with deeply held values in Scotland. In fact some of Scotland’s greatest thinkers have contributed to the philosophy underpinning modern human rights law and standards.⁶

There is a recognition in Scotland that we live our lives within a broader context - in families, in communities, as part of wider society - and in that context we have responsibilities as well as rights. This closely echoes the spirit of the UDHR which set out not only individual and inalienable rights but recognised that “everyone has duties to the community in which alone the free and full development of his [or her] personality is possible”.

How SNAP is of our time

SNAP reflects these commonly held values and sets out a pathway to fully realise human rights in the political, economic, social, environmental and technological context in Scotland today.

Politically, SNAP reflects and builds on support for human rights across all parties in the Scottish Parliament. Unlike the heated debate on the future of human rights at Westminster, all parties in Scotland have declared their support for human rights, and have supported the development of SNAP. A major focus for political debate is the referendum on independence in 2014. Part of the discussion surrounding the referendum has been on how human rights can more fully be reflected in Scotland's constitutional framework, regardless of the outcome of the 2014 referendum. The UK General Election in 2015 too is likely to see increased debate about the future of human rights in the UK. Building on this SNAP will ensure increased consideration of the benefits of further incorporation of human rights treaties into our domestic laws ([SNAP Priorities 3 and 7](#)). Increasing people's understanding of internationally recognised human rights, what they mean and how they can be realised, will be key to enabling wider public participation in this debate ([SNAP Priority 1](#)).

Economically, the global economic crisis continues to impact on the realisation of human rights. Scotland's budget has significantly decreased and it is responding through a process of public service reform as recommended by the Christie Commission. The principles for public service reform and the principles of a human rights based approach are closely aligned. SNAP provides an opportunity to advance public service reform by putting a human rights based approach into practice ([SNAP Priority 2](#)).

Human rights provide an objective framework, grounded in law, to ensure that the advancement of human dignity for all is at the heart of how budgets are prioritised, policy and decisions are made (so-called "person-centredness"). Even in times of austerity human rights require that no one should be left in a situation that undermines human dignity, that priority be given to those in the most marginalised situations and that any roll back in the realisation of rights has to be carefully justified, with the progressive realisation of economic, social and cultural rights being supported by the maximum of available resources. To harness the potential of human rights as a practical guide on how to make difficult decisions on prioritisation of scarce resources, SNAP provides an opportunity to consider best practice in integrated human rights and equality impact assessment and human rights based budgeting ([SNAP Priority 2](#)).

In terms of the social environment, Scotland's population is growing, and growing older. Connections between poverty and human rights are increasingly visible and recognised, including in reported impacts of welfare reform measures. While progress has been made in addressing inequalities, persistent inequalities remain. For example, Scotland continues to have some of the most significant health inequalities in the developed world.

Building a common understanding of the relationship between equality and human rights would be a first step in working together to achieve common objectives. Integrating equality and human rights in practice can help ensure that people affected, and their human rights, are at the centre of efforts to address systemic challenges such as poverty, as well as emerging opportunities such as the integration of health and social care.

SNAP provides an opportunity to pursue a human rights based approach to the integration of health and social care, recognising that this can help ensure improved outcomes ([SNAP Priority 4](#)). Through SNAP a human rights approach to the eradication of poverty can be explored more broadly; involving people with direct experience of poverty in shaping approaches to realise their rights and learning from emerging experience of the initiatives such as the Poverty Truth Commission and Glasgow's Poverty Leadership Panel ([SNAP Priority 5](#)). SNAP can also provide a process within which action to advance an adequate standard of living for everyone can be pursued ([SNAP Priority 5](#)).

Environmentally, Scotland has been recognised internationally for its progressive commitment to climate justice, including the creation of a Climate Justice Fund. It has world leading legislation on climate change mitigation, an adaptation strategy and a commitment to pursuing the further development of renewable energy sources. SNAP provides a process for agreeing and overseeing the next steps in sharing Scotland's experience in climate justice and putting a human rights based approach to climate change into practice at home and abroad ([SNAP Priorities 7 and 8](#)).

Technology can play an important part in participation, empowerment and education. Technology however can also pose threats to human rights, impacting on privacy and increasing opportunities for abuse. Furthermore, access to technology remains unevenly shared across society.

SNAP responds to this by seeking to harness the power of new technologies to support people to understand human rights and to take part in decisions ([SNAP Priority 1](#)). SNAP will also seek to ensure protection from disproportionate interference with private life and from abuse in the use of technologies such as CCTV, email, smart phones and social media ([SNAP Priority 6](#)).

How was SNAP developed?

An unprecedented three year research project by the Scottish Human Rights Commission, *Getting it Right? Human Rights in Scotland*⁷ found that while Scotland has made notable progress, it can do better. It has a relatively strong legal and institutional framework for human rights, some examples of positive strategy and policy direction, but the actual outcomes for people often remain inconsistent. In response the Commission proposed the development of SNAP to help bring about the needed progress in implementation of human rights at the level of service delivery and practice.

The development of SNAP builds on the experience of European countries like Finland, Sweden and Spain and Commonwealth countries like Australia and New Zealand as well as guidance from the United Nations, Council of Europe and Commonwealth. Its development has been evidence based, participatory - including year long participation process in which a large number of individuals and organisations took part⁸ - and it will be independently monitored. A full overview of the development of SNAP is available online at www.scottishhumanrights.com/actionplan.

SNAP does not belong to one organisation. It has been developed by a Drafting Group whose members were drawn from Amnesty International UK, Care Inspectorate, Convention of Scottish Local Authorities, Equality and Human Rights Commission, Health and Social Care ALLIANCE, NHS Health Scotland, Scotland's Commissioner for Children and Young People, Scottish Council for Voluntary Organisations, Scottish Councils Equality Network, Scottish Government, Scottish Human Rights Commission and the Scottish Trades Union Congress. The process has been overseen by an Advisory Council which reflects the diversity of Scottish civil society (see Annex 1).



Through this participatory process, SNAP has evolved from a traditional action plan into a plan for acting together. It is a change process, not a check list of discrete actions to be ticked off. SNAP is built on a recognition that sustainable culture change is achieved through a collaborative process in which those with responsibilities and those whose rights are affected work together to agree outcomes and priorities, identify and address practical challenges and test actions.

This model of change is influenced by the broad consensus in Scotland that public services should focus on outcomes, improvement and participation. Recognising that the process of working together can be as empowering and transformational as the specific actions taken, SNAP promotes co-production and collaboration. It focuses on innovation, problem solving and flexibility rather than seeking to identify “silver bullet” solutions which often prove impractical or do not have the intended impact.

The content of SNAP reflects the stage of Scotland’s journey in fulfilling all human rights. In some areas more progress has been made in recognising the benefits of human rights, in others the connections have yet to be fully made.

What will SNAP do?

SNAP will pursue change which will contribute to a Better Culture, Better Lives and a Better World.

A Better Culture is one in which people understand and can affirm human rights and organisations are enabled and accountable to put human rights into practice.

In pursuing a Better Culture there are increasing examples of innovation in practice but these are not yet the norm. The development of SNAP itself demonstrates an important commitment to laying the foundations for a sustainable human rights culture. There is significant interest in understanding how that can best be achieved and how it aligns with other initiatives. The focus of SNAP in this areas is therefore on understanding, learning and innovation, sharing experience from home and abroad of how best to foster empowerment of people to understand human rights and take part in decisions, as well as ability and accountability of organisations to put human rights into practice.

Innovation Forums on “How to Embed a Human Rights Culture” will, for example, explore how those who provide public services can put human rights into practice, including through integrated equality and human rights impact assessments. This will contribute to ensuring that human rights, and the views and expertise of people affected, are taken into account in making decisions and setting priorities - to get it right first time. In addition they will pursue the further integration of human rights into how we measure progress and into inspection frameworks, so as to increase constructive accountability of public bodies. They will also explore the public benefits of bringing other international human rights conventions into our domestic law, learning from the experience of other countries.

Scotland has gone further in integrating human rights in some areas of life, such as health and social care, than in others - such as pursuing an adequate standard of living for all. That is why in pursuing Better Lives initial actions in some areas are concrete and measurable, and in others are more exploratory, seeking to foster understanding and commitment. In health and social care and in justice and safety there is a recognition of the relevance and benefits of human rights and the actions agreed in those areas reflect next steps to put human rights into practice. Initial actions will, for example, pursue a human rights based approach to the integration of health and social care, building on the existing emphasis in those areas on “personalisation” and “person-centred” approaches. In the area of justice, initial actions include pursuing best practice in human rights training for Scotland’s new single police service.

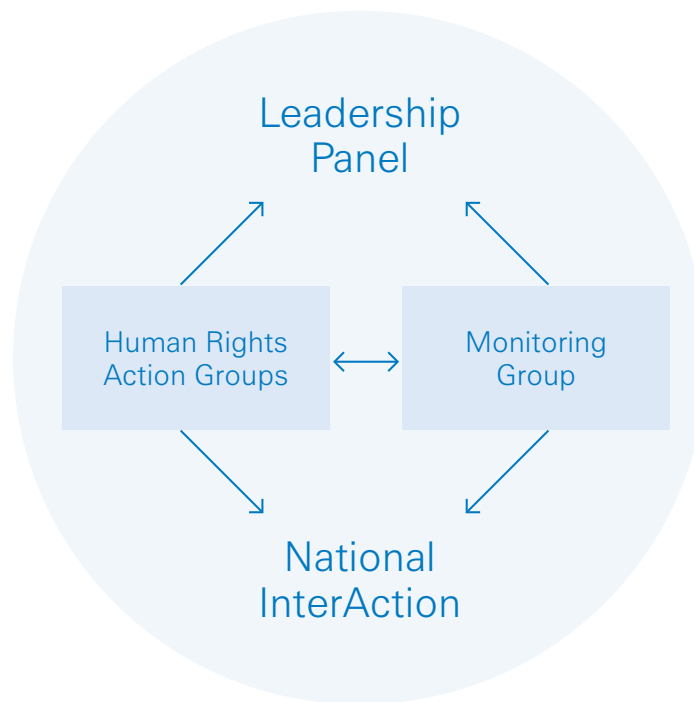
There is as yet less explicit recognition of the benefits of a human rights based approach to achieving an adequate standard of living, although this is changing in response to austerity. That is why an Innovation Forum “How to Uphold Human Rights in Times of Austerity” will be held. It will share experience from across Scotland and the world to understand, for example, how human rights should be taken into account in budgeting, providing a framework for decisions and priorities.

Finally, Scotland increasingly recognises its international obligations and the initial actions agreed in SNAP in the area of Better World are next steps to give effective to those obligations. They reflect growing recognition of the responsibilities of all parts of society, including business, and growing challenges to human rights such as climate change. Importantly they set out a process in which Scotland can increasingly embody good practice in its involvement in the international human rights system.

How will SNAP lead to change?

SNAP provides a framework within which to mobilise a coalition committed to achieving human dignity for all through the realisation of internationally recognised human rights. It is pragmatic and principled. Pragmatic in that actions are included where they can already be agreed, and principled in that all of those involved recognise that more needs to be done to ensure human rights are consistently realised in practice.

The process to deliver SNAP will involve people whose rights are directly affected as well as those in positions of influence working together to achieve the agreed SNAP outcomes. It will seek to harness and replicate good practice, and foster and test innovation, leading to an expanding coalition of people and organisations identifying and delivering actions over time. It is underpinned by a constructive process of accountability to identify and address problems in delivery and hold everyone to account.

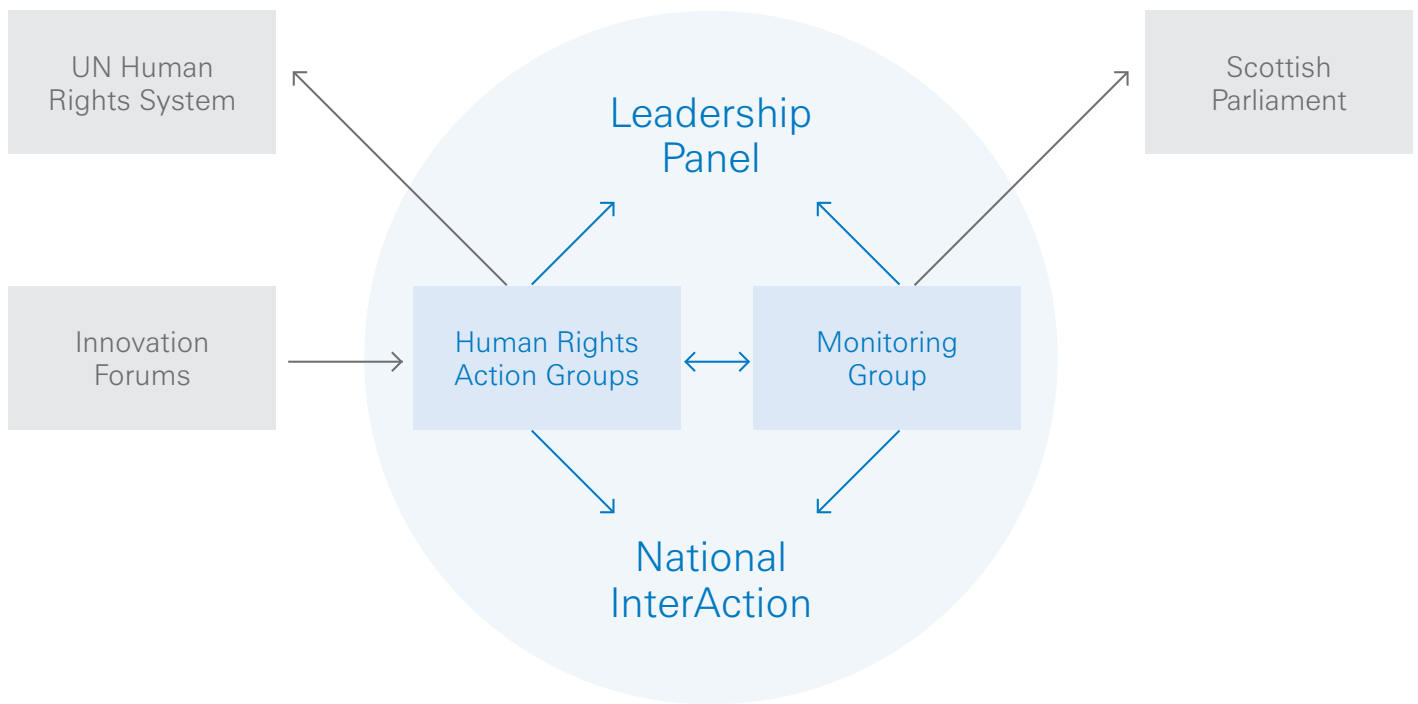


A SNAP Leadership Panel will oversee the delivery of SNAP, including the identification and implementation of actions and the monitoring of progress. The Panel will be composed of high level representatives of public and voluntary sector organisations together with people who will be directly affected by actions in SNAP. The Panel will meet every six months.

Human Rights Action Groups will identify, promote and test actions, and will seek additional commitments which will progressively be included in the SNAP framework. Action Groups will be established to promote Outcome 1 (Better Culture), Outcome 3 (Better World) and for each Priority under Outcome 2 (Better Lives). They will include representatives of a wide range of public, private and voluntary organisations and will engage with people directly affected to ensure actions are informed by lived experiences. The Human Rights Action Groups may periodically hold Innovation Forums to share best practice from across Scotland and the world and encourage other partners to join in delivering SNAP outcomes.

A SNAP Monitoring Group of data gathering, monitoring bodies and academics will identify indicators to track progress on delivering SNAP outcomes.

A National InterAction will be held annually on International Human Rights Day, 10 December, to provide an opportunity for accountability and collaboration of people and organisations delivering SNAP outcomes. This will provide an opportunity to identify and solve problems and enable further progress. It will also address issues that have emerged throughout the year and identify progress needed in the year to come. In designing this National InterAction consideration will be given to practice examples such as the Early Years Collaborative, and to utilising a variety of ways for people to take part, including new technologies.



Other elements of accountability

The assessment of progress in SNAP will increasingly be linked to existing monitoring at international, UK, Scottish, local and organisational levels. Over time this will help to ensure that human rights are embedded into monitoring and accountability systems, including international human rights reporting as well as the Scottish Government's National Performance Framework.

Annual report and Parliamentary scrutiny: The SNAP Leadership Panel will agree an Annual Report on SNAP, drawing on the work of the Monitoring Group and the Human Rights Action Groups. This report will be presented to the Scottish Parliament.

International accountability: SNAP has been developed as a framework to implement recommendations of international human rights bodies that relate to Scotland. Reporting to these bodies, particularly the Universal Periodic Review (UPR) at the UN Human Rights Council will form a key element of accountability in implementing SNAP. The mid-point review of the UK's progress in implementing the last UPR recommendations in 2014 will be a first opportunity to report on the development of SNAP. The UK's next UPR in 2016/2017 will be an opportunity to report on progress in implementing SNAP and will help shape Scotland's second National Action Plan.

Independent evaluation: An independent evaluation of the process and outcomes of SNAP will be commissioned to inform the development of a second National Action Plan in 2017.

Putting SNAP into Practice: Taking a Human Rights Based Approach

Human rights are often seen as an operational risk for those delivering public services: “something for the lawyers”. In contrast, SNAP seeks to harness the aspirational potential of human rights - to understand the role which human rights can play as a foundation upon which to assure and not assume person-centred services in practice.

The adoption of a “human rights based approach” is key to achieving sustainable culture change. This means taking human rights into account in how things are done as well as what the outcomes are. Developed at the United Nations the human rights based approach has five key elements, which are known as the PANEL Principles.

These PANEL principles align closely with the principles on which Public Service Reform is already being pursued in Scotland. This reform process aims to increase people’s participation in decisions; focus on outcomes and prevention; prioritise the most vulnerable and reduce inequalities; increase integration, transparency and accountability. They also align with the policy emphasis on “person centredness”, and on personalisation in health and social care settings. Taking a human rights based approach, with equality at its heart, can help ensure the delivery of a range of legal obligations under both the Human Rights Act and the Equality Act and lay the foundations for implementing other legal duties.

Human Rights Based Approach Principles and related SNAP Priorities

Participation: Everyone has the right to meaningful participation in decisions which affect them. Embodied in [SNAP Priority 1](#).

Accountability: Organisations and people need to be accountable for realising human rights. This requires monitoring and remedies available for individuals. Embodied in [SNAP Priority 3](#).

Non-discrimination and equality: All forms of discrimination (such as age, gender, sexual orientation or ethnicity) in the realisation of rights must be prohibited, prevented and eliminated and real equality should be pursued. This is advanced in [all SNAP Priorities](#).

Empowerment: Individuals and communities should be able to understand and affirm human rights. Embodied in [SNAP Priority 1](#).

Legality: The full range of legally protected human rights must be respected, protected and fulfilled. Embodied in [all SNAP Priorities](#).

Evidencing the benefits of a human rights based approach in practice

Taking a human rights approach not only helps deliver legal obligations, in addition it has been shown to have a number of benefits to delivering effective services. A series of independent evaluations⁹ have shown that a human rights based approach:

- **Is “person centred”:** It puts people at the heart of effective public service design and delivery in a consistent and clear way. It provides a legal and objective basis for ensuring a person centred approach in practice, focusing the attention of service design on what will deliver the best outcomes for people, rather than one-size-fits all policies which seek to make people fit systems.
- **Is better for everyone:** It reflects the rights of everyone involved, not only “service users” but also public and private sector workers, individuals and groups. Human rights belong to all of us in all roles we may have - as patients, as workers, as carers, as members of communities. Taking a human rights based approach means considering the rights of all of those involved. It has for example been found to increase work related satisfaction of staff and improvements in services for those who use them.
- **Helps good decision-making:** It helps to balance rights and risks, getting the balance right between protecting people from risk of harm and upholding autonomy. Human rights require that we act to protect people at risk of serious harm. They require that any restriction on our right to live our life as we choose (our autonomy) be based on law, pursue a “legitimate aim” such as protecting the rights of others, and be the least restrictive effective means of achieving that aim. Understanding the balance of these rights and duties provides a framework for making difficult decisions on balancing risk and rights.
- **Helps improve institutional culture:** It helps to reinvigorate a public service ethos among staff, enhancing accountability of organisations in shaping policy and decision making through transparency and the participation of communities. As a values based framework with the force of law, human rights helps reinforce the purpose of public service - to improve people’s lives.
- **Improves relationships:** It helps improve relationships between those who deliver and those who use public services. Participation in decision making helps enhance legitimacy and ownership. It has for example been found to help public services move from “them and us” to a more constructive atmosphere based on mutual respect, leading to a reduction in complaints.
- **Ensures legal compliance and promotes best practice:** It ensures compliance with human rights law and provides a foundation for other duties including in equality, freedom of information and data protection.

Practice example: [Care about Rights?](#)

The Scottish Human Rights Commission, Scottish Care, (the former) Care Commission and Age Scotland developed a training package on human rights for all of those involved in the social care of older people. Around 1,000 care staff and managers have taken part in training for Care about Rights since September 2010, as well as around 80 older people and older people's advocates across Scotland.

The Care about Rights package is designed to highlight the practical applications of human rights in the care sector for older people. It demystifies human rights so that decision making and policy making are better informed - helping people to understand their human rights, increasing the ability and accountability of those who have the duties.

An independent evaluation of the training demonstrated amongst other things that care workers could better judge the balancing of rights and risk in their decision making and to deliver person-centred care more consistently.



Outcomes and Priorities for Action

Outcome 1: Better Culture

People understand and can affirm human rights and organisations are enabled and accountable to put human rights into practice.

Outcome 1 of SNAP will be a Better Culture for the realisation of rights in Scotland.

SNAP Priority 1: Empowerment - Increase people's understanding of human rights and their participation in decisions.

SNAP Priority 2: Ability - Increase organisations' ability to put human rights into practice.

SNAP Priority 3: Accountability - Increase accountability through human rights based laws, governance and monitoring.

In pursuing Outcome 1 there are increasing examples of innovation in practice but these are not yet the norm. The development of SNAP itself demonstrates an important commitment to laying the foundations of a sustainable human rights culture. There is significant interest in understanding how that can best be achieved and how it aligns with other initiatives. That is why the focus in this area of SNAP is on understanding, learning and innovation, sharing experience from home and abroad. This will be designed to foster empowerment of people to understand rights and take part in decisions, as well as ability and accountability of organisations to put rights into practice.

SNAP Priority 1: Empowerment - increase people's understanding of human rights and their participation in decisions.

Empowerment is a core pillar of the human rights based approach. As the United Nations says:

“Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized.”¹⁰

Changes which will be pursued in delivering SNAP

Research and participation in developing SNAP identified the following areas in which change is required.

Awareness and understanding of human rights: People don't know enough about what human rights are and their benefits in everyday life. While attitudes to individual human rights are positive, there are misunderstandings and even fears of what human rights mean in practice. There is a need for improved access to reliable information, advice and advocacy on human rights for the public. Where information is available it is sometimes inaccessible.¹¹ There are opportunities to pursue the continual roll-out of effective human rights education in all schools in Scotland and the integration of human rights in the curriculum at all levels of education.¹² The implementation of the proposed duty under the Children and Young Peoples Bill to raise awareness of the rights of the child could be evaluated and potentially extended to other areas of human rights and for other sections of the population.

Participation of people in decisions that affect them: There is a need for greater consistency to ensure meaningful participation of people in decisions that affect their lives. There are a number of examples of good practice in co-production but this is not yet the norm across public sector strategy, policy and decision making processes in Scotland. There is a need for increased awareness of the principles of co-production (such as those developed by the Independent Living in Scotland Project, the Health and Social Care ALLIANCE, the Scottish Community Development Centre and the Joint Improvement Team). Public Service Reform, Community Empowerment, Community Planning Partnerships and related initiatives provide opportunities for enhancing participation of people in decision making, through a human rights framework.¹³

Attitudes: Notions of fairness and “difference” are widely accepted in Scotland but as a society we don’t always live up to those principles in what we think, say and do. There is a need to address negative social attitudes and behaviours which continue against certain groups and to address the negative portrayal of human rights and of certain groups of people in sections of the media.¹⁴ The *see me* campaign to combat mental health stigma is currently being refreshed which provides an opportunity to develop a model of a human rights based anti-stigma campaign.

Practice example: [Independent Living in Scotland](#) [Co-production Guidance](#)

“Co-production is a way of working in partnership that can lead to better outcomes. Results and outcomes are better because communities and service providers work together equally and share resources, problems, solutions”.¹⁵

Independent Living in Scotland has worked with disabled people and their organisations to produce a new toolkit *All Together Now* which provides practical guidance on what co-production means and how to apply it in practice.



SNAP Priority 2: Ability - Increase organisations' ability to put human rights into practice.

Organisations providing public services need to understand what human rights mean and how to put them into practice.

Changes which will be pursued in delivering SNAP

Research and participation in developing SNAP identified the following areas in which change is required.

As noted previously, evidence from evaluations demonstrates a range of benefits when public services take a human rights based approach. There are increasing examples of a human rights based approach being applied in practice in Scotland but this is not yet the norm across public services. Both those delivering public services as well as those accessing them were however enthusiastic during the development of SNAP about the value of human rights in ensuring improved outcomes for people.

There are emerging examples of the integration of human rights impact assessment processes with existing impact assessments.¹⁶ Considerable interest was expressed in taking this further during the development of SNAP and there was a recognition that this must become a vehicle for culture change and not just a formal process.

There is guidance in the area of social care on how to take human rights into account in procurement processes. SNAP participants considered that there should be further exploration of how procurement systems can ensure human rights protection, and how budget analysis can assist human rights based prioritisation of resources.

There is a need for greater understanding of human rights and the relationship between equality and human rights among those providing key services.¹⁷

Practice example: Equality and Human Rights Impact Assessment processes

Renfrewshire Council has piloted integrated approaches to equality and human rights impact assessment, focussing attention on policy and service change in response to welfare reform. Human rights and equality training and capacity building was delivered to teams across the Council. The Council has considered how best to implement organisational and process changes to ensure an integrated approach to equality and human rights is taken in line with developed good practice principles. Renfrewshire has considered the impact of proposals for the delivery of advice services. A report of the pilot study will be published in 2014.



SNAP Priority 3: Accountability - Increasing accountability through human rights based laws, governance and monitoring.

Accountability is essential to assuring and not assuming the realisation of human rights in practice. Constructive accountability processes, built on monitoring, oversight and learning lessons is key to public service improvement. It requires integrating human rights into how we assess performance. This means creating environments in which progress and good practice can be identified, recognised and replicated. Accountability for the realisation of human rights further requires avenues through which bad practice can be recognised and remedied and lessons learned to improve future practice.

Changes which will be pursued in delivering SNAP

Research and participation in developing SNAP identified the following areas in which change is required.

The UK has fully incorporated only one of its international human rights legal commitments (the European Convention on Human Rights). A large number of those who took part in shaping SNAP have called for the full incorporation of additional human rights treaties into domestic law.¹⁸ Many have expressed concern at speeches by some politicians in the lead up to the next UK General Election which have raised the possibility of repealing the Human Rights Act and of withdrawing from the European Convention on Human Rights.¹⁹

There are a number of ways in which the mechanisms in the Scottish Parliament for consideration of human rights issues could be enhanced or made more transparent.

At present the outcomes against which progress is measured at national, local and organisational level do not take human rights into account. There is a need to improve monitoring of progress on human rights, including the availability and disaggregation of data, and pursuing the integration of human rights into outcome measures at all levels. Additionally there is interest in pursuing the integration of human rights into the inspection frameworks used to assess standards in our public services.

Practice example: [Human Rights Measurement Framework](#)

The Equality and Human Rights Commission and the Scottish Human Rights Commission worked with the London School of Economics and the British Institute for Human Rights to develop a "Human Rights Measurement Framework". The Framework is based on human rights indicators developed at the United Nations and includes indicators which can be used to measure progress in realising a wide range of civil and political as well as economic, social and cultural rights.

Human Rights Action Group to Embed a Human Rights Culture

SNAP Outcome 1 will be pursued by a Human Rights Action Group to Embed a Human Rights Culture. The Action Group will be co-convened by the Scottish Human Rights Commission, the Scottish Council of Voluntary Organisations and the Scottish Government and include representatives of a wide range of public and voluntary organisations. It will engage with people directly affected to ensure actions are informed by lived experiences.

Innovation Forums on “How to Embed a Human Rights Culture” will be held in 2014. The Forums will bring together a wide range of representatives of public, private and voluntary bodies, together with funding bodies, to share the best of experience in embedding a human rights culture from across Scotland and the world. They will aim to inspire and to encourage others to test out innovative methods of putting human rights into practice. Amongst other elements which the Forums will explore are:

Empowerment

- How to involve people in decisions which affect their lives, sharing experience on models of co-production and related approaches such as community empowerment and the “assets based approach” to health.
- How to integrate human rights into advocacy, communications and campaigns. For example, considering how voluntary organisations can link human rights to human stories and can integrate human rights across their operations through tools such as the “Performance Framework on Equality and Human Rights” and “Equally Ours”.²⁰

Ability

- How integrated equality and human rights impact assessment processes can be a catalyst for culture change, increasing understanding of human rights, involving people affected and getting decisions right the first time, improving outcomes for people. The experiences of a number of Scottish local authorities will be shared, including evaluation findings, as well as experiences from further afield.
- How to protect human rights in procurement processes, sharing experiences from the procurement of social care services and understanding developments across Europe.
- How to develop effective training of those who lead and deliver public services.

Accountability

- The potential benefits of further incorporation of human rights treaties into the law of Scotland will be considered, learning from the experience of other countries and taking stock of where we are.
- How to ensure adequate consideration of human rights by Government and in Parliaments, learning from experience around the world.
- How to integrate human rights into outcome, inspection, and performance frameworks, learning from experience of developing human rights indicators and measurement frameworks as well as experience of inspectorates around the UK and beyond.

Outcomes and Priorities for Action

Outcome 2: Better Lives

Scotland effectively tackles injustice and exclusion, improving lives.

SNAP Outcome 2 will help lead to Better Lives and assist in focusing and coordinating action to address priority areas of injustice and areas where improvement is needed to achieve human dignity for all.

SNAP Priority 4: Enhance respect, protection and fulfilment of human rights to achieve high quality health and social care.

SNAP Priority 5: Enhance respect, protection and fulfilment of human rights to achieve an adequate standard of living for all.

SNAP Priority 6: Enhance respect, protection and fulfilment of human rights to achieve justice and safety for all.

Scotland has gone further in integrating human rights in some areas of life than others. That is why, in pursuing SNAP Outcome 2, initial actions under some SNAP Priorities are concrete and measurable, and in others are more exploratory, seeking to foster understanding and commitment. For example in health and social care and in justice and safety there is a recognition of the relevance and benefits of human rights and the actions agreed in those areas reflect next steps to put human rights into practice. There is as yet less explicit recognition of the benefits of a human rights based approach to achieving an adequate standard of living, although this is changing in response to austerity. That is why SNAP seeks to foster innovation in that area - sharing experience from across Scotland and the world to understand how human rights can inform responses to austerity which uphold human dignity.

SNAP Priority 4: Enhance respect, protection and fulfilment of human rights to achieve high quality health and social care.

Changes which will be pursued in delivering SNAP

Research and participation in developing SNAP identified the following areas in which change is required.

Scotland has taken important steps towards upholding human rights in health and social care. Nevertheless there remain inconsistencies in practice in healthcare (such as addressing discrimination, harm reduction and delayed discharge) and in Scotland's public health record, where inequality is a known and preventable cause of premature death and illness in parts of society. Scotland's persistent health inequalities rank among the highest in the developed world.²¹ Seeing these issues through a human rights lens is potentially hugely powerful in guiding us to involve people, properly balance autonomy and prevention and put the person truly at the centre of public service delivery.

There are significant opportunities to embed human rights in ongoing change and improvement of health and care. These include the integration of health and social care, the review of the National Care Standards and the drive for person-centred health and care.

The co-production approach taken to independent living is widely praised, although there are a number of areas in which further steps are needed to realise the right to independent living for all. There is for example a lack of portability of care packages between local authorities which impacts on freedom of movement and rights to education and work. There are concerns related to the limitation of social care support to what is needed to survive (so-called "life and limb" support) rather than what is needed to realise rights (to work, to an education, to take part in life in the community). Self-directed support is a potential opportunity to embed a human rights based approach and advance independent living, but economic cuts and a potential lack of oversight present challenges to achieving positive outcomes.

There is a need to improve understanding and practice to uphold autonomy - the principle that people should be as free as possible to live their lives as they choose. Practice remains inconsistent in respecting and supporting legal capacity in practice, and there is a need to review the use of guardianships and other restrictive measures to ensure best practice in upholding human rights. People with learning disabilities are among those who face particular challenges in exercising autonomy, including in relationships. However Scotland's new human rights based strategy on learning disabilities as well as forthcoming reviews of law and practice on mental health, legal capacity and guardianships all provide opportunities to improve outcomes.

There is a need to improve the support for children and young people leaving care. Similarly, looked after children continue to experience a range of poorer social outcomes and further progress is needed to ensure family contact for looked after children as well as those with parents in prison. Most children in kinship care arrangements are not considered "looked after children", and therefore do not have access to the same forms of State support.

More broadly, there is a lack of understanding of the rights of carers and those receiving care. There are a significant number of unpaid carers who provide invaluable public benefits, often at great impact to their own rights to adequate standard of living, health and to work.

There is inconsistency in access to and quality of mental health care and treatment. Particular areas where more consistent understanding and respect for human rights is needed include restraint, seclusion, involuntary treatment, and informal detention. Services for those in rural areas, looked after children and care leavers and people with dementia emerged as further priorities for action.

There are many examples where human rights have been considered in health and social care. The dementia strategy below is one example, and there are other examples of good practice across many services. However, there are also many examples where the provision of health and social care is not currently designed to enable the workforce to practice a human rights based approach as a matter of course. Practice is not consistent and there have been well documented examples where practice has manifestly fallen below human rights standards. Overall the public sector workforce in Scotland is far from having a common, shared and practical sense of what human rights means for day to day practice.

Practice example: [Dementia Strategy and Standards](#)

In 2010 the Scottish Government adopted the National Dementia Strategy which explicitly adopted a human rights based approach. This approach emerged from the Charter or Rights for People with Dementia and Their Carers, developed by the Cross Party Group on Alzheimer's and is included in the National Dementia Standards. The benefits of this approach could be evaluated.



Human Rights Action Group on Health and Social Care

A Human Rights Action Group on Health and Social Care will identify specific actions to pursue this SNAP Priority. The Action Group will be co-convened by NHS Health Scotland, and the Health and Social Care ALLIANCE. It will include representatives of a wide range of public and voluntary organisations and will engage with people directly affected to ensure actions are informed by lived experiences.

Among the steps which will be initiated in 2014:

- The Scottish Government, NHS Health Scotland, the Convention of Scottish Local Authorities and the Health and Social Care Alliance will design and lead a programme of work to ensure that human rights is put at the heart of the integration of health and social care including in outcome measures, guidance, workforce development and through practical pilot approaches wherever possible.
- NHS Health Scotland will promote a human rights approach to the reduction of health inequalities. For example, new resources on how to reduce health inequalities will include tools for taking health inequalities and human rights into account in decision making and they will be promoted across NHSScotland.
- The Scottish Government will work with a range of partners to put human rights at the heart of the principles which guide delivery of health and care services in Scotland, as part of its review of the National Care Standards.
- A new Carers Rights Charter for Scotland will take a human rights based approach. It will consolidate existing rights, establish a clear set of principles for the support of carers and emphasise the importance of understanding both the needs of carers and the ways in which central and local government, Health Boards and others can work to ensure that carers are appropriately supported.
- The Scottish Government will work with the Mental Welfare Commission, the Scottish Human Rights Commission and others to take forward implementation of the commitment in the Mental Health Strategy for Scotland to increase awareness, understanding and respect for human rights in the context of mental health services, ensuring rights are a key component of mental healthcare in Scotland.
- The Scottish Government, working in partnership with COSLA, the NHS, and the third sector, will continue to pursue a human rights based approach to independent living, and to the implementation of national strategies for learning disabilities and self-directed support.

SNAP Priority 5: Enhance respect, protection and fulfilment of human rights to achieve an adequate standard of living for all

Changes which will be pursued in delivering SNAP

Research and participation in developing SNAP identified the following areas in which change is required.

The impact of austerity on human rights is a priority concern among many in Scottish civic society. Budgetary decisions are generally not taking human rights into account and there is particular concern at the likely impact of welfare reform. Many believe that a combination of welfare reform measures risks exacerbating poverty and indignity.²³ There is a continued need to prioritise child poverty and fuel poverty, to reduce homelessness and increase the availability of affordable housing, while improving the habitability of ageing social housing.²⁴ The Poverty Truth Commission highlighted the importance of the participation of people with direct experience of poverty in shaping decisions. This approach is now being put into practice in Glasgow as it seeks to apply a human rights based approach to poverty eradication.²⁵

People living in rural areas continue to have less access to services needed to realise their rights. Transport is less available in rural areas and insufficiently accessible for disabled people across the country. There remains a lack of culturally appropriate and adequately serviced accommodation options for Scottish Gypsy/Traveller communities.²⁶ A process of land reform already underway has potential to review the use of land as a key resource for the realisation of a range of human rights.

There remain significant gender inequalities in employment including the continued gender pay gap and there is a lack of affordable, quality, flexible and accessible child care.²⁷ Youth employment and fair pay²⁸ as well as blacklisting and migrant workers' rights are further areas requiring action.²⁹

Inequalities persist in educational attainment, and additional support for education is inconsistently available.³⁰ Bullying, linguistic rights and the representation of women and girls in science, technology, engineering and maths³¹ are among other areas in which additional steps are required.

Practice example: [Glasgow Poverty Leadership Panel](#)

Glasgow City Council, the Poverty Truth Commission and other organisations from across the city are working in partnership to develop a comprehensive poverty strategy for Glasgow. The process is overseen by a Poverty Leadership Panel which brings together individuals with direct experience of poverty alongside organisations including Glasgow Housing Association, Glasgow Disability Alliance, Ethnic Minorities Law Centre, the Federation of Small Businesses and the Scottish Human Rights Commission. The Panel is committed to taking a human rights based approach to bring about a vision where “poverty is made a thing of the past”.



Human Rights Action Group on Standard of Living

A Human Rights Action Group on Standard of Living will identify specific actions to pursue this SNAP Priority. The Action Group will be co-convened by the Scottish Human Rights Commission and the Scottish Trades Unions Congress. It will include representatives of a wide range of public and voluntary organisations and will engage with people directly affected to ensure actions are informed by lived experiences.

To foster greater understanding of how human rights can help achieve an adequate standard of living for all an Innovation Forum will be held in 2014. The Forum will bring together a wide range of representatives of public, private and voluntary bodies, together with funding bodies, to consider “How to Uphold Human Rights in times of Austerity”. It will provide an opportunity to share the best of experience from across Scotland and the world. The aim will be to learn and inspire and to foster commitments to test out innovative approaches. Amongst other elements which the Forum will explore are:

- The value of incorporating economic, social and cultural rights, learning from experience in other countries across Europe and beyond.
- Evidence on how human rights have been impacted by austerity in other countries across Europe, including Greece, Ireland, Portugal and Spain, and learning lessons from these experiences.
- Innovative methodologies for monitoring the realisation of economic, social and cultural rights in practice, such as those developed by the international non-governmental organisation the Center for Economic and Social Rights.³²
- Understanding and application of human rights based budgeting, for example in Northern Ireland, as well as a human rights based approach to taxation.
- Participatory approaches to poverty eradication including experiences from Northern Ireland and Glasgow.



SNAP Priority 6: Enhance respect, protection and fulfilment of human rights to achieve justice and safety for all.

Changes which will be pursued or considered in delivering SNAP

Research and participation in developing SNAP identified the following areas in which change is required.

Access to justice

Many face challenges in accessing legal advice, costs and choice of representation. Particular concerns exist in relation to groups such as children, survivors of violence and abuse, and access to specialist discrimination advice and casework. Court and tribunal reform has led to some concern about the impact on access to legal advice, on safety of victims and on access to courts for low income and disabled people as well as costs of employment appeals tribunals.³³

Asylum

Status determination processes often remain very long and restrictions on the right to work continue to risk the destitution of asylum seekers. Calls have been made to amend guidance on age-assessment of asylum seeking children as well as to increase recognition of a well-founded fear of persecution on grounds of sexual orientation or gender identity as a potential basis for an asylum claim,³⁴ and to ensure gender sensitive asylum processes.³⁵ A renewed strategy for refugee integration - New Scots: Integrating Refugees in Scotland's Communities - will operate during SNAP and places a focus on ensuring refugees are able to "build a new life from the day they arrive in Scotland."³⁶

Criminal justice

All of those involved in the criminal justice system should recognise their duties under the UN Convention on the Rights of the Child. Early intervention to prevent offending should be increased as should alternatives to detention of children (still considered to be too high). Calls have repeatedly been made to raise the age of criminal responsibility. Many expressed concern at disclosure of victims' medical records in sexual offence prosecutions, calling for enhanced guidance on the protection of complainers' privacy rights in rape cases. The proposed abolition of corroboration has provoked wide debate, with many women's rights organisations calling for its removal while many other bodies have noted the need for adequate alternative procedural safeguards.

Detention

Conditions of detention often remain inadequate, with over-crowding, access to mental health services and vocational and educational opportunities particular concerns, as well as the implementation of recommendations of the Commission on Women Offenders.³⁷ The impact of parental imprisonment on family life of children too has been highlighted.³⁸

Hate crimes

Crimes aggravated by prejudice appear to be growing. More can be done to facilitate reporting and recording of hate crimes and education is needed to address discriminatory attitudes linked to bullying and hate crimes.³⁹ Lessons need to be learned from the pending review of the operation of the Offensive Behaviour at Football, etc Act.

Policing

The creation of Police Scotland offers an opportunity to further embed human rights in policing culture including training and accountability. There is further need to ensure proportionality in the use of force and stop and search.⁴⁰

Victims' rights

There is a lack of understanding of the human rights of victims of crime and human rights abuses, including the right to an effective remedy. Some question whether measures to support "vulnerable" victims could extend to all victims of crime and consider that information regarding cases could be made available more consistently to all victims of crime. Further steps to ensure justice for victims of historic child abuse are needed with an innovative "InterAction" process being used agree an Action Plan to address this.⁴¹

Violence against children

National and international human rights organisations and bodies consider that Scotland enhance protection of children from assault, repealing the defence of "justifiable assault", enhancing parenting support and child protection.⁴²

Violence Against Women

Scotland's approach to addressing Violence Against Women (VAW) has been widely praised, although legal protection against the various forms of VAW is disparate and the development of a new VAW strategy should be complemented with an action plan. Pilot domestic abuse courts have been evaluated positively and should be replicated, with appropriate support. Many raised concerns at the impact of cuts to legal aid on access to remedies for domestic abuse, predominantly impacting on women, and that reliance on the victim to pursue remedies and enforce compliance may limit their use. There is a continued need to implement existing recommendations on trafficking, enhancing coordination across the country, taking a victim centred approach and taking steps to increase the rate of prosecutions for trafficking offences.

Practice example: [Specialised Domestic Abuse Courts](#)

Beginning with a pilot in Glasgow, the introduction of dedicated domestic abuse courts in Scotland has now been recognised by the European Social Committee as an example of good practice in providing access to justice. The scheme aimed to: increase survivors' and witnesses' satisfaction with the criminal justice system; improve the co-ordination of information across the criminal justice system and reduce attrition rates, repeat victimisation and recidivism. Key to its success has been the use of specialised staff and support agencies helping to support survivors to access justice.

Human Rights Action Group on Justice and Safety

A Human Rights Action Group on Justice and Safety will identify specific actions to pursue this SNAP Priority. The Action Group will be co-convened by the Scottish Human Rights Commission and the Scottish Government. It will include representatives of a wide range of public and voluntary organisations and will engage with people directly affected to ensure actions are informed by lived experiences.

Steps which will be taken in 2014 include:

- Police Scotland will identify opportunities to further embed human rights within the structures and culture of policing. These will include strengthening accountability for the respect of human rights as well as training on human rights for the police. It will, for example, help ensure legality and proportionality in the use of force and stop and search by Police Scotland through adequate training and monitoring, including the collection of disaggregated statistics.
- The Scottish Government will work with key partners to develop a campaign to raise awareness about the nature of hate crime and to encourage reporting.
- The Scottish Government will continue to work in partnership with the UK Government, the police, local authorities and support agencies to ensure a victim centred approach to human trafficking with a view to ultimately eradicating this crime in Scotland. This will be delivered through initiatives such as the Summit on Trafficked Human Beings, the action points being taken forward by the corresponding anti-trafficking progress group, the pan-UK Inter Departmental Ministerial Group on Human Trafficking, and through compliance with the EU Directive on Human Trafficking. Police Scotland is leading work to ensure adequate training and awareness raising on trafficking.
- The Scottish Human Rights Commission will oversee the finalisation and publication of an Action Plan on Justice for Victims of Historic Child Abuse.
- The Scottish Government will ensure that human rights are central to reform of the criminal justice system in Scotland, and will work with others, including the Scottish Human Rights Commission, to monitor the way in which human rights are impacted by such reforms.
- The Action Group will seek to identify further steps to ensure effective access to justice for all, including all socio-economic groups and disabled people.
- The Scottish Government will develop a comprehensive human rights based strategy on Violence Against Women, which accords with UN definitions and learns from international best practice.

Outcomes and Priorities for Action

Outcome 3: Better World

Scotland gives effect to its international obligations at home and internationally.

Recognising that Scotland's human rights obligations do not stop at its borders, SNAP will contribute to a Better World through action to ensure that Scotland gives effect to its human rights obligations at home and internationally.

SNAP Priority 7: Implement international human rights obligations.

SNAP Priority 8: Respect, protect and fulfil human rights in our international action.

SNAP Priority 9: Engage constructively with the international human rights system.

Scotland increasingly recognises its international obligations and the initial actions agreed under Outcome 3 are next steps in upholding those obligations. They reflect growing recognition of the responsibilities of all parts of society, including business, and growing challenges to human rights such as climate change. Importantly they set out a process in which Scotland can increasingly embody good practice in its involvement in the international human rights system.

SNAP Priority 7: Implement international human rights obligations.

SNAP Priority 8: Respect, protect and fulfil human rights in our international action.

SNAP Priority 9: Engage constructively with the international human rights system.

Changes which will be pursued in delivering SNAP

Research and participation in developing SNAP identified the following areas in which change is required.

International obligations

SNAP participants called on the UK to ratify additional treaties and international complaints mechanisms.⁴³ They further called for regular review of the continued need for reservations (or “opt outs”)⁴⁴ which the UK has made to some rights when it signed up to human rights treaties.⁴⁵ SNAP participants called for exploration of the potential benefits of further incorporation of human rights treaties into the law of Scotland, learning from the experience of other countries and taking stock of where we are.

Implementation

Scotland has improved its approach to coordination and engagement in implementing its international obligations in recent years, including through regular involvement of civil society before and after international reviews. More, however, could be done to ensure cross-government coordination of implementation both of UN and Council of Europe human rights treaties (as well as the process of executing - or acting on - judgments of the European Court of Human Rights). SNAP participants called for improved coordination, and made a series of recommendations for the development, implementation, monitoring and review of Scotland’s National Action Plan for Human Rights as a vehicle to implement international human rights obligations in practice.⁴⁶

Climate Justice

Scotland has received international recognition for its commitment to Climate Justice and has taken innovative steps such as the establishment of a Climate Justice Fund. It should continue to be a champion of Climate Justice. Additionally it has made important commitments in respect of climate change mitigation and adaptation, sharing renewable energy technology with the developing world and supporting the demand for a legally binding post-Kyoto international agreement on carbon emissions. It should build on these commitments and ensure human rights are at the heart of climate change policy.

Business and Human Rights

The UN Guiding Principles on Business and Human Rights recognise that the State has obligations to protect people from human rights abuses by the private sector, the private sector has a responsibility to respect human rights, and that individuals and communities have the right to a remedy where there have been human rights abuses. There is a need for a coordinated plan of action to implement the UN Guiding Principles by Scotland, building on the UK's Action Plan in this area.

International Engagement

In its international engagement Scotland must respect, protect and fulfil human rights. This includes engagement under the Scottish Government's International Framework, as well as in any participation in inter-governmental forums both by Government, by national human rights institutions and by civil society.⁴⁷ When Scotland hosts major international events - such as the Commonwealth Games in 2014 - it should ensure it complies with best practice on human rights in planning and delivering mega-events.

Practice example: [Climate Justice](#)

The Scottish Government has committed to promote climate justice and to take a human rights based approach to climate change, including through the launch of a Climate Justice Fund based on recognition of the unfairness that those who had contributed least to the causes of climate change are suffering its most extreme consequences.



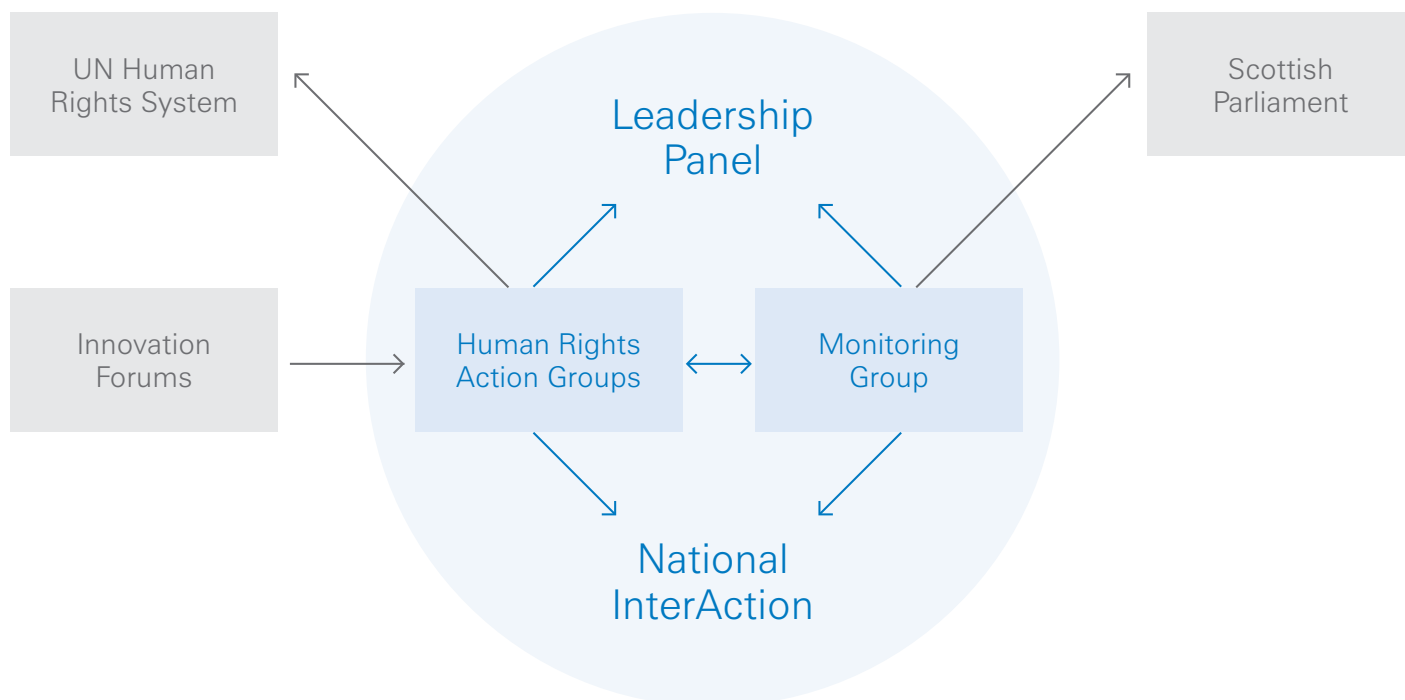
Human Rights Action Group on Our International Obligations

A Human Rights Action Group on Our International Obligations will identify specific actions to pursue this SNAP Priority. The Action Group will be co-convened by the Scottish Government, the Scottish Human Rights Commission and Amnesty International UK. It will include representatives of a wide range of public and voluntary organisations and will engage with people directly affected to ensure actions are informed by lived experiences.

Steps which will be taken in 2014 include:

- The Scottish Government will develop effective cross-government coordination of the implementation of all human rights obligations, with the participation of civil society. In addition, the Scottish Government, the Equality and Human Rights Commission, Scottish Human Rights Commission and disabled peoples organisations will work together to develop a best practice approach to implementing the UN Disability Convention in Scotland.
- The Scottish Government will work with others to begin to explore the potential benefits of further incorporation of human rights treaties into the law of Scotland, learning from the experience of other countries and taking stock of where Scotland has reached.
- The Scottish Government will ensure that human rights considerations are at the heart of Scotland's International Framework including its international development cooperation, bilateral engagement and engagement with inter-governmental organisations. The Scottish Government will coordinate action which further develops Scotland's capacity and influence in ensuring that human rights are respected, protected and fulfilled in the context of Scotland's engagement at the international level. This will include sharing bilateral sharing of experience on good practice examples on rights realisation.
- The Scottish and UK Governments, Scottish businesses and the Scottish Human Rights Commission will pursue the development of an action plan to implement the UN Guiding Principles on Business and Human Rights by Scotland and raise awareness among Scottish companies of their human rights responsibilities.
- The Scottish Government will coordinate action across the public, private and third sectors in Scotland to champion climate justice at home and abroad.
- The Scottish Government will engage with the UK Government, and will work together with civil society in Scotland to ensure that Scotland plays a constructive and fully engaged role in international human rights reviews.
- The Equality and Human Rights Commission and Scottish Human Rights Commission will support Scottish civil society organisations to engage in those reviews through increasing understanding and ability.
- The Glasgow Commonwealth Games 2014 Organising Committee will publish and implement a human rights policy.

Moving Forward



Human Rights Action Groups will be established under the following areas:

Outcome 1: Human Rights Action Group to Embed a Human Rights Culture.

Outcome 2: Human Rights Action Groups on Health and Social Care; Standard of Living; Justice and Safety.

Outcome 3: Human Rights Action Group on Our International Obligations.

The Action Groups will be co-convened by public bodies and voluntary organisations and will engage with people whose rights are directly affected. They will identify actions under each Priority.

A Monitoring Group will develop indicators to track implementation of actions.

The Action Groups and the Monitoring Group will report each six months to the Leadership Panel which will agree Annual Reports on progress which include agreed actions. These Annual Reports will be presented to the Scottish Parliament and form the basis of reporting to the international human rights system, including in the Universal Periodic Review process.

On International Human Rights Day, 10 December, each year National InterActions will bring provide an opportunity for a large number of people and organisations to collaborate to ensure accountability and address challenges in implementation.

An independent evaluation of the process and outcomes of SNAP will be commissioned to inform the development of Scotland's second National Action Plan for Human Rights in 2017.

Annex: SNAP Advisory Council

In the list of Members below institutional affiliations are provided for the purpose of identification, although Members serve in their personal capacity. The Members of the Advisory Council are:

- Professor June Andrews, Director of Dementia Services Development Centre, University of Stirling.
- Dr Rowena Arshad OBE, Head of the Institute for Education, Community and Society, University of Edinburgh.
- Mark Bevan, formerly Scotland Director, Amnesty International UK.
- Rev Dr. Graham K. Blount, Minister, St Enoch's Hogganfield Parish Church.
- Tressa Burke, Chief Executive, Glasgow Disability Alliance.
- Michael Chalmers, Director of the Office of the Advocate General for Scotland and solicitor to the Advocate General for Scotland.
- Michael P. Clancy OBE, Director of Law Reform, Law Society of Scotland.
- Catriona Dalrymple, Head of Policy Division, Crown Office.
- Allun Evans, Director of the Scotland Office, Her Majesty's Government.
- John Loughton, Former Chair of Scottish Youth Parliament, Director of Dare2Lead.
- Rory Mair, Chief Executive, Convention of Scottish Local Authorities.
- Professor Kathleen Marshall, Child Law Consultant.
- Jim Martin, Scottish Public Services Ombudsman.
- Dr Jim McCormick, Scotland Adviser to Joseph Rowntree Foundation.
- Ian McKay, Chair of Institute of Directors for Scotland.
- Professor Alan Miller, Chair of Scottish Human Rights Commission.
- Alastair Pringle, Scotland Director, Equality and Human Rights Commission.
- Jacquie Roberts OBE, Former Chief Executive of the Scottish Care Commission and Care Inspectorate.
- Judith Robertson, Head of Oxfam Scotland.
- John Scott QC, Vice-Chair (Crime) of Society of Solicitor Advocates, Chair of Howard League for Penal Reform.
- Dr Marsha Scott, Convener, Engender Scotland.
- Martin Sime, Chief Executive, Scottish Council for Voluntary Organisations.
- Grahame Smith, General Secretary, Scottish Trades Union Congress.
- Ken Thomson, Director General, Strategy & External Affairs, Scottish Government.
- Lynda Towers, Solicitor to the Scottish Parliament, Chair In-House Lawyers Group and member of Law Reform Group of Law Society of Scotland.
- Professor Rebecca Wallace, Professor of International Human Rights and Justice, Robert Gordon University Aberdeen.

Duncan Wilson, Head of Strategy and Legal at the Scottish Human Rights Commission, served as Secretary to the Advisory Council and Drafting Group, and led the Project Team which developed SNAP.

Endnotes

- ¹ Mary Robinson, speaking at the launch of the Scottish Human Rights Commission in July 2008.
- ² Eleanor Roosevelt, "In Our Hands", speech delivered in 1958 on the tenth anniversary of the UDHR.
- ³ Speaking at the Civicus World Assembly, Glasgow in 2008.
- ⁴ It should be noted that Articles 1 (the duty to respect and ensure Convention rights) and 13 (the right to an effective remedy) of the European Convention were not directly incorporated into domestic law.
- ⁵ Eleanor Roosevelt, "In Our Hands", speech delivered in 1958 on the tenth anniversary of the UDHR.
- ⁶ See for example A. L. Klieforth, R. J. Munro, *The Scottish Invention of America, Democracy and Human Rights, the history of liberty and freedom from the ancient Celts to the New Millennium*, (University Press of America: 2004). See also the Claim of Right of 1989.
- ⁷ Scottish Human Rights Commission, *Getting it Right? Human Rights in Scotland*, Edinburgh, 2012.
- ⁸ Scottish Human Rights Commission, *Scotland's National Action Plan for Human Rights: Report of Participation Process*, Edinburgh, 2013.
- ⁹ See for example, GEN, The University of Bedfordshire and Queen Margaret University, *Evaluation of Care about Rights, Phase 2 report to the Scottish Human Rights Commission, October 2011*; Scottish Human Rights Commission, *Human Rights in a Healthcare Setting: making it work, an evaluation of a Human Rights Based Approach at The State Hospital, December 2009*; Flavia Bustero, Paul Hunt et al, *Women's and Children's Health, evidence of impact of human rights, World Health Organisation, Geneva 2013*; British Institute of Human Rights, *The Human Rights Act - Changing Lives, Second Edition, 2008*; Human Rights and the Commission on a Bill of Rights. Equality and Diversity Forum. 2011; Review of the Implementation of the Human Rights Act, Department of Constitutional Affairs, 2006; Klug, Francesca and Starmer, Keir (2005) *Standing back from the Human Rights Act: how effective is it five years on? Public law (Winter)*, pp. 716-728.
- ¹⁰ United Nations Development Group, *The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies*, (New York: 2003).
- ¹¹ As well as being a consistent message from *Getting it Right?* and the SNAP participation process, international human rights bodies have called on the UK to intensify efforts to raise awareness of the full range of internationally recognised human rights among the public at large as well as the public, private and voluntary sector e.g. concluding observations of the UN CRC 2008, UN CEDAW 2009, UN CESCR 2009.
- ¹² International human rights bodies have consistently argued for the full integration of human rights education across the formal education curriculum at all levels. See for example *Concluding observations of the UN CCPR 2000*; UN CESCR 2002; UN CRC 2008; UN CEDAW 2009.
- ¹³ This emerged from *Getting it Right?* and the SNAP participation process. International human rights bodies have also recommended that the UK increase participation in decisions which affect human rights (*Concluding observations of the UN CCPR, 2000, UN CRC 2008, UN CEDAW 2009*); including consultation with Gypsy/Travellers before any measures are taken that impact on them (*Concluding observations of the UN CERD 2011*); as well as establishment of procedures to enable children's views to be heard and considered in decisions that affect them (*Concluding observations of the UN CRC, 2002*). There was emphasis on the need to take a human rights based approach to freedom of association and assembly, including ensuring proportionality of any administrative requirements around protest or marching (*Report of the UN Special Rapporteur on association and assembly, 2013*).
- ¹⁴ As well emerging from *Getting it Right?* and SNAP participation, the UK's Universal Periodic Review in 2012 called on the UK to increase promotion and awareness of human rights, including migrants and women's rights; take effective steps to combat stigma; to intensify efforts to promote multiculturalism; and effective measures to eliminate discrimination, UPR 2012. Similarly CEDAW in 2013 called on the UK to engage with the media to eliminate stereotypical imaging of women.
- ¹⁵ Independent Living in Scotland, *All Together Now: a guide to co-production for disabled people and their organisations*, <http://www.ilis.co.uk/get-active/publications/co-production-toolkit/1-introduction> (accessed 15 November 2013).
- ¹⁶ As well as findings from *Getting it Right?* and the SNAP participation process, international human rights bodies have called on the UK to introduce human rights based impact assessment and budget analysis. See for example *Concluding Observations of the UN CRC 2008*; UN CERD 2011; UN CEDAW 2009; UN CESCR 2009.
- ¹⁷ As well as findings from *Getting it Right?* and the SNAP participation process, international human rights bodies have called for increased human rights education among the public sector in the UK, for example, civil servants, police and those involved in the administration of justice. See *Concluding observations of the UN CCPR 2000*. International human rights bodies have also called on the UK to enhance steps to adopt a human rights based approach to public service (*Concluding Observations of the UN CRC, 2000, 2002, 2008*; *Report of the UN Special Rapporteur on Migrants' Rights, 2010*); and to review the policy of commissioning services wherever this may undermine the provision of specialised women's services (CEDAW 2013).
- ¹⁸ International human rights bodies too have consistently called on the UK to incorporate international human rights treaties into domestic law. See for example *Concluding Observations of the UN CCPR 2008, UN CEDAW 2007, 2013*; UN CERD 2011, UN CESCR 2009, UN CRC 22002, 2008 ; UPR 2008, 2012.
- ¹⁹ Human Rights bodies too have expressed concern that the Human Rights Act is the subject of negative criticism by public figures (UNCAT 2013).
- ²⁰ These projects are being led by the Equality and Diversity Forum, with a range of partners including the Scottish Council for Voluntary Organisations. For more information see <http://www.edf.org.uk/blog/?p=19647> and <http://www.edf.org.uk/?p=29444> (both accessed 20 October 2013).
- ²¹ *Concluding Observations of UN CRC 2002, 2008, UN CESCR 2009*.

- ²² International human rights bodies too, while recognising good practice in our mental health laws, have called for improved availability, accessibility, acceptability and quality of mental health services for all, including those living in rural and remote areas and in children's services (Concluding Observations of UN CRC 2002, 2008; UN CESCR 2009; UN CEDAW 2009).
- ²³ International human rights bodies have also called on the UK to improve human rights protections related to social security (Concluding Observations of the UN CESCR 2009); to protect rights and protect the most vulnerable in welfare reform (UPR 2012); and to mitigate the impact of austerity measures on women and services provided to women, particularly women with disabilities and older women. It should also ensure that Spending Reviews continuously focus on measuring and balancing the impact of austerity measures on women's rights.(CEDAW 2013).
- ²⁴ International human rights bodies have also called on the UK to pursue adequate housing for all, and uphold human rights in evictions (Concluding Observations of the UN CESCR 2009).
- ²⁵ International human rights bodies have also recommended this to the UK (Concluding Observations of the UN CESCR 2009) and have called for greater priority to the eradication of poverty, including fuel poverty (Concluding Observations of the UN CRC 2008, UN CESCR 2009; UPR 2008, 2012).
- ²⁶ Many international human rights bodies have called on the UK to ensure this as a priority (Recommendation by the Council of Europe Advisory Committee on the Framework Convention 2011; Concluding Observations of the UN CERD 2011, UN CESCR 2009, UN CEDAW 2013; European Court of Human Rights, 2004).
- ²⁷ International human rights bodies too have called on the UK to ensure equal pay for work of equal value (UPR 2012); address the gender pay gap and introduce a more flexible system of paternity leave (Concluding Observations of the UN CESCR 2009). CEDAW in 2013 called on the UK to "(a) intensify its efforts to promote the use of flexible working arrangements and introduce shared parental leave to encourage men to participate equally in child care responsibilities; (b) continue to take proactive and concrete measures to eliminate occupational segregation and to narrow the gender pay gap; (c) create more opportunities for women with disabilities to access employment..."
- ²⁸ Similarly, international human rights bodies have called on the UK to address unemployment (Concluding Observations of the UN CESCR 2009); increase the minimum wage (European Committee on Social Rights, 2010); and address age based discrimination in the minimum wage for those under 21 (Concluding Observations of the UN CRC 2008, UN CESCR 2009).
- ²⁹ International human rights bodies too have called for greater protection of rights at work, including safe conditions, of migrant workers (Concluding Observations of the UN CESCR 2009; Report of the Special Rapporteur on the Rights of Migrants 2010).
- ³⁰ In addition to emerging from SNAP research and participation international human rights bodies have called on the UK to pursue inclusive education including for disabled children (Concluding Observations of the UN CRC 2008); and improve access to education for Gypsy/Traveller communities (Concluding Observations of the UN CERD 2011).
- ³¹ In addition to SNAP research and participation, in 2013 CEDAW called on the UK to " (a) adopt a comprehensive national framework to combat trafficking in women and girls; and (b) identify any weaknesses in the National Referral Mechanism and ensure that victims of trafficking are properly identified and adequately supported and protected."
- ³² <http://www.cesr.org/article.php?list=type&type=53> (accessed 21 November 2013)
- ³³ In addition to SNAP research and participation, in 2013 CEDAW called on the UK to "(a) Ensure effective access by women to courts and tribunals, in particular women victims of violence; (b) Continuously assess the impact of the reforms to legal aid on the protection of women's rights".
- ³⁴ International human rights bodies have consistently called on the UK to increase protection of rights of those seeking asylum, including protection from violence, from being returned to a risk of persecution, and of destitution and denial of access to employment and social security in the UK (Concluding Observations of UN CESCR 2009). Particular calls have been made to remove restrictions in accessing employment while waiting for status determination (Concluding Observations of UN CCPR 2008, UN CRC 2008, UN CESCR 2009, UN CEDAW 2009; Report of the UN Special Rapporteur on Migrants 2010).
- ³⁵ CEDAW Concluding Observations 2013.
- ³⁶ New Scots: Integrating Refugees in Scotland's Communities, forthcoming 2013.
- ³⁷ International human rights bodies have also called on the UK to improve conditions of detention, particularly among women and the need to address overcrowding (Concluding Observations of UN CCPR 2008, UN CEDAW 2009, 2013; UPR 2012).
- ³⁸ International human rights bodies also called for the best interests of the child to be taken into account in sentencing (Concluding Observations of UN CRC 2008; UPR 2012) and for increased family contact for children of those in detention (Concluding Observations of CRC 2008).
- ³⁹ Human rights bodies have called for enhanced measures to address hate crimes (UPR 2012) and to protect individuals against advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (Report of the UN Special Rapporteur on Freedom of Religion, 2008).
- ⁴⁰ International human rights bodies have similarly called for investigation into allegations that stop and search practices disproportionately impact on ethnic minorities (Concluding Observations of UN CERD 2011; UPR 2012).
- ⁴¹ Human rights bodies have called for increased protection of children from all forms of violence (Concluding Observations of UN CRC 2008) and an intensification of efforts to combat bullying and violence in schools (Concluding Observations of the UN CRC 2008).
- ⁴² Human rights bodies have called for the UK to reinforce measures to combat violence against women (Concluding Observations of UN CESCR 2009; UN CEDAW 2009, 2013; UPR 2012); to intensify efforts to combat trafficking in human beings (UPR 2012); to adopt a comprehensive national framework to combat trafficking in women and girls and identify any weaknesses in the National Referral Mechanism and ensure that victims of trafficking are properly identified and adequately supported and protected (CEDAW 2013); and to ensure protection on the grounds of gender-related persecution, including violence against women and consider granting access to public services to irregular migrant women who are victims of violence (Report of the UN Special Rapporteur on Migrants 2010).

⁴³ These included among others, individual complaints mechanisms for the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, as well as the Convention on Enforced Disappearances and the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence. See also UPR 2012.

⁴⁴ Officially these are called “reservations” or “interpretive declarations”. They are called opt-outs here for simplicity, reflecting the fact that they have the effect of limiting the UK’s international obligations under parts of a treaty.

⁴⁵ Among other relevant recommendations, international human rights bodies have called on the UK to review and withdraw reservations to human rights treaties (Concluding Observations of the UN CRC 2002, 2008, UN CCPR 2008, UN CEDAW 2009, 2013, UN CESCR 2009; UPR 2008, 2012).

⁴⁶ Among other relevant recommendations, international human rights bodies have called on the UK to adopt a national strategy or action plan to implement the human rights obligations in all parts of the UK (CRC 2008, CESCR 2009, CEDAW 2009, UPR 2012); ensure adequate budget, follow up and evaluation of the action plan implementation (CRC 2008); ensure effective coordination of the implementation of human rights treaties throughout the state party, including locally, developing an effective coordination and monitoring mechanism for implementation (CRC 2008, CEDAW 2009), involving civil society in the implementation process (CEDAW 2009). They have also called on the UK to comply with decisions of the European Court of Human Rights and communications from international human rights mechanisms (UPR 2012).

⁴⁷ International human rights bodies have called on the UK to take a human rights based approach to its international development cooperation (CRC 2002); increase international and regional cooperation to prevent and punish human trafficking (CEDAW 2009); do all it can to ensure the policies and practices of intergovernmental organisations of which it is party (in particular the IMF and World Bank) respect, protect and fulfil human rights (CESCR 2002).

Photography Credits:

Chris Watt / Engage for Education – Scottish Government /
Independent Living in Scotland project / Michael Hughes / Press Association

Contact:

actionplan@scottishhumanrights.com
www.scottishhumanrights.com/actionplan
[@scotrightsplan](https://twitter.com/scotrightsplan)