

# National Taskforce Report for Human Rights Leadership



## An Easy Read Guide to the 30 Recommendations





This report is about the Scottish Government's plans to make a new framework for human rights in Scotland.



A framework means a new law with guidance to put the law into action.



The National Taskforce for Human Rights Leadership has written a report about what should be in the new human rights framework.

## **What are human rights?**

Human rights are the basic rights and freedoms that belong to every person in the world.

They are about how we should be treated by people and organisations in our society.





Human rights are:

- for everyone
- for our whole life
- all equally important

## **What is the National Taskforce for Human Rights Leadership?**

The Taskforce is a group of human rights experts.



The Taskforce was led by:

- Shirley-Anne Somerville – who is a Scottish Government Minister and a Member of the Scottish Parliament
- Professor Alan Miller – from Strathclyde University

The Taskforce met lots of different groups including:



- experts in human rights and the law
- charities and voluntary groups
- local authorities, care providers, courts and prisons
- organisations which check that human rights are being followed



## About the Report

The Taskforce published its report on 12 March 2021.



The report has 30 recommendations.

Recommendations mean things that need to be done to make human rights better and easier to access.



The Scottish Government has agreed to all of the 30 recommendations.

## The 30 Recommendations

### Recommendations about human rights

Recommendations 1, 2, 3, 4, 5, 6, 7 and 8 are about the human rights that should be included in the new Scottish human rights framework.



This will put international human rights laws into Scottish law. This will help to make sure that all people can access these human rights.



This includes:

- women
- children
- disabled people
- minority ethnic people
- older people
- LGBTI people

### **Recommendation 1 part A**

The new Scottish human rights framework should:

- set out the rights that are in the UK Human Rights Act 1998



The Human Rights Act is a UK law which protects civil and political rights.

These are the rights that every person has over their own freedom and their right to take part in society.

### **Recommendation 1 part B**

The new Scottish human rights framework should include:

- the International Covenant on Economic, Social and Cultural Rights (ICESCR)



ICESCR is an international law about rights like having enough food, clothes and housing.



## Recommendation 2

The new Scottish human rights framework should include:

- the right to a healthy environment

## Recommendation 3

The new Scottish human rights framework should include:

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



CEDAW is an international law about rights for women.

## Recommendation 4

The new Scottish human rights framework should include:

- the Convention on the Elimination of All Forms of Racial Discrimination (CERD)



CERD is an international law about rights for minority ethnic people.

## Recommendation 5



The new Scottish human rights framework should include:

- the Convention on the Rights of Persons with Disabilities (CRPD)

CRPD is an international law about rights for disabled people.

## Recommendation 6



The new Scottish human rights framework should include:

- a right for older people

## Recommendation 7



The new Scottish human rights framework should:

- protect and help people who are gay, lesbian, bisexual, transgender or intersex

to make sure they enjoy the same rights as everyone else.



## Recommendation 8

The new Scottish human rights framework:

- should make sure that all people can access the human rights in the framework equally
- will need to fit with the Equality Act 2010

The Equality Act is a UK law which makes sure all people are treated fairly.



**Recommendations 9, 10, 11, 12, 13, 14, 15, 16 and 17 are about key areas of the new human rights framework.**

## Recommendation 9

The new Scottish human rights framework should make it clear:



- what the new law is for – to give as much protection as possible to human rights
- that human dignity is the basis of all the rights in the framework



The report says that the framework could do this by having special wording called a purpose clause.

### **Recommendation 10**

The new Scottish human rights framework should make sure that courts understand:



- what the new framework is for
- that human dignity is the basis of all the rights in the framework
- how the framework fits with other laws, and international law.



The report says that the framework could do this by using special wording called an interpretative clause.



## Recommendation 11

The new Scottish human rights framework should:

- give new powers to the Scottish Human Rights Commission

This means they can:

- take test cases to court
- investigate problems

A test case is where the court is asked to make a decision about a problem which is affecting a number of people.

The court's decision will help to show how similar problems can be solved in the future.

There should also be a close look at other extra powers for the Scottish Human Rights Commission.



## Recommendation 12

The new Scottish human rights framework should:

- protect human rights

while also:

- giving organisations time to get ready for the framework to begin



### **Recommendation 13**

To develop the new Scottish human rights framework there should be:



- a process, with the public, to decide what the basic level of the economic, social and cultural rights should be in Scotland
- a clear duty on organisations to get better and better over time at putting the framework into practice

### **Recommendation 14**

The new Scottish human rights framework should:



- make sure that human rights are always an important part of other laws in Scotland

The report says that this could be done by:



- having more checks before new laws are made in Scotland

This is to make sure that human rights are thought about carefully before the laws are allowed to begin.

## Recommendation 15

The new Scottish human rights framework should make a duty for Scottish Ministers to:



- write a document about how they plan to do what the framework says
- be checked on how well they are doing this
- report on how the framework is used when choosing how to spend money
- report on how Scotland's National Action Plan for Human Rights is going
- report on how the framework is being put into place by the Scottish Government and public authorities



## Recommendation 16

The new Scottish human rights framework should be clear about which organisations have to follow it.

There should be a careful look at how the framework will include private organisations which do some public work.





## **Recommendation 17**

The new Scottish human rights framework should say that guidance can be made.

Guidance helps organisations understand how to follow the framework. It also helps people to understand what their rights are.

The report says that the government should work with people in Scotland to write this guidance.



**Recommendations 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 are about implementation, which means how to put the framework into practice.**

## Recommendation 18



The Scottish Government should help public authorities to put the new framework into practice by giving them resources and guidance.

## Recommendation 19

The Scottish Government should think about how to help:



- inspection organisations
- organisations which deal with complaints when something goes wrong

to check that the framework is being used properly.

## Recommendation 20

The Scottish Government should work together with:



- communities
- public authorities

to make sure that people:

- have the information they need about their human rights

- can get advice easily about their human rights

## Recommendation 21

The Scottish Government should work together with:

- communities
- organisations



to work out which remedies should go in the new framework.

A remedy is something that helps to fix a problem.

The report says it is important that the remedy should:

- be easy to access
- be affordable
- be available quickly
- be helpful



## Recommendation 22

The report says there needs to be more work to decide if the new human rights framework should include a special duty for:

- organisations who are looking at complaints when something goes wrong
- inspection organisations



This could help people get the right solution when there is a problem.

### **Recommendation 23**

If an organisation can show that there is a problem with the human rights of a group, then the new human rights framework should:



- let the organisation make a complaint or go to court for the group

This means that each person does not have to deal with the problem on their own.

### **Recommendation 24**

In the new Scottish human rights framework there should be:



- a process for deciding if the steps taken to follow the law are reasonable or not

This process should look at good examples from international human rights laws and other laws.

## Recommendation 25



The report says there should be more work to decide what remedies could be in the framework.

This could mean adding remedies which try to stop the problem from happening again.

A remedy is something that helps to fix a problem.

Different remedies might be needed for different situations.



The report says that international examples could be looked at – to decide what should be added into Scottish law.

## Recommendation 26

The report says there should be a close look at how the new human rights framework could help people find ways to solve problems in a way that is:

- easy
- affordable
- quick
- helpful



Members of the public should be asked for their comments about this.



## Recommendation 27

The Scottish Government should talk with the public about:

- the new human rights framework
- the guidance about how to follow the framework
- putting the framework into practice

This should be done in a way that is:

- easy for people to get involved in
- based on human rights



## Recommendation 28

The Scottish Government should:

- organise a big campaign to tell the public about the new human rights framework



## Recommendation 29

The report says there should be a close look at whether the new human rights framework should have an extra right added. The report calls this a right to participation.

This means the right for people to take part in how the framework is put into practice.

## Recommendation 30

The report says there should be work:

- to look more closely at making strong monitoring and reporting processes at every level.



This will be important to make sure that organisations are doing the things the new human rights framework tells them to do.

This should include:

- looking closely at having a new National Mechanism for Monitoring, Reporting and Implementation.



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