

Human Rights and Associated Words and Phrases

+ Information on organisations with connected duties and purposes

Glossary

Introduction

This document is a list of terms and explanations of those terms.

The terms mainly, but not exclusively refer to human rights.

The purpose of the document is for quick referral to find the meanings of terms with which individuals may not be too familiar.

The information is collated from a number of different sources, including from personal experience.

It is a “working document” that can be added to over time.

There are references that include organisations and public bodies and governments that have an impact on human rights and with a large remit to support the citizens of Scotland.

It is not intended as a fully comprehensive list of human rights terms but includes most of those terms that people relatively new to human rights may encounter.

Alex Thorburn

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A

Aarus Convention

The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters – adopted June 1998 in Aarhus, Denmark

Absolute right

A right that is so fundamental that it can never be interfered with, for example, the right not to be tortured.

Accession

This replaces the classic two-stage process of signing and ratifying a treaty that is already in effect.

By acceding to the treaty, a state is immediately bound by it.

An example where the idea of accession is in play is the issue of whether the European Union should accede to the ECHR.

Access Panels

There are Access Panels in most areas of Scotland. They are controlled by disabled people and help advise on access and inclusion.

The Access Panel's umbrella body is Disability Equality Scotland, however all Access Panels are autonomous, with many being charities or SCIOs in their own right.

Accountability

Human rights laws create legal duties. If governments and public bodies fail to protect human rights, there should be effective and fair ways to challenge them. It is a process which requires government to show, explain and justify how it has fulfilled its obligations to the people.

Accountability is essential if power is to be kept in check and some of the negative effects of discretion are to be avoided. Decisions must be transparent, and the process by which they are made must be fair, reasonable and within legal powers.

Act

Primary legislations that creates new law or changes an existing law. A Bill (see below) that has received Royal Assent and is now law.

Activist

An activist is a person who campaigns to bring about political or social change.

Actors

This refers to individuals who have gained some measure of political power or authority in a particular society and who engage in activities that can have a significant impact on decisions, policies, media coverage and / or outcomes.

Adequate food

The right to adequate food means the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals.

It must be free from adverse substances and acceptable within a given culture.

It also means the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.

Dietary needs

Means the diet as a whole should contain a mix of nutrients for physical and mental growth, development and maintenance, and physical activity according to human physiological needs at all stages throughout the life cycle

Free from adverse substances

Sets requirements for food safety and for a range of protective measures to prevent contamination of foodstuffs and poor environmental hygiene or inappropriate handling of food

Cultural or consumer acceptability

Means other cultural issues should be taken into account

Availability

Refers to the possibilities either for growing your own food or through accessing food by other means

Accessibility

Means food must be both affordable and physically accessible particularly for physically vulnerable individuals.

Adequate housing

The right to adequate housing is relevant to the places where people actually live, whether owned or rented accommodation, or residential institutions such as care homes. It contains the following important elements:

Security of tenure

This means people should have a degree of security and legal protection against forced eviction, harassment and other threats

Availability of facilities and infrastructure

This means an adequate house must contain the things essential for health, security, comfort and nutrition such as safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services, etc.

Affordability

This means that household or financial costs must not be so high that other basic needs like food are under threat.

Tenants should be protected by appropriate means against unreasonable rent levels or rent increases

Habitability

This means adequate housing must have adequate space and protect you from cold, damp, heat, rain, wind or other threats to health

Accessibility

This means housing must be accessible to those entitled to it and disadvantaged groups such as the older people, children, people with disabilities etc should be ensured some degree of priority consideration

Location

This means adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities.

Also, housing should not be built on polluted sites or nearby to pollution sources that threaten the right to health of the inhabitants

Cultural adequacy

This means that the way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.

Adequate Standard of Living Reference Group (ASoL)

This was a group of people who came together in 2014 who all had Lived Experience of poverty and was part of the Scottish National Action Plan.

The group was facilitated by the Scottish Human Rights Commission and ceased to exist on 31st December 2020 when the members transferred to the Commission's Lived Experience Leadership Group on 1st January 2021.

Adults with Incapacity (Scotland) Act 2000

This Act provides a framework for safeguarding the welfare and managing the finances of adults (people aged 16 or over) who lack capacity due to mental illness, learning disability, dementia or a related condition, or an inability to communicate.

Adult Support and Protection (Scotland) Act 2007

This Act made new provisions for protection of adults who are unable to safeguard their own wellbeing, property, rights or other interests, and as they are affected by disability, they are more vulnerable to being harmed or exploited. (Harm also includes neglect).

However, any intervention must provide benefit to the adult that could not have been reasonably achieved without intervention.

The new Public Sector Equality Duty (PSED) means that public authorities must have due regard to the intervention and must be the least restrictive option to the adult's freedom.

Advance statements

Advance statements are a powerful way of ensuring that people with mental health problems, deteriorating health etc. are listened to, even when they are unwell.

Doctors and Mental Health Tribunals have to pay attention to Advance Statements and should not override one without justification.

The Mental Welfare Commission holds a register of Advance Statements

However, very few people are aware of advance statements.

Advocacy

Independent advocacy ensures that people know and better understand their rights, their situation and systems.

Independent advocates help people to speak up for themselves and speak for those who need it.

An independent advocate is someone who helps build confidence and empowers people to assert themselves and express their needs, wishes and desires.

Collective advocacy happens when groups of people with a shared agenda, identity or experience come together to influence legislation, policy or services.

Advocacy can also mean to publicly support or suggest an idea, a development or way of doing something.

Advocacy partner

An advocacy partner is a person who accesses independent advocacy.

It is the preferred term because it emphasises the independent advocate and the person they are supporting working as equal partners. Some independent advocacy organisations also use client or service user.

Affirmative action

This is action taken by government or private businesses to make up for past discrimination in, for example, education and work against, for instance, women, those of specific races, ethnic groups, religions or disabilities.

Affirmative action is one way to give disadvantaged groups substantive equality.

Affirmative action should be seen as a temporary measure until such a time as equality is achieved.

African Charter on Human and People's Rights: (African Charter, sometimes also referred to as the Banjul Charter);

This is a regional human rights treaty for the African continent adopted by the Organisation of Africa Unity (OAU) in 1981.

Age

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Agency Agreement

This is a legal contract creating a relationship, whereby the first party agrees that the actions of a second party binds the first party to later agreements.

The power of the second party to bind the first party is usually legally referred to as "authority".

A current example of an Agency Agreement is the relationship between the UK Government's Department of Works and Pensions (DWP) and Social Security Scotland (SSS).

As some powers in relation to the provision of social security are being devolved to the Scottish Parliament, the DWP still has administrative control over specific benefits and allowances such as Personal Independence Payment (PIP) but that Agency Agreement will cease once the full control has been transferred to SSS.

Attorney General's Office (AGO)

This includes:

Crown Prosecution Service

Crown Prosecution service Inspectorate

National Fraud Authority

Revenue and Customs Prosecution Office

Serious Fraud Office

Treasury Solicitor

Alliance for Health & Social Care Scotland

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations.

They have a growing membership of over 3,000 national and local third sector organisations, associates in the statutory and private sectors, disabled people, people living with long term conditions and unpaid carers.

Many NHS Boards, Health and Social Care Partnerships, Medical Practices, Third Sector Interfaces, Libraries and Access Panels are also members.

The ALLIANCE is a strategic partner of the Scottish Government and has close working relationships, several of which are underpinned by Memorandum of Understanding, with many national NHS Boards, academic institutions and key organisations spanning health, social care, housing and digital technology.

Our vision is for a Scotland where people of all ages who are disabled or living with long term conditions, and unpaid carers, have a strong voice and enjoy their right to live well, as equal and active citizens, free from discrimination, with support and services that put them at the centre.

The ALLIANCE has three core aims; they seek to:

- Ensure people are at the centre, that their voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.

- Support transformational change, towards approaches that work with individual and community assets, helping people to stay well, supporting human rights, self management, co-production and independent living.
- Champion and support the third sector as a vital strategic and delivery partner and foster better cross-sector understanding and partnership.

American Convention on Human Rights (American Convention)

This is a human rights treaty adopted by the Organisation for American States (OAS) in 1969. It covers North, Central and South America.

Amina – The Muslim Women’s Resource Centre

Amina is an award-winning organisation, recognised by Muslim communities and key partners within Scotland for its pioneering and responsive approach to addressing key issues and needs of Muslim women.

Having invested in this specialist area where there was previously a gap in services in Scotland, Amina is recognised as the national hub for gaining access to, and consulting with Muslim women across Scotland. The organisation has been instrumental in initiating and tailoring services to meet the particular needs of Muslim women to ensure that they are able to fully participate in society without fear of discrimination or inequality.

Amina offers a range of tailored support services on a one to one basis eg national ‘listening ear’ helpline which also offers Islamic advice through a scholar, employability guidance, befriending, as well as through peer group support eg violence against women ‘self-healing’ workshops, refugee work to support the integration of people new to Scotland.

Through the cumulative and vast experience of staff and volunteers, Amina also creatively raises awareness of key issues through our engaging campaigns such as ‘You Can Change This’ (raising awareness of violence against women), ‘I Speak for Myself’ (challenging negative stereotypes/misconceptions of Muslim women as well as our successful school’s work which engages directly with over 2000 young people to tackle prejudice and hate crime.

Founded on the principles of community development, our work is underpinned by community empowerment, participation and partnership working. Vital to creating a fairer Scotland for all, is our engagement work with Muslim women to ensure their voices are able and empowered to contribute to

national policies and that mainstream agencies, government bodies and policy makers have an informed understanding of barriers preventing Muslim women from accessing services and participating in society.

Amnesty International (AI)

This was founded in 1961,

AI is one of the oldest and most prominent transnational human rights organisations, with international headquarters in London.

The organization relies on 3 million members and supporters in 150 countries to carry out its work, and policies are vetted through complex processes and structures that involve membership in the decisions.

Amnesty International Scotland (AI Scotland)

Amnesty International is a campaigning organisation with the purpose of protecting people wherever justice, fairness, freedom and truth are denied.

Amnesty's Scottish Office provides a focus for campaigning and fundraising in Scotland.

It engages with Scotland's distinct political, educational and media structures and takes part in wider political and cultural life in Scotland.

Antisemitism

This is fear, hatred, resentment, suspicion, prejudice, discrimination or unfair treatment of people of Jewish origin or those who confess Judaism. Modern forms of antisemitism include Holocaust denial.

Apartheid

These are inhumane acts of murder, rape, torture, enslavement or other crimes against humanity committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups

They are committed with the intention of maintaining that regime.

Arab Charter of Human Rights:

This was adopted by the Council of the League of Arab States on 22 May 2004.

It affirms the principles contained in the UDHR, the International Covenants of Human Rights and the Cairo Declaration on Human Rights in Islam.

Arbitration

This is a process by which, instead of going to court, disputing parties ask a third person to listen to their arguments and then to make a decision, which they agree to follow.

Article

An Article is a separate section of a Convention, Covenant or Treaty

Asperger Syndrome

Asperger syndrome, or Asperger's, is a diagnosis on the autism spectrum.

Typical to strong verbal language skills and intellectual ability distinguish Asperger syndrome from other types of autism.

Asperger syndrome generally involves:

- Difficulty with social interactions
- Restricted interests
- Desire for sameness
- Distinctive strengths

Strengths *can* include:

- Remarkable focus and persistence
- Aptitude for recognizing patterns
- Attention to detail

Challenges *can* include:

- Hypersensitivities (to lights, sounds, tastes, etc.)

- Difficulty with the give and take of conversation.
- Difficulty with nonverbal conversation skills (distance, loudness, tone, etc.)
- Uncoordinated movements, or clumsiness
- Anxiety and depression

The tendencies described above vary widely among people. Many learn to overcome their challenges by building on strengths. Many previously diagnosed people still identify strongly and positively with being an “Aspie.”

Association

An organisation is formed by a group of individuals with the aim of accomplishing a defined purpose.

Such organisations may also be called voluntary organisations, voluntary associations and unincorporated associations.

Non- governmental organisations (NGOs) are associations.

Associations form the basis for what is called “civil society”.

Asylum-seeker

This refers to an individual who has sought international protection and whose claims for formal refugee status have not yet been determined.

Audit Scotland

Audit Scotland provides the Auditor General and the Accounts Commission with the services they need to check that public money is spent properly, efficiently and effectively.

Scotland’s Voluntary Sector is made up of an estimated 40,000 organisations, from grassroots community groups and village hall committees, to over 6,000 social enterprises. The sector has a combined annual turnover that reached a remarkable £6 billion in 2018.

Collectively, the Scottish Voluntary Sector employs over 100,000 paid staff. Yet nearly three quarters (72%) of Scottish voluntary organisations have no

staff whatsoever and rely on volunteers. Social care and health organisations employ over half of all the paid staff in the sector.

Autism Spectrum Disorder (ASD)

ASD is a developmental disorder that affects communication and behaviour.

Although autism can be diagnosed at any age, it is said to be a “developmental disorder” because symptoms generally appear in the first two years of life.

People with ASD can have:

- Difficulty with communication and interaction with other people
- Restricted interests and repetitive behaviours
- Symptoms that hurt the person’s ability to function properly in school, work, and other areas of life.

Autism is known as a “spectrum” disorder because there is wide variation in the type and severity of symptoms people experience. ASD occurs in all ethnic, racial, and economic groups.

Although ASD can be a lifelong disorder, treatments and services can improve a person’s symptoms and ability to function.

Autocracy

This is government by a single person or small group that has unlimited power or authority, or the power or authority of such a person or group

Autonomy

This is the ability to be the person in control of what they do in life.

B

Basic Income Network Scotland

Basic Income Network Scotland is the volunteer-led, educational charity advocating for a basic income in Scotland. We support a network of basic income advocates – providing training and a platform for discussion. We lend

our expertise to government and share the stories of people who would benefit from a basic income.

A basic income is a periodic, uniform (except by age), unconditional cash payment delivered to all on an individual basis, without means test or behavioural requirement.

Best Interest and Independent Advocacy

People often think that independent advocacy is about working in the best interests of individuals.

In fact, sometimes independent advocacy is about supporting people to explore, understand and express something that is not in their own best interests but is nonetheless what they want.

Often professionals and organisations make decisions that are in the best interests of an individual because they have a duty to do so.

Independent advocacy does not have such a legal duty.

An effective independent advocate needs to challenge, question and hold professionals to account when best interests are given as a reason for decisions made about their advocacy partner.

Best practice

A working method or set of working methods that is officially accepted as the best to use in a particular scenario.

It can also be a duty or obligation to act in a manner believed to act in a manner one believes to be most beneficial to a person or organisation.

For example, a guardian must act in the best interest of a child, and a CEO should / must do the same for his/her company.

Bilateral

Decisions or actions taken by 2 persons / parties / bodies.

Bill

A formal proposal for primary legislation to create a new law, or a change in the law, that is put forward for consideration by Parliament. A draft Act, still being considered by Parliament.

Bill of Rights

This is a statement in a constitution of human or civil rights that lists protections against interference by governments.

Also see International Bill of Human Rights.

British Institute of Human Rights (BIHR)

BIHR policy work focuses on amplifying the views of people whose rights are at risk to change policy that affects them and those they care about, together with drawing on the experience of frontline staff implementing policy.

This includes sharing the value of the Human Rights Act in people's everyday lives and work.

BIHR policy work has two tracks:

1. Enabling people, communities and public services to speak up and share the value of the Human Rights Act for them in their everyday lives.
2. Identifying laws and policies that are risking people's human rights in their local implementation, and supporting people, communities and public services to be heard and to influence national change.

British Sign Language (BSL)

British Sign Language is a visual means of communicating using gestures, facial expression, and body language.

Sign Language is used mainly by people who are Deaf or have hearing impairments.

- Sign Language is a visual means of communicating using gestures, facial expression, and body language.

Within Britain the most common form of Sign Language is called British Sign Language (BSL).

BSL has its own grammatical structure and syntax, as a language it is not dependant nor is it strongly related to spoken English.

BSL is the preferred language of around 145,000 people within the UK (2011).

BSL - A Recognised Language

After a big campaign BSL was finally recognised by the UK government as an official minority language in 2003.

This has led to increased funding for the needs of the communication of people who are Deaf, and an increased awareness of the language which now has a similar status to that of other minority national languages such as Gaelic and Welsh.

British Sign Language BSL (Scotland) Act 2015.

The aim is to make Scotland the best place in the world for BSL users to:

- live
- learn
- work
- visit

This means people whose first or preferred language is BSL will be fully involved in daily and public life in Scotland, as active, healthy citizens and will be able to make informed choices about every aspect of their lives.

Bureau

The bureau usually consists of the chair, the vice-chairs, the rapporteur or any other designated member of a committee, and meets to decide procedural and administrative matters related to that committee's work.

C

Cabinet Office (CO) (Excluding agencies) Office of the Parliamentary Council

This includes:

- Buying Solutions
- Central Office of Information
- Charity Commission

Crown Commercial Service
Government Procurement Service
National School of Government
UK Statistics Authority

Capacity

Ability to reason, make decisions and consider choices, express views and receive and understand information. The law assumes that people have capacity unless a doctor's assessment shows that a person lacks capacity.

Case Law

Case law is the set of rulings from court judgements that set precedents for how the law has been interpreted and applied in certain cases.

CAT

The Convention Against Torture and Other cruel, Inhumane or Degrading Treatment or Punishment. CAT is an international human rights treaty adopted in 1985 by the United Nations Assembly

CEDAW

The Convention on the Elimination of all forms of Discrimination Against Women, CEDAW is an international human rights treaty adopted in 1979 by the United Nations Assembly.

CERD

The Convention on the Elimination of all forms of Racial Discrimination is an international human rights treaty adopted in 1965 by the United Nations General Assembly.

Cerebral Palsy Scotland

Cerebral palsy is the most common physical disability in childhood, and around one in 500 births results in a diagnosis of CP.

In Scotland, there is not enough specialist support and services for people with cerebral palsy and their families.

Cerebral Palsy Scotland exists to close this gap.

For twenty-five years, providing specialist intensive therapy using the Bobath concept has been at the heart of what we do.

Alongside our individual therapy for both children and adults, we bring the CP community together through organising group activities for a range of ages and stages, and work to share CP-specific information both online and face-to-face.

We are also advocates for policy change, pressing for everyone with CP to have life-long access to knowledgeable, compassionate services and support.

Collectively, our services help people with CP build skills, knowledge, confidence and relationships and make the most of their abilities.

Chair

Each treaty body elects one of its members to act as chair for a term of two years.

He or she chairs each meeting in accordance with the agreed rules of procedure. The chairs of all the treaty bodies meet once a year to coordinate the activities of the treaty bodies.

Charter

This is a document that lays out the granting of rights or privileges.

Charter of the United Nations

This Charter is the founding treaty of the United Nations.

It was adopted unanimously on the 25th June 1945 and sets out the rights and obligations of Member States as well as establishing the United Nations organs and procedures.

Child

The UNCRC states that a child is anyone under the age of 18. However, in Scotland for most purposes a child is regarded as being under the age of 16

In general, duties on public bodies or professionals to pay special attention to children and young people apply to everyone aged under 18. However provisions regarding the decision-making capabilities of a child, such as on

medical consent, or appointing a Named Person, apply to children aged under 16.

The term “Child and Young Person” means under age 18.

Children and Families Act 2014 – England

Different levels of support are given to children depending on how much support is required. Most children with SEN are given school-level support, known as SEN support.

An Education, Health and Care Plan (EHCP) is given to children and young people who are considered to have complex needs. They can be used for children and young people aged 2–25.

Children and young people with an EHCP are entitled to a personal budget. Every school must have a Special Educational Needs Co-Ordinator (SENCO), who is responsible for overseeing the support of pupils with SEN.

Children with SEN in the UK can attend mainstream or special schools, but legally, local authorities are obliged to educate children in mainstream schools where possible.

If a family feels that their child is not receiving sufficient support, they may take their local authority to the Special Educational Needs and Disability Tribunal to appeal any decisions the local authority has made on a child's support.

Children's Hearings (Scotland) Act 2011

The Children's Hearings (Scotland) Act 2011 restates the child-centred, participative nature of the hearings system but also sets out fundamental structural changes.

These include the creation of a National Convener and a national body, Children's Hearings Scotland (CHS), to support this role.

This Act also updated some procedural issues; for example, it introduced pre-hearing panels and extended the definition for relevant persons. It also modernised the grounds for referral and placed the right to legal representation on a permanent statutory footing.

Child Labour:

Work performed by children, often under hazardous or exploitative conditions.

This does not include all work done by kids: children everywhere, for example, do chores to help their families.

The 1989 UN Convention on the Rights of the Child calls for protection against economic exploitation and against carrying out any job that might endanger well-being or educational opportunities, or that might be harmful to health or physical, mental, spiritual, moral, or social development. (Article 32).

Children and Young People (Scotland) Act 2014

This was passed by the Scottish Parliament on 19 February 2014, and received Royal Assent on 27 March 2014.

The legislation is a key part of the Scottish Government's strategy for making Scotland the best place in the world for children to grow up.

By facilitating a shift in public services towards the early years of a child's life, and towards early intervention whenever a family or young person needs help, the legislation encourages preventative measures, rather than crises' responses.

The new duties and powers introduced by the Act include:

Ministerial and public sector duties to realise children and young people's rights, and to promote, protect, raise awareness and understanding of the UN Convention on the Rights of the Child. They must also regularly report progress on these duties.

Extended power of the Scottish Commissioner for Children and Young People to undertake investigations into individual complaints.

Improvements to the way that services work to support children, young people and families.

Strengthening early years support for children and families' lives.

Ensuring better permanence for "looked after children"

The Act is underpinned by the Scottish Government's commitment to the United Nations Convention on the Rights of the Child 1989 (UNCRD), and the national approach, Getting it Right for Every Child (GIRFEC).

Children and Young People's Commissioner Scotland

Currently, the Commissioner is Bruce Adamson. He works with his team to protect the human rights of children and young people.

The Commissioner works to make sure the laws that affect the lives of children and young people are fair.

He challenges people in power to keep human rights promises they've made to you that make sure you have all you need to grow up in an environment of happiness, love and understanding.

He helps you understand how valuable and important your rights are. That understanding means you can demand change when your rights – or the rights of others – are not being respected.

He makes sure adults in Scotland know more about your rights so that they see where they need to make changes.

He puts you at the heart of his work and will listen and learn from you.

Citation and numbering

Primary legislation (e.g. Acts) are numbered chronologically within the year in which they are enacted.

The numbering re-starts each year.

For UK Public General Acts (UKPGA) the number is referred to as a 'Chapter'. Acts are therefore, usually cited by their type, year and chapter number.

Citizenship

This is either a legal relationship between a person and a state, resulting in mutual rights and obligation or is used to describe the general relationship between individuals and the state to which they are “attached”, including expected forms of behaviour and attitudes.

Civil Rights (sometimes known as civil liberties)

The rights of citizens to liberty and equality. For example, freedom to access information or to vote.

It is also a category of rights and freedoms that protect individuals from unwarranted government action and ensure their ability to participate in the civil life of the state without discrimination or repression.

Civil and Political rights

The rights of individuals to liberty and equality; sometimes referred to as first generation rights.

Civil and political rights include freedom to worship, freedom of thought and expression, to vote, to take part in political life such as voting, to freely associate and to have access to information.

Civil Society

This is the “Third Sector” of society, along with government and business.

It refers collectively to voluntary civic and social organisations, associations and institutions.

For example it includes registered charities, non-governmental organisations, community groups, women’s organisations, faith-based organisations, professional associations, trade unions, self-help groups and advocacy groups that form the basis of a functioning democratic society.

Civil society is seen as distinct from the state and commercial institutions of the market.

Code of Conduct

Provides a set of principles and standards to be followed.

The code of conduct for a group or organisation is an agreement on rules of behaviour for the members of that group or organisation.

Code of Ethics

This is a written set of guidelines of the organisation’s primary values and ethical standards given from an organisation to its workers and management.

It provides a guide for all involved in the organisation’s business and in their actions.

Code of Practice

These are written guidelines of ethical standards given by an official body or a professional association to its members to help them comply with these standards .

Codification, codify:

Process of reducing customary international law to written form.

Collective advocacy

Collective advocacy creates spaces for people to get together, support each other to explore shared issues and find common ground.

It supports people to speak up about their experiences, values and expectations.

It enables people to find a stronger voice, to campaign and influence the agendas and decisions that shape and affect their lives.

Collective advocacy can help planners, commissioners, service providers and researchers to know what is working well, where gaps are in services and how best to target resources.

It helps legislators and policy makers to create opportunities for people to challenge discrimination and inequality and helps people learn to become more active citizens.

Collective advocacy groups benefit from skilled help from an independent advocacy organisation and with the support of resources.

Collective rights

These are the rights of groups to protect their interests and identities; sometimes referred to as 'third generation rights'.

These rights exist in addition to individual rights.

Commission on Human Rights

A UN body now superseded by the Human Rights Council.

Commissioner for Human Rights

This is an independent institution within the Council of Europe mandated to promote the awareness of and respect for human rights in Council of Europe member states. See also High Commissioner for Human Rights.

Community Empowerment (Scotland) Act 2015

This Act will help to empower community bodies through the ownership or control of land and buildings, and by strengthening their voices in decisions about public services.

There are 11 topics covered by the Act. This summary gives a brief description of each topic and how we are implementing them.

The Bill was passed by the Scottish Parliament on 17 June 2015. It received Royal Assent and became an Act on 24 July 2015. Each part of the Act came into effect at different times, dependent on how much preparation was needed.

Scotland's communities are a rich source of energy, creativity and talent.

They are made up of people with rich and diverse backgrounds who each have something to contribute to making Scotland flourish.

Central and local government needs to help communities to work together and release that potential to create a more prosperous and fairer Scotland.

Community of interest

A community of interest is a group of people who have shared experiences, characteristics or common interests and wish to come together to address issues that are important to them.

Collective advocacy groups often bring together 'communities of interest', for example, people with learning disabilities or mental health conditions.

Community planning

Community planning is about how public bodies work together, and with local communities, to design and deliver better services that make a real difference to people's lives.

It drives public service reform by bringing together local public services with the communities they serve and provides a focus for partnership working that targets specific local circumstances.

Partners work together to improve local services and to ensure that they meet the needs of local people, especially those who need the services most.

Community Planning Partnerships

A Community Planning Partnership (or CPP) is the name given to all those services that come together to take part in community planning.

There are 32 CPPs across Scotland, one for each council area.

Each CPP focuses on where partners' collective efforts and resources can add the most value to their local communities, with particular emphasis on reducing inequality.

CPP plans

CPPs are responsible for producing two types of plan to describe their local priorities and planned improvements:

- Local Outcomes Improvement Plans, which cover the whole council area
- Locality Plans, which cover smaller areas within the CPP area, usually focusing on areas that will benefit most from improvement.

Each CPP will produce at least one Locality Plan and some CPPs will produce many – there is no fixed number

Community participation

Community participation lies at the heart of community planning, and applies in the development, design and delivery of plans as well as in their review, revision and reporting.

Consultation is no longer enough - CPPs and community planning partners must act to secure the participation of communities throughout.

CPPs should organise themselves in whatever way they think will help them to work well.

As part of this, they should make sure that everyone involved is clear about what they have agreed to do and who is responsible for doing what.

Common core document

A document submitted by a State party to the Secretary-General containing information of a general nature about the country which is relevant to all the treaties.

This includes information such as, on land and population, on the political structure, on the general legal framework within which human rights are protected in the State, and on non-discrimination, equality and effective remedies.

It constitutes the common initial part of all the State reports to the treaty bodies.

The core document was introduced in 1991 by the meeting of chairpersons as a way of reducing some of the repetition in the reports.

Commissioner

Representatives from the Local Authority, Health Board or Health and Social Care Partnership who fund independent advocacy and other services.

Commissioner for Children and Young People Act 2003

This Act established the role and statutory requirements of the Scottish Commissioner for Children and Young People.

Their role is to protect the rights of children and young people.

Commission on Human Rights:

Body formed by the Economic and Social Council (ECOSOC) of the UN to deal with human rights; one of the first and most important international human rights bodies.

Community of interest

A community of interest is a group of people who have shared experiences, characteristics or common interests and wish to come together to address issues that are important to them.

Collective advocacy groups often bring together 'communities of interest', for example, people with learning disabilities or mental health conditions.

Comparative Law

This is a field of law that looks to compare experiences in different countries or jurisdictions, for various purposes such as undertaking legal reform.

Competency

This is the ability to perform a job or task.

In relation to defending human rights, this means the knowledge and understanding necessary for young people to gain a deeper understanding of human rights issues and the skills, attitudes and values required to defend human rights.

Competency can also refer to the powers granted to a devolved legislative body – such as the Scottish Parliament.

For instance, health, education and some aspects of social security have been devolved to the Scottish Parliament and are therefore within the Parliament's competency.

However, some powers that have not been devolved are termed Reserved Matters and they rest with the UK Parliament. For example, immigration, foreign affairs and the other social security powers not already devolved to the competency of the Scottish Parliament.

Compliance

Efforts to ensure that organizations are abiding by both industry regulations and government legislation.

Compulsion

This is a mental health provision for someone to be treated or detained without their consent.

There are several different types of orders authorising compulsion under the Mental Health (Care and Treatment) (Scotland) Act.

These include;

Emergency Detention Certificates and these are in force for up to 72 hours.

Short Term Detention Certificates that are valid up to 28 days and Compulsory Treatment Orders.

These orders are sometimes known as Civil Orders.

Some provisions of the Adults with Incapacity Act and the Adult Support and Protection Act can also involve compulsion.

Concluding Observations

These are the observations and recommendations issues by a treaty body after considerations of a State Party's report.

They also refer to both the positive aspects of a State's implementation of the treaty and areas where the treaty body recommends that further action needs to be taken by the state.

Confederation of Scottish Local Authorities (CoSLA)

COSLA was established in 1975.

However, standing up for Scotland's local priorities goes back 800 years when we evolved from the Convention of Royal Burghs- once the oldest representative body in Europe.

Today, COSLA is a councillor-led, cross-party organisation that champions councils' vital work to secure the resources and powers they need.

They work on councils' behalf to focus on the challenges and opportunities they face, and to engage positively with governments and others on policy, funding and legislation.

Every day people rely on the services that local government in Scotland delivers. Together, they spend over £19 billion a year, and employ over 240,000 people- almost 10% of all jobs in Scotland.

As a champion for councils we:

- **ENGAGE** in key financial, legislative and policy developments to ensure they have the best possible impact
- **DEVELOP** partnerships with Scottish, UK and international governments, parliaments, and the third and private sectors

- **CAMPAIGN** on the issues that matter to our members, and promote the image and reputation of local government
- **CHAMPION** the role of local government in the governance of Scotland, and lobby for stronger local democracy and community empowerment
- **LEAD** reforms that improve public services and save money effectively
- **NEGOTIATE** fair and affordable pay and workforce conditions on behalf of all councils
- **SUPPORT** councils to work together, and deliver shared services that increase their capacity

COSLA is also responsible for providing national services to councils and their partners through the myjobscotland recruitment portal, Trading Standards Scotland, and Business Gateway National Unit.

Confidentiality

This means that information that is kept about someone by an organisation will not be shared with anyone else unless the person gives their consent for it to be shared.

Confidentiality may only be broken if it avoids or reduces the risk of harm to a person.

Conflict of interest

Sometimes there can be conflicts of interest for those supporting an individual or group. For instance where there are assumptions about 'what is best' for them.

Independent advocacy is as free as possible from conflicts of interest, being completely separate from service providers and funders and with the organisation involved providing no services other than advocacy.

It is structurally, financially and psychologically free from interests such as being a provider of services, a gatekeeper of services, a funder of services, a statutory body or family and friends.

Conflict prevention

These are actions undertaken over the short term to reduce manifest tensions and / or to prevent the outbreak or recurrence of violent conflict.

Conflict management

Actions undertaken with the main objective of preventing the vertical (intensification of violence) or horizontal (territorial spread) escalation of existing violent conflicts.

Conflict resolution

Actions undertaken over the short term to end violent conflict.

Conflict transformation

A process by which conflicts such as wars and inter-ethnic and inter-religious violence are changed or transformed into peaceful outcomes.

It is a long-term process that addresses the root causes of the conflict as well as the behaviour and attitudes of the parties involved.

Constituencies

Scottish Westminster constituencies - Constituency boundaries have changed on various occasions, and are now subject to both periodical and ad hoc reviews of the Boundary Commission for Scotland.

Since 1950 each Scottish constituency has been either a burgh constituency or a county constituency, defined by geographic boundaries and representing a seat for one Member of parliament (MP).

Scottish Parliament (Holyrood) Constituencies

The Scottish Parliament (Holyrood), created by the Scotland Act 1998, has used a system of **constituencies and electoral regions** since the first general election in 1999.

The parliament has 73 constituencies, each electing one Member of the Scottish Parliament (MSP) by the plurality (first past the post) system of voting, and eight additional member regions, each electing seven additional MSPs.

Each region is a group of constituencies, and the D'Hondt method of allocating additional member seats from party lists is used to produce a form of proportional representation for each region. The total number of parliamentary seats is 129.

Boundaries of Holyrood and British House of Commons (Westminster) constituencies are subject to review by the Boundary Commission for Scotland, and prior to the Scottish Parliament (Constituencies) Act 2004 reviews of Scottish Westminster constituencies would have been also reviews of Holyrood constituencies.

The Arbuthnot Commission, in its final report, January 2006, recommended that council area boundaries and Holyrood and Scottish Westminster constituency boundaries should all be reviewed together.

This recommendation has not been implemented.

Constructive dialogue

The practice, adopted by all treaty bodies, of inviting State parties to send a delegation to the session at which their report will be considered in order to enable them to respond to members' questions and provide additional information on their efforts to implement the provisions of the relevant treaty.

The notion of constructive dialogue emphasizes the fact that the treaty bodies are not judicial bodies (even if some of their functions are quasi-judicial), but are created to review the implementation of the treaties.

Convention:

A type of treaty (formal agreement between country leaders, politicians and states on a matter which involves them all).

This is a binding agreement that states are obliged to uphold, but it usually does not have any legal force, and individuals are not usually able to take action.

The exception is the European Convention on Human Rights, which is legally binding in the UK.

Binding agreement between states; used synonymously with **Treaty** and **Covenant**.

Conventions are stronger than **Declarations** because they are legally binding for governments that have signed them.

When the **UN General Assembly** adopts a convention, it creates international norms and standards.

Once a convention is adopted by the UN General Assembly, **Member States** can then **Ratify** the convention, promising to uphold it.

Governments that violate the standards set forth in a convention can then be censured by the UN.

Convention on the Elimination of All Forms Of Discrimination Against Women (Adopted 1979; Entered Into Force 1981):

The first legally binding international document prohibiting discrimination against women and obligating governments to take affirmative steps to advance the equality of women. Abbreviated CEDAW.

Convention On The Rights Of The Child (adopted 1989; entered into force 1990):

Convention setting forth a full spectrum of civil, cultural, economic, social, and political rights for children. Abbreviated CRC.

COP 26

The 26th United Nations Climate Change Conference of the Parties to the UN Framework Conventions on Climate Change.

This is to be held in Glasgow in November 2021.

COPFS

Crown Office and Procurator Fiscal's Office

Core International Human Rights Treaties and Protocols

There are 9 core international human rights instruments. Each of these instruments has established a committee of experts to monitor implementation of the treaty provisions by its States parties.

Some of the treaties are supplemented by optional protocols dealing with specific concerns whereas the Optional Protocol to the Convention against Torture establishes a committee of experts.

The 9 Core Treaties and their Protocols are in date order:

❖ **ICERD**

The International Convention on the Elimination of all forms of Racial Discrimination – 21 December 1965

❖ **ICCPR**

International Covenant on Civil and Political Rights – 16 December 1966

❖ **ICESCR**

International Covenant on Social and Cultural Rights – 16 December 1966

❖ **CEDAW**

Convention on the Elimination of all forms of Discrimination Against Women – 18 December 1979

❖ **CAT**

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment – 10 December 1984

❖ **CRC**

The Convention on the Rights of the Child – 20 November 1989

❖ **ICRMW**

International Covenant on the Rights of Migrant Workers and members of their Families – 18 December 1990

❖ **CRPD**

The Convention on the Rights of Persons with Disabilities – 13 December 2006

❖ **CPED**

The Convention for the Protection of all Persons from Enforced Disappearance – 20 December 2006

Optional Protocols

❖ ICCPR-OP1

Optional Protocol to the International Covenant on Civil and Political Rights – 16 December 1966

❖ ICCPR- OP2

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty – 15 December 1989

❖ OP-CEDAW

Optional Protocol to the Convention on the Elimination of Discrimination Against Women – 10 December 1999

❖ OP-CRC-AC

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict – 25 May 2000

❖ OP-CRC-SC

Optional Protocol to the Convention on the Rights of the Child on the sale of children and child prostitution and child pornography – 25 May 2000

❖ OP-CAT

Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment – 18 December 2002

❖ OP-CRPD

Optional Protocol to the Convention on the Rights of Persons with Disabilities – 12 December 2006

❖ **ICESCR-OP**

Optional Protocol to the Covenant on Economic Cultural and Social Rights – 10 December 2008

❖ **OP-CRC-IC**

Optional Protocol to the Convention on the Rights of the Child on a communications procedure – 19 December 2011

Corrections

If a piece of legislation contains substantive errors, a new piece of legislation will be enacted to correct those errors.

If the errors are minor and do not change the meaning of the legislation, but ought to be corrected to avoid misleading readers – for example a wrong cross reference - a correction slip will be produced and published alongside the legislation.

The correction will be made on the website copy, but the original print PDF will not be changed.

We do apply the corrections to the annual print bound volumes of legislation that are produced.

Correspondence

This covers all forms of communication with others such as phone calls, letters, emails etc

Council of Europe

This organisation protects human rights, democracy and the rule of law by overseeing the implementation of the European Convention on Human Rights.

An organisation that was founded in 1949, with the aim to develop common and democratic principles throughout Europe based on the European Convention on Human Rights.

However, the Council of Europe is not a part of the European Union but has a wider membership, covering countries such as Russia, Turkey and some of the former Soviet Union states.

It includes 47 member states, 27 of which are members of the European Union.

Any country that wishes to join the European Union must be a full member of the Council of Europe.

Country rapporteur

Most committees appoint one or two members as country rapporteurs for each State party report under consideration.

The country rapporteur usually takes the lead in drafting the list of issues, in putting questions to the delegation during the session, and in drafting concluding observations to be discussed and adopted by the committee.

Country task force

The Human Rights Committee has assigned the preparatory work for the consideration of reports, previously done in its pre-sessional working group, to country report task forces, which meet during the plenary session.

The country report task force consists of four to six members, nominated by the chair and one of whom is the country rapporteur with overall responsibility for drafting the list of issues.

Covenant

Another type of treaty; a binding agreement to do or keep from doing a specified thing. Binding agreement between states; used synonymously with **Convention** and **Treaty**.

Examples include the major international human rights covenants, both passed in 1966, are:

The **International Covenant on Civil and Political Rights (ICCPR)**
and

The **International Covenant on Economic, Social and Cultural Rights (ICESCR)**.

Covid

The infectious disease caused by the coronavirus that led to a global pandemic being declared by the World Health Organisation in March 2020.

In response to the effects of the pandemic, the Scottish and UK Governments introduced emergency legislation that introduced a large number of intrusive restrictions.

These restrictions also negatively impacted on the human rights of us all.

The only Rights not affected by COVID-19 are the Absolute Rights that public bodies cannot interfere with or ignore.

However, those rights impacted by restrictions must be reinstated as soon as it is practical and safe to do so.

Crimes against humanity

These are widespread or systematic acts of violence directed against any civilian population.

For example

Murder;

Extermination;

Enslavement,

Torture;

Rape;

Sexual slavery;

Forced pregnancy;

Persecution of a group on grounds such as:

Race,

Ethnicity,

Gender amongst others

Enforced disappearance of persons;

The crime of apartheid and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Crimes against peace

Within international law this refers to:

- (i) planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;
- (ii) (ii) participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i). Known as the Nuremberg principles.

Cross-cutting themes

Human rights rarely stand alone and most often impact on other human rights.

For example, the right to an adequate standard of living if unrealised impacts on health, as does housing etc.

Cross Party Groups (CPGs)

CPGs provide an opportunity for Members of the Scottish Parliament (MSPs) to engage with external stakeholders on a particular subject.

CPGs are not formal parliamentary business and should not be confused with the Parliament's committee system.

CPGs are formed and led by MSPs although it is expected that groups will also have non-MSP members.

CPGs do not have any power to introduce issues formally into the parliamentary or government systems.

CRPD

The Convention on the Rights of Persons with Disabilities (CRPD) is an international human rights treaty adopted by the United Nations General Assembly in 2006.

Culture

This is a broad set of shared attitudes, values, goals, and practices, often based on historical traditions shared by an institution, organization or group.

Cultural Rights:

The right to preserve and enjoy one's cultural identity and development.

Customary International Law:

Law that becomes binding on states although it is not written, but rather adhered to out of custom; when enough states have begun to behave as though something is law.

It becomes law by use; this is one of the main sources of international law.

D

Data Protection

Data Protection Act 2018 and General Data Protection Regulation (GDPR).

Under GDPR and the Data Protection Act 2018, businesses and their staff are responsible for the security, compliance and governance of their data.

GDPR is based around six privacy principles together with the accountability principle.

In addition to these principles, individuals have specific rights in relation to their personal information placing certain obligations on organisations that are responsible for processing it.

Wrapped up in every article of the GPDR are the six privacy principles. These principles arrive early in the legislation at **Article 5(1)** and include:

- 1. Lawfulness, Fairness, and Transparency**
- 2. Limitations on Purposes of Collection, Processing, and Storage**
- 3. Data Minimization**
- 4. Accuracy of Data**
- 5. Data Storage Limits**
- 6. Integrity and Confidentiality**

Even though the rest of the legislation is broad in nature, these privacy principles underline the spirit of the GDPR.

Article 5(1) offers something to return to if you wonder whether your data privacy practices meet the standards laid out in subsequent articles.

The six privacy principles are neither new nor novel. Previous EU legislation, the Data Protection Act 1998, encompassed much of the same desire to regulate data controllers in this way.

But since the GDPR not only replaced the Data Protection Act and comes with fines never before seen in privacy legislation, getting to know these principles are worth your time.

Death penalty

This is the sanctioned taking of life by the state as a punishment for a crime. The European Convention on Human Rights originally allowed for the death penalty, but now prohibits it within its territory (protocol 6) even in times of war (protocol 13).

Most countries in the world have now abolished the death penalty.

Debriefing:

Is a structured conversation between facilitators and participants in order to review an experiential and participatory activity; to talk about what happened and how people felt.

The aim is to help participants clarify their thoughts and feelings in a safe environment.

Declaration

A document agreeing upon certain standards, but one that is not legally binding, for example, the UDHR.

The UN General Assembly often issues Declarations that are influential by not legally binding.

A State may choose, or be required, to make a declaration concerning a treaty to which it has become a party. There are several types of declarations:

- **Interpretative declarations**

A State may make a declaration about its understanding of a matter contained in, or the interpretation of, a particular provision in a treaty.

Unlike reservations, such declarations do not purport to exclude or modify the legal effects of a treaty.

The purpose is merely to clarify the State's position as to the meaning of certain provisions or of the entire treaty.

- **Optional and mandatory declarations**

Treaties may provide for States to make optional and / or mandatory declarations.

These declarations are legally binding on the declarants.

Thus, for example, under article 41 of the International Covenant on Civil and Political Rights, States may make an optional declaration that they accept the Human Rights Committee's competence to consider inter-State complaints.

Similarly, State parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict are required, under its article 3 (2), to make a binding declaration setting out the minimum age at which they will permit voluntary recruitment into their national armed forces and a description of the safeguards that they have adopted to ensure that such recruitment is not forced or coerced.

Declaration on Human Rights Defenders

The Declaration on human rights defenders was adopted by consensus by the General Assembly in 1998, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, after 14 year of negotiations. (See General Assembly Resolution A/RES/53/144 adopting the Declaration on human rights defenders).

A collective effort by a number of human rights non-governmental organisations and some State delegations helped to ensure a strong, useful and pragmatic final text.

Whereas the Declaration is not a legally binding instrument, it contains principles and rights that are based on human rights standards enshrined in other legally binding international instruments that are legally binding.

Moreover, the adoption of the Declaration by the General Assembly by consensus represents a very strong commitment by States to its implementation. The declaration:

- Identifies human rights defenders as individuals or groups who act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms through peaceful means.
- Recognizes the key role of human rights defenders in the realization of the human rights enshrined in the Universal Declaration of Human Rights and legally binding treaties and in the international human rights system.
- Represents a paradigm shift: it is addressed not just to States and to human rights defenders, but to everyone. It emphasizes that there is a global human rights movement that involves us all and that we all have a role to fulfil in making human rights a reality for all.

The Declaration's full name is the "**Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms**". However, it is often abbreviated to "**The Declaration on human rights defenders**".

About the declaration

1. Legal character

The Declaration is not, in itself, a legally binding instrument. However, it contains a series of principles and rights that are based on human rights standards enshrined in other international instruments that are legally binding – such as the International Covenant on Civil and Political Rights.

Moreover, the Declaration was adopted by consensus by the General Assembly and therefore represents a very strong commitment by States to its implementation.

States are increasingly considering adopting the Declaration as binding national legislation.

2. The Declaration's provisions

The Declaration provides for the support and protection of human rights defenders in the context of their work.

It does not create new rights but instead articulates existing rights in a way that makes it easier to apply them to the practical role and situation of human rights defenders.

It gives attention, for example, to access to funding by organizations of human rights defenders and to the gathering and exchange of information on human rights standards and their violation.

The Declaration outlines some specific duties of States and the responsibilities of everyone with regard to defending human rights, in addition to explaining its relationship with national law.

Most of the Declaration's provisions are summarized in the following paragraphs. It is important to reiterate that human rights defenders have an obligation under the Declaration to conduct peaceful activities.

(a) Rights and protections accorded to human rights defenders

Articles 1, 5, 6, 7, 8, 9, 11, 12 and 13 of the Declaration provide specific protections to human rights defenders, including the rights:

- To seek the protection and realization of human rights at the national and international levels;
- To conduct human rights work individually and in association with others;
- To form associations and non-governmental organizations;
- To meet or assemble peacefully;
- To seek, obtain, receive and hold information relating to human rights;
- To develop and discuss new human rights ideas and principles and to advocate their acceptance;
- To submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights;
- To make complaints about official policies and acts relating to human rights and to have such complaints reviewed;
- To offer and provide professionally qualified legal assistance or other advice and assistance in defence of human rights;
- To attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
- To unhindered access to and communication with non-governmental and intergovernmental organizations;
- To benefit from an effective remedy;

- To the lawful exercise of the occupation or profession of human rights defender;
- To effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights;
- To solicit, receive and utilize resources for the purpose of protecting human rights (including the receipt of funds from abroad).

(b) The duties of States

States have a responsibility to implement and respect all the provisions of the Declaration. However, articles 2, 9, 12, 14 and 15 make particular reference to the role of States and indicate that each State has a responsibility and duty:

- To protect, promote and implement all human rights;
- To ensure that all persons under its jurisdiction are able to enjoy all social, economic, political and other rights and freedoms in practice;
- To adopt such legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms;
- To provide an effective remedy for persons who claim to have been victims of a human rights violation;
- To conduct prompt and impartial investigations of alleged violations of human rights;
- To take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration;
- To promote public understanding of civil, political, economic, social and cultural rights;
- To ensure and support the creation and development of independent national institutions for the promotion and protection of human rights, such as ombudsmen or human rights commissions;
- To promote and facilitate the teaching of human rights at all levels of formal education and professional training.

(c) The responsibilities of everyone

The Declaration emphasizes that everyone has duties towards and within the community and encourages us all to be human rights defenders.

Articles 10, 11 and 18 outline responsibilities for everyone to promote human rights, to safeguard democracy and its institutions and not to violate the human rights of others.

Article 11 makes a special reference to the responsibilities of persons exercising professions that can affect the human rights of others, and is especially relevant for police officers, lawyers, judges, etc.

(d) The role of national law

Articles 3 and 4 outline the relationship of the Declaration to national and international law with a view to assuring the application of the highest possible legal standards of human rights.

Commentary to the Declaration on Human Rights Defenders

The Commentary to the Declaration on human rights defenders is a key document developed in 2011 and based on the work of the first two Special Rapporteurs on the situation of human rights defenders.^[1]

It aims to support those who stand for human rights by increasing understanding of the UN Declaration on human rights defenders and awareness on the dangers they face.

The report also contains proposals for the implementation of the Declaration.

In July 2011, Margaret Sekaggya issued a Commentary to the Declaration on human rights defenders, a key document mapping out the rights provided for in the Declaration based mostly on information received and reports produced by the mandate.

A more detailed commentary on the Declaration was provided in the report of the Secretary-General to the Commission on Human Rights at its fifty-sixth session, in 2000 (E/CN.4/2000/95)

Declaration of Incompatibility

In the UK, under the terms of The Human Rights Act 1998, a High Court (or higher) can make a Declaration of Incompatibility, where an Act of Parliament is deemed to be partly or fully incompatible with the European Convention on Human Rights.

However, the UK has parliamentary sovereignty and although a Declaration of Incompatibility does not necessarily make the legislation invalid, it gives the parliament the right to do so.

This is different from a court's Strike Down Power whereby the court invalidates a law.

Declaration of interest

This refers to any declarable interest in any matter that may be discussed at a meeting.

Their declaration of interest must be made before the meeting begins.

Sometimes, that can mean a person removing themselves from part of a meeting that involves a declaration of interest. See **Register of Interests**.

Democracy

Is a form of government where the authority to govern is derived from the people, either by direct referendum or by means of representatives elected by the people entitled to vote.

Department for Business Energy and Industrial Strategy (BEIS)

Conciliation and Arbitration Service

Companies House

Competition and Markets Authority

HM Land Registry

Insolvency Service

Intellectual Property Office

Met Office

Office of Gas and Electricity Markets (Ofgem)

Ordnance Survey

UK Space Agency

Department of Digital Culture Media and Sport (DCMS)

National Archives

Royal Parks

Department for Education (DfE)

Education and Skills Funding Agency

Education Funding Agency

National college

National College for Teaching and Leadership

Office of Qualifications and Examinations Regulation

Ofsted

Skills Funding Agency

Standards and Testing Agency

Teaching Agency

Department for Environment, Food and Rural Affairs (DEFRA)

Animal and Plant Health Agency

Animal and Veterinary Laboratories Agency

Animal Health

Centre for Environment, Fisheries and Aquaculture Science

Food and Environment Research Agency

Government Decontamination Services

Marine Fisheries Agency

Ofwat

Rural Payments Agency

Veterinary Laboratories Agency

Veterinary Medicines Agency

Department of Health and Social Care (DHSC) (excluding agencies)

Food Standards Agency

Meat Hygiene Service

Medicines and Healthcare Products Regulatory Agency

National Healthcare Purchasing and Supplies

NHS Business Services Authority

Public Health England

Department for International Trade (DIT)

Export Credits Guarantee Department / UK Export Finance (from Q3 2016)

Department for Works and Pensions (DWP)

Child Maintenance and Enforcement Commission

DWP Corporate and Shared Services

Jobcentre Plus

Pensions and Disability Carers Services

Health and Safety Executive (HSE)

Rent Service

Department for Transport (DfT)

Driver and Vehicle Licencing Agency (DVLA)

Driver and Vehicle Standards Agency

Driving Standards Agency

Government Car and Despatch Agency

Highways Agency

Maritime and Coastguard Agency

Office of Rail Regulation

Vehicle and Operator Services Agency

Vehicle Certification Agency

Derogation

A derogation is a measure adopted by a State party to partially suspend the application of one or more provisions of a treaty, at least temporarily.

Some human rights treaties allow State parties, in a public emergency which threatens the life of the nation, to derogate exceptionally and temporarily from a number of rights to the extent strictly required by the situation.

The State party, however, may not derogate from certain specific rights and may not take discriminatory measures.

States are generally obliged to inform other State parties of such derogations and give reasons for the derogations, and to set a date on which the derogation will expire.

Development

Is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of resulting benefits.

Devolved competence

Devolution is a system of government that allows decisions to be made at a more local level.

In the UK there are several examples of devolved governments, including devolved legislatures such as the Scottish parliament.

The Scottish parliament has powers over all aspects of life in Scotland that are not reserved under the Scotland Act 1998.

The powers that it has fall within devolved competence.

Dignity

A value owed to all humans, to be treated with respect.

Direct discrimination

This refers to less favourable treatment against an individual because of that person's protected characteristic.

Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Disability Equality Scotland

Disability Equality Scotland is a membership organisation for disabled people and disability groups/organisations.

As disabled people are in control of Disability Equality Scotland, then it can be termed as a DPO (Disabled People's Organisation).

They meet with key decision makers who are responsible for ensuring equality and human rights are in place with policies and the law.

The organisation has 1,000 disabled people, sharing their views on access and inclusion.

Disability Discrimination Act 1995

This Act made it unlawful to discriminate against disabled people in connection with employment, the provision of goods, services, and facilities.

Employers, educational establishments and service providers have a duty to provide reasonable adjustments to ensure that disabled people can access their services and fully participate.

Human rights instruments can help to interpret some concepts for example what is meant by "reasonable adjustment".

Disablism (sometimes disablism, or ablism)

This is a discriminatory, oppressive or abusive behaviour arising from the belief that people with disabilities are inferior to others.

Disappearance

Is the expression used when people vanish because they have been killed or secretly imprisoned by the government or other organisations.

They disappear because of their political opinions or activities challenging an unjust regime or doctrine of the organisations.

Discrimination

Is any distinction, exclusion or restriction or preference, which is based on any ground such as:

Age

Disability

Gender Reassignment

Marriage or Civil Partnership

Pregnancy and Maternity

Sex

Sexual orientation,

Race,

Religion of belief

Diverse

Widely varied. In the sense of a diverse population, people are from a range of backgrounds, ethnicities and cultures.

Diversity

Diversity is about respecting and valuing people's differences and treating them in an appropriate way. they

Duty-bearers

They have a particular obligation or responsibility to respect, promote and fulfil human rights.

They must also abstain from human rights violations and this includes government, public bodies and other actors.

E

Economic and Social Council (ECOSOC)

This is a UN council with 54 members and is mainly concerned with population, economic development, human rights and criminal justice.

This is an important body that receives and discharges human rights reports in a variety of circumstances.

Economic rights

These are rights that concern the production, development and management for the necessities of life.

These are proclaimed in the UDHR and safeguarded by the ICESCR and the European Social Charter.

Education (Additional Support for Learning) (Scotland) Act 2004

In Scotland, the term **additional support needs** is used instead of Special Educational Needs) SEN.

As well as children with disabilities, this also encompasses children who may need support for reasons other than disability, such as children who are being bullied or who are in foster care.

The Act redefined the law relating to the provision of special education to children with additional needs by establishing a framework for the policies of inclusion and generally practicing the "presumption of mainstreaming" in education.

Children with complex needs who require support from external organisations are given a co-ordinated support plan.

Families who are not satisfied with the support given are entitled to take the education authority Additional Support Needs for Scotland Tribunal.

Economic, Social and Cultural rights (ESC)

Rights that concern the production, development, and management of material for the necessities of life.

Rights that give people social and economic security, sometimes referred to as security-oriented or second generation rights. Examples are the right to food, shelter, education and health care.

Eleanor Roosevelt

Eleanor Roosevelt on human rights stated;

“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 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.

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."

Empowerment

This increases the spiritual, political, social, or economic strength of individuals and communities. It is used in relation to giving marginalised individuals and

groups the ability claim their rights to participate fully in society through, for instance, legislation, affirmative action and training.

Entering into force: the process by which a treaty becomes fully binding on those states which have ratified it.

This happens when the minimum number of ratifications called for by the treaty has been achieved.

Engender

Engender is Scotland's feminist policy and advocacy organisation.

Engender has a vision for a Scotland in which women and men have equal opportunities in life, equal access to resources and power, and are equally safe and secure from harm.

Engender is a policy organisation and through research and analysis they aim to make women's inequality visible, and persuade those with power to make positive changes to services, policy, regulation, practices, and laws that negatively affect women.

Engender's Gender Matters Roadmap sets out the steps they think are needed to bring women's equality closer to being a reality. They also work on specific policy areas such as social security, abortion and women's unpaid work.

You can find all of our briefings, research papers, and consultation responses in publications.

Engender also works to bring women together in a range of ways to tell their stories, and influence decision makers. They hold regular events, host women's writing on our blog and host On the Engender, Scotland's feminist policy podcast.

They also offer support to organisations and local campaign groups and they are proud to be a membership organisation and our members include women's and equalities organisations, voluntary groups, and a huge network of individuals across Scotland.

Entering into force

The process by which a treaty becomes fully binding on those states which have ratified it.

This happens when the minimum number of ratifications called for by the treaty has been achieved.

Environmental Centre for Human Rights (ERCS)

Our purpose is to increase the capacity and opportunity of individuals, community groups and organisations to promote environmental justice at neighbourhood, local authority and national levels.

Environmental justice is about ensuring a fair distribution of environmental benefits and burdens.

It acknowledges that marginalised groups and communities are more exposed to environmental burdens (such as pollution, proximity to landfill and the impacts of climate change); and have less access to environmental benefits (such as access to good quality greenspace).

It also recognises that these groups are least responsible for contributing to environmental damage on local and global scales. Yet, they have less resources and opportunities to challenge harmful practices and protect the environment now, and for future generations.

We advance environmental justice in two ways:

- by working to address the unequal distribution of environmental problems, and promoting everyone's right to a healthy environment – these are called substantive rights.
- by working for meaningful participation in decision-making and for fair, timely and affordable access to legal action as a last resort – these are called procedural rights.

We also support individuals and communities to use their rights to protect the environment, tackle climate change, and improve local biodiversity and greenspaces for health and wellbeing.

We will do this through:

- public education to increase awareness of legal rights – see our resources
- advice to increase confidence in participating in environmental decision-making
- advocacy in policy and law reform to improve environmental law – see our work
- public interest litigation to enforce progress on key environmental problems.

ERCS understands environmental law as including law relating to:

land-use planning,

climate change,

pollution control,

environmental health,

the conservation of biodiversity, and

any other field (e.g. cultural heritage, transport and energy) to the extent that it impacts on the natural environment in Scotland.

Environmental rights

These are normally used to describe the rights individuals have to a secure, healthy and ecologically sound environment.

Sometimes used to refer to the “rights” that the environment itself may possess – including the rights of animals, plants and ecosystems to survive the impact of human actions.

Environmental, Cultural and Developmental Rights

Often termed Third Generation Rights.

These rights recognise that people have the right to live in a safe and healthy environment and that groups of people have the right to cultural, political and economic development.

Equality

Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents, and believing that no one should have poorer life chances because of where, what or whom they were born, or because of other characteristics.

Equality recognises that historically, certain groups of people with particular characteristics e.g. those of certain races, disabled people, women and gays and lesbians, have experienced discrimination.

Equality Act 2010 (EA)

The Equality Act 2010 provides a legal framework to protect the rights of individuals from unfair treatment and promotes a fair and more equal. society.

The Act brings together 9 separate pieces of legislation to simplify and strengthen protection against discrimination.

The 9 main pieces of legislation that have merged are:

- **the Equal Pay Act 1970**
- **the Sex Discrimination Act 1975**
- **the Race Relations Act 1976**
- **the Disability Discrimination Act 1995**
- **the Employment Equality (Religion or Belief) Regulations 2003**
- **the Employment Equality (Sexual Orientation) Regulations 2003**
- **the Employment Equality (Age) Regulations 2006**
- **the Equality Act 2006, Part 2**
- **the Equality Act (Sexual Orientation) Regulations 2007**

The Act introduced Protected Characteristics wot which it applies and they are

age;

disability;

gender reassignment;

marriage and civil partnership;

pregnancy and maternity;

race;

religion or belief;

sex;

sexual orientation.

The Act also introduced the Public Sector Equality Duty (PSED).

This is a duty on a public authority when carrying out its functions to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, foster good relations and advance equality of opportunity.

The Act requires employers, education providers and service providers in the UK to make “reasonable adjustments” to ensure that disabled people access, a need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups.

The PSED is set out in section 149 of the Equality Act 2010.

Equality and Human Rights Commission

This is an independent public body that operates across the UK.

In relation to human rights in Scotland, the EHRC’s remit covers human rights issues arising in reserved areas.

Equality and Human Rights Committee

This is a committee of the Scottish Parliament that considers and reports on matters relating to equalities and human rights and their observance.

Equality and Human Rights Impact Assessments (EQHRIAs)

These are an important mechanism for enabling equality and human rights considerations to be embedded into the policies, practices, procedures and priorities of both government and public bodies in Scotland.

In an environment where there are financial constraints, a human rights framework can provide objective guidance which will assist balanced decision making on the use of resources. These criteria include:

- maintaining those minimum services and standards necessary to enable a dignified existence
- prioritising the most vulnerable and ensuring no direct or indirect discrimination
- limiting the extent and duration of any retrogression. This is done by identifying and using the maximum available resources for the progressive realisation of rights.

The adoption of a human rights based approach can set legal 'red lines' below which state actions must not fall, for example by ensuring the cumulative effects of policy and practice do not allow people to fall in to situations of poverty.

It also ensures there is no disproportionate impact upon the most vulnerable by requiring a reasonable balance to be struck between any such impact and the potential cost savings.

In this way better outcomes and improved performance will be achieved through taking account of the rights of individuals whose interests may otherwise be overlooked.

EQHRAs can also encourage individuals and communities to participate in decision making processes, giving them ownership of decisions and transforming institutional cultures and decision making.

The Commission recommends approaches to human rights impact assessment are further explored by the Scottish Government as an overarching or integrated framework or guiding tool for the proliferation of impact assessment methodologies.

These impact assessments are an important mechanism for enabling equality and human rights considerations to be embedded into the policies, practices, procedures and priorities of both government and public bodies in Scotland.

EQHRAs can also encourage individuals and communities to participate in decision making processes, giving them ownership of decisions and transforming institutional cultures and decision making.

Equality Impact Assessments (EIAs)

These are assessments that public authorities often carry out prior to implementing policies, with a view to predicting their impact on equality.

The **Equality Act 2010** does not specifically require them to be carried out, although they are a way of facilitating and evidencing compliance with the **Public Sector Equality Duty**.

Equality Network

The Equality Network works for lesbian, gay, bisexual, transgender and intersex (LGBTI) equality and human rights in Scotland.

They strive to be inclusive and open in their work, to challenge discrimination and to consult, involve and inform the individuals and the communities for which they work.

The Equality Network was founded back in 1997 as a national organisation working for LGBT rights and equality in Scotland. They are a registered charity governed by a volunteer Board of Trustees.

Partnership is a key part of their approach, and much of what they do involves working in partnership with diverse LGBTI people, other LGBTI organisations, and with organisations working in the wider equality and human rights field.

Advice and Support

The Equality Network provides a range of advice and information for organisations, including public sector, voluntary sector and private sector bodies, and for LGBTI organisations and people seeking to establish LGBTI organisations.

For individual advice or support about personal issues relating to sexual orientation or gender identity, we recommend contacting the LGBT Helpline Scotland, or for young people, LGBT Youth Scotland. The Your Rights section of our website also has information that may be useful.

Equally Ours

Equally Ours is a campaign that was set up by eight national charities to talk about the importance of human rights and how they benefit us all in everyday life.

Their website includes a whole range of case examples of the impact of human rights. <https://www.equally-ours.org.uk/>

As such it provides an excellent resource for how to write a good case story, as well as some other guides and information about to talk about human rights.

European Charter of Fundamental Rights

The EU Charter of Fundamental Rights enshrines certain political, social and economic rights for EU citizens.

The Charter became legally binding on EU member states when the Treaty of Lisbon entered into force in December 2009.

European Committee of Social Rights

This body is responsible for monitoring states' compliance with the European Social Charter.

It is made up of 15 independent and impartial experts who meet regularly to consider reports submitted by member states to the Social Charter.

European Convention for the Prevention of Torture or Degrading Treatment or Punishment

This is a regional human rights treaty adopted in 1987 by the Council of Europe that aims to prevent various violations against people who are detained by a public authority in places like prisons, juvenile detention centres, police stations, refugee camps or psychiatric hospitals.

European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR): (European Convention, European Convention on Human Rights)

This is a regional human rights treaty adopted in 1950 by the Council of Europe.

All Council of Europe member states are party to the ECHR, and new members are expected to ratify the Convention at the earliest opportunity.

European Court of Human Rights (EHCR)

This court is situated in Strasbourg.

It is a supra-national court, established by the European Convention on Human Rights, which provides legal recourse of last resort for individuals who feel that their human rights have been violated by a contracting party to the Convention.

All domestic routes to justice must be exhausted prior to an approach to the ECHR.

European Court of Justice of the European Union

This was set up 1952 and is based in Luxembourg.

Its job is to make sure that EU legislation is interpreted and applied in the same way in all EU countries, so that the law is equal for everyone.

It ensures, for example, that national courts do not give different rulings on the same issue.

European Cultural Convention

This was adopted by the Council of Europe in 1954 and entered into force 1955.

It is a regional treaty that provides the official framework for the Council of Europe's work on education, culture, heritage, youth and sport.

A complement to the European Convention, the Cultural Convention seeks to safeguard European culture and to develop mutual understanding and appreciation of cultural diversity between its various peoples.

European Parliament (EP)

This is the directly elected parliamentary institution of the European Union.

The Parliament has two meeting places, Strasbourg and Brussels.

The EP has 705 Members of Parliament (MEPs).

European Social Charter

This is a Council of Europe treaty adopted in 1962 and was revised 1996'

It guarantees fundamental social and economic rights as a counterpart to the European Convention on Human Rights and principally addresses civil and political rights.

The original version from 1961 has been ratified by the UK. However, the revised version from 1996 has not yet been ratified and so is not in force in the UK.

European Union (EU)

The EU was established by the Treaty of Maastricht in 1993 and is a group of 27 countries that operates as a cohesive economic and political bloc and committed to regional integration and social co-operation

Evaluation

This is a structured conversation between facilitators and participants to enable participants to analyse and appraise what they have learned from an experiential and participatory activity.

In the process, participants reflect on how this learning relates to what they already know and how they may use the learning in the future.

EVOC

EVOC helps to support, develop and promote the interests and work of voluntary and community organisations in Edinburgh.

It does this by:

- Providing services that enable voluntary sector organisations to thrive
- Working to influence the statutory sector in the creation of conditions that will allow the voluntary sector to flourish.

EVOC is the Council for Voluntary Service (CVS) for the City of Edinburgh and a partner in the Edinburgh Third Sector Interface (TSI), which is part of a national network of Third Sector Interfaces.

Evolving capacity

Is a principle used in the Convention on the Rights of the Child (CRC) that recommends greater exercise of a child's rights in relation to his or her growing cognitive and emotional maturity.

Explanatory Memorandum (EMs)

An Explanatory Memorandum (EM) sets out a brief statement of the purpose of a Statutory Instrument or Statutory Rules of Northern Ireland

It provides information about its policy objective and policy implications.

It aims to make the Statutory Instruments or Rules accessible to readers who are not legally qualified.

EMs accompany any Statutory Instrument or Draft Statutory Instrument laid before Parliament from June 2004 onwards and any Statutory Rule laid before the Northern Ireland Assembly (or UK Parliament during the suspension of the Northern Ireland Assembly) since June 2004.

Explanatory Notes (ENs)

Explanatory Notes are documents that typically accompany primary legislation (e.g. an Act or Measure).

The text is created by the government department responsible for the subject matter of the Act (or Measure) to explain what the Act sets out to achieve and to make the Act accessible to readers who are not legally qualified.

Explanatory Notes were introduced in 1999 and accompany all Public Acts except Appropriation, Consolidated Fund, Finance and Consolidation Acts.

Text called an Explanatory Note also appears following the legislative text of Statutory Instruments, Scottish Statutory Instruments or Statutory Rules of Northern Ireland.

For Welsh Statutory Instruments the Explanatory Note precedes the body of the Instrument in print format but follows the legislative text in html format.

The Explanatory Note is intended to give a concise and clear statement of the substance of the instrument.

The instrument itself may also be accompanied by a separate explanatory document.

For secondary legislation, such as Statutory Instruments, these are called Explanatory Memorandum or Executive Note/Policy Note for Scottish Statutory Instruments

F

Facilitator:

This is a person who prepares presents and co-ordinates activities.

A facilitator is someone who “makes something happen”, who “helps”, encourages others to learn and develop their own potential.

A facilitator’s role is to create a safe environment in which participants learn through experimentation, exploration, giving and taking.

It is not a question of one person, a leader, who is “an expert”, giving knowledge to others.

Everyone should grow through the sharing experience, participants and facilitators alike.

FAIR

The FAIR approach - putting a human rights based approach into practice

These materials will help you apply a human rights based approach in practice.

The Scottish Human Rights Commission has developed what we call the ‘FAIR’ approach to help you do this. The basic steps of the FAIR approach are:

- **F**acts:
What is the experience of the individuals involved and what are the important facts to understand?
- **A**nalyse rights:
Develop an analysis of the human rights at stake
- **I**dentify responsibilities: I
Identify what needs to be done and who is responsible for doing it
- **R**eview actions:
Make recommendations for action and later recall and evaluate what has happened as a result.

Fairer Scotland Duty

This places a legal duty on particular public bodies in Scotland (under Part 1 of the Equality Act 2010) to actively consider how they can reduce inequalities of

outcome cause by socio-economic disadvantage when making strategic decisions

The Fairer Scotland Duty, came into force in April 2018.

Local authorities must:

- actively consider how they can reduce inequalities of outcome in any major strategic decision they make
- publish a written assessment, showing how they have done this

Scottish Government recognises that the public sector is key to delivering a fairer Scotland and this new duty is intended to help make sure that the sector takes full account of socioeconomic disadvantage when key decisions are being made.

Fair Trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Family life

This covers all close and personal ties of a family kind - not only those of a blood or formalised nature.

Fascism

This is a governmental system based on an ideology of national or racial supremacy and the importance of control over all aspects of political, economic and cultural life.

It may be characterised by forcible suppression of opposition and criticism, control over the mass media, state control of industry, commerce, etc., and an aggressive nationalism and often results in racism.

Female Genital Mutilation (FGM)

Female genital mutilation (FGM) is a procedure where the female genitals are deliberately cut, injured or changed.

However, but there's no medical reason for this to be done.

Throughout the world it is also known as female circumcision or cutting, and by other terms, such as sunna, gudniin, halalays, tahur, megrez and khitan, among others.

FGM is usually carried out on young girls between infancy and the age of 15, most commonly before puberty starts.

It's illegal in the UK and is child abuse.

It's very painful and can seriously harm the health of women and girls.

It can also cause long-term problems with sex, childbirth and mental health.

First-generation rights

These are the rights which were generally accepted as human rights in the 17th-18th Centuries.

They include all civil and political human rights such as the right to vote, right to life and liberty, and freedoms of expression, religion, and assembly.

The International Covenant on Civil and Political Rights (ICCPR) principally codifies these rights.

However, because the term suggests a hierarchy of civil and political rights over second generation rights, or economic and social rights, it is increasingly falling from use.

First Minister

The First Minister is one of a variety of terms for the leader of a government cabinet, which is a term currently used to refer to the political leader of a devolved national government, such as the devolved administration of Scotland.

First Minister's Advisory Group (FMAG) Report

The FMAG on Human Rights Leadership was set up by Scotland's First Minister to make recommendations on how Scotland can continue to lead by example in the field of human rights.

The FMAG Report was published on 10th December 2018 (International Human Rights Day).

First Minister's National Advisory Council on Women and Girls

This exists to advise the First Minister on what is needed to tackle gender inequality in Scotland through annual reports that demonstrate their findings and recommendations.

Follow-up procedures

The procedures put in place to ensure that State parties act on the recommendations contained in the concluding observations of the treaty bodies or their decisions on cases brought under the complaints procedures.

The Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women have adopted formal follow-up procedures, and all committees require States to address follow-up in their periodic reports.

Parliaments, the judiciary, NHRIs, NGOs and civil society, all have an important role to play in follow-up.

Formal education

Is recognised as being the structured education and training system that runs from pre-primary and primary through secondary school and on to university.

As a rule it takes place at general or vocational educational institutions and leads to certification.

Foreign and Commonwealth Office (FCO)

Foreign and Commonwealth Office Services

Security and Intelligence Services (SIS)

Wilton Park Executive Agency

Framework convention

This is a convention that establishes the principles and norms under which international action will proceed, and it sets up a procedure for negotiating the more detailed arrangements necessary to deal with the issue.

Freedom of assembly and association

Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

This does not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Freedom of expression

Everyone has the right to freedom of expression.

This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

This shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of :

national security,

territorial integrity or public safety, or

for the prevention of disorder or crime,

for the protection of health or morals,

for the protection of the reputation or rights of others,

for preventing the disclosure of information received in confidence, or

for maintaining the authority and impartiality of the judiciary.

Freedom of Information Scotland Act (FoISA) 2002

This is an Act of the Scottish Parliament which gives everyone the right to ask for any information held by a Scottish public authority.

Requests made under FOISA do not normally include requests for personal information which are dealt with under Data Protection legislation.

Freedom of thought, conscience and religion

Everyone has the right to freedom of thought, conscience and religion.

This right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others.

Free Trade Zone

This is an industrial area in which a country allows foreign countries to import material for production and export finished goods without paying significant tax duties.

A Free Trade Zone therefore reduces the production costs of a company.

G

Gatekeeper

Gatekeepers serve in various roles including academic admissions, financial advising, and news editing, along with many areas of the fine arts.

In the UK, GPs are gatekeepers to other services such as hospital or specialist referrals.

An academic admissions officer might review students' qualifications based on criteria like test scores, race, social class, grades, family connections, and even athletic ability.

Various gatekeeping organisations administer professional certifications to protect clients from fraud and unqualified advice, for example for financial advisers.

Other people gatekeeping roles are in mental health service, clergy, police, hairdressers, and bartenders because of their extensive contact with the public.

Gatekeeper is also a term used in business to identify the person who is responsible for controlling passwords and access rights or permissions for software that is used by an organisation.

Gender:

This is a social construct that informs roles, attitudes, values and relationships between women and men.

While sex is determined by biology - the biological differences between men and women - gender is determined by society; almost always functioning to subordinate women to men.

Gender mainstreaming

This is a globally accepted strategy for promoting gender equality.

It is not an end in itself, but a means to achieve the goal of gender equality through ensuring that gender perspectives and attention to the goal of gender equality are central to all activities including policy development, resource allocation and planning, implementation and monitoring of programmes and projects.

Gender reassignment

The process of transitioning from one gender to another.

General Comments

These are comments developed by the committees in charge of monitoring the different UN human rights treaties.

They advise on how we should understand and interpret human rights.

They also provide a treaty body's interpretation of human rights treaty provisions, thematic issues or its methods of work.

General comments often seek to clarify the reporting duties of State parties with respect to certain provisions and suggest approaches to implementing treaty provisions.

Geneva Conventions:

These are four treaties adopted in 1949 under the International Committee of the Red Cross (ICRC) in Geneva, Switzerland.

They set out the rules that apply in armed conflict, in particular relating to the treatment of sick and wounded soldiers, sailors and airmen, prisoners of war and civilians under enemy control.

Genocide

Relates to the systematic killing with intent to destroy, in whole or in part, a group of people because of their nationality, race, ethnicity or religion.

Also, causing serious bodily or mental harm and forcibly transferring children of the group to another group.

Getting It Right For Every Child (GIRFEC)

GIRFEC principles and values

Getting it right for every child (GIRFEC) is based on children's rights and its principles reflect the United Nations Convention on the Rights of the Child (UNCRC).

It is for all children and young people because it is impossible to predict if or when they might need support. GIRFEC also respects parents' rights under the European Convention on Human Rights (ECHR).

The GIRFEC approach:

- **is child-focused** - it ensures the child or young person – and their family – is at the centre of decision-making and the support available to them.
- **is based on an understanding of the wellbeing of a child in their current situation** - it takes into consideration the wider influences on a

child or young person and their developmental needs when thinking about their wellbeing, so that the right support can be offered

- **is based on tackling needs early** - it aims to ensure needs are identified as early as possible to avoid bigger concerns or problems developing
- **requires joined-up working** - it is about children, young people, parents, and the services they need working together in a coordinated way to meet the specific needs and improve their wellbeing

The GIRFEC approach has been tested and developed across Scotland since 2006. It is based on research evidence and the experiences of practitioners, families and children.

A report published by the Nuffield Trust found that the GIRFEC approach to promoting and improving wellbeing is leading the way in the UK.

GIRFEC is central to all government policies which support children, young people and their families and is delivered through services and people who work with families.

Glasgow Centre for Inclusive Living

This is an organisation run **by** disabled people **for** disabled people.

They believe that barriers disable people, not impairments.

They provide support, payroll, training, housing, employment and consultancy services and they also enable disabled people to assert more control over their lives as equal citizens.

There are 2 other Centres for Inclusive Living in Scotland and they are the Lothian Centre for Inclusive Living and Perth & Kinross Centre for Inclusive Living.

Glasgow Disability Alliance

This is an organisation run by and for disabled people and therefore can be termed a Disabled People's Organisation (DPO)

GDA has over 5.500+ members across Greater Glasgow — diverse disabled people, people with long term conditions, and member organisations led by disabled people; and a thriving network of associate members — people, partners and allies who support their aims.

Their programmes support disabled people and those with long term conditions across Glasgow and they do not need to be a member to take part.

Through fully accessible learning, coaching, and events GDA connects disabled people with each other, with opportunities and with decision makers.

GDA recognises talents and strengths and support disabled people to build on these, participate and be leaders in their own lives.

Member led

GDA is controlled by our full voting members: disabled people, people with long term conditions, and disabled people led organisational members in the Glasgow area.

GDA's member organisations make up the Glasgow DPO Network.

Many individual members also run their own impairment-specific support groups e.g. for stroke survivors, or people with MS or Fibromyalgia, and social clubs for older people.

Associate Members

GDA's associate members are a thriving network of people, partners and allies who support their aims, including friends and family, workers who support disabled people, and partner organisations and providers at local and national levels e.g. GAMH, Enable Glasgow, Common Knowledge UK, Spinal Injuries Scotland.

Globalisation

This generally describes the process of increasing interdependence and exchange between nations, particularly in economic, social and culture areas.

The term is also used to refer to a specific form of international integration, designed to fulfil the interests of private power, manufacturing corporations and financial institutions. Globalisation is closely linked to powerful states.

Guidance

Advice or information aimed at resolving a problem or difficulty, especially as given by someone in authority.

Gypsy Traveller(s)

Information provided by EHRC in 2013 for Media and Journalists

Although there are no official figures on the number of Gypsy Travellers in Scotland, numbers are estimated at between 15- 20,000 people, or less than 0.5 per cent of the Scottish population.

This estimate includes those living on Council/Registered Social Landlord Sites (RSL), private sites and unauthorised encampments as well as those who live in ordinary housing.

Despite these relatively small numbers, there is significant coverage of this group of people in the media. A recent study by Amnesty International shows that a disproportionate amount of that coverage is negative.

There are many policy and social issues that affect Gypsy Travellers. Some of these lead to significant levels of inequality as well as the potential for stigmatisation and tension with settled communities.

Media coverage of these issues has a real impact on the lives of affected individuals and on the attitudes of society as a whole.

The Equality and Human Rights Commission (the Commission) believes that most journalists report responsibly and wish to present the facts in ways that are accurate, informative, balanced and relevant.

However the Commission also recognises that:

- journalists may not have direct contact with Gypsy Travellers
- many stereotypes about Gypsy Travellers already exist
- policy issues (in particular around accommodation, encampments and travelling) are complex and can impact significantly on public opinion at local and national levels.

Gypsy Travellers are a defined ethnic group protected by equality legislation.

The Commission supports the National Union of Journalists' guidance on race reporting and its affirmation that press freedom must be conditioned by responsibility not to slander sections of any community or to encourage discrimination.

This is further reflected in the editorial responsibility to ensure that coverage of race stories is properly placed in a balanced context

H

Harassment

Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

The conduct can either be a serious one-off event or be a 'course of conduct', i.e. it happens on a number of occasions.

Health and Social Care Integration

The formal title is the Public Bodies (Joint Working) (Scotland) Act 2014

The Act resulted in Health Boards and Local Authorities joining together their health and social care services.

The Act intended to improve services so that more people with care needs can receive them in the community rather than in a hospital setting.

When disabled people in Scotland were consulted, they welcomed this development on the basis that if it was done well then it would help to promote and protect the human rights of disabled people – especially Article 19 of the UNCRPD – the right to live independently and be included in the community.

Hearing

This is a process in which interested parties, and any other persons who may be affected by a result, have the opportunity to make submissions, ask questions or register objections about a matter.

For instance, a hearing may be held by a local or national government department, an international body or a specially established commission.

Her Majesty's Revenue and Customs (HMRC)

Valuation Office

Her Majesty's Treasury (HMT)

Asset Protection Agency

Debt Management Office

Government Actuary's Department

Government Internal Audit Agency

National Savings and Investments (NS&I)

Office for Budget Responsibility

Office for Government Commerce

OGC Buying Solutions

Royal Mint

High Commissioner for Human Rights

This is the principal human rights official of the United Nations.

The High Commissioner heads the Office of the High Commissioner of Human Rights which was set up to support the UN human rights mechanisms.

This is not to be confused with Commissioner for Human Rights, an institution of the Council of Europe.

Highest attainable standard of physical and mental health

The right to health is not a right to be healthy – genetic traits and our varied lifestyles make this impossible.

It is a right to a range of goods, services and information which are needed for health.

It includes both a right to healthy conditions and a right to adequate health care.

It covers a wide range including mental health, sexual and reproductive health, environmental health, workplace health and safety, prevention, treatment and control of diseases as well as broader public health strategies.

The right to health care includes:

Availability

Sufficient health care information, services, goods and facilities, including trained health and care workers.

Accessibility

Health care information, services, goods and facilities should be physically and economically accessible without discrimination.

Acceptability

Health care should be acceptable in terms of medical ethics as well as culturally acceptable to persons belonging to minorities.

Quality

Health facilities, goods and services must also be scientifically and medically appropriate and of good quality.

This requires, among other things, skilled medical personnel, scientifically approved drugs and hospital equipment, safe water and adequate sanitation.

Highlands and Islands Enterprise

Highlands and Islands Enterprise (HIE; Scottish Gaelic: Iomairt na Gàidhealtachd 's nan Eilean) is the Scottish Government's economic and community development agency for a diverse region which covers more than half of Scotland and is home to around 450,000 people.

HIE's role is to develop sustainable economic growth across the region. To achieve this, it creates infrastructure for future investment, assists large and small businesses with growth aspirations and has a unique role strengthening communities, particularly in fragile areas.

As part of this HIE supports communities to acquire and develop land and other assets.

HIE supports the growth ambitions of business and social enterprise clients working through an account management model in order to accelerate growth in turnover, profitability, wage levels, exports and therefore gross value added (GVA) in the HIE area.

HIE also invests in transformational projects across the region aiming to make the Highlands and Islands a more competitive and attractive place to live, work, study and grow.

Home

This is not about a right to a house but rather a right to respect for the home life of an individual.

Home Office (HO) – excluding agencies

Criminal Records Bureau (CRB)

Her Majesty's Passport Office (HMPO)

Identity Passport Service

National Fraud Authority (NFA)

National Crime Agency

UK Border Agency

HRE

This is an acronym for Human Rights Education

Humanitarian law

This body of law is mainly based on the Geneva Conventions, that protects certain persons in times of armed conflict, helps victims and limits the methods and means of combat in order to minimise destruction, loss of life and unnecessary human suffering.

Human rights

Human rights are the basic rights and freedoms to which all humans are entitled.

They ensure people can live freely and that they are able to flourish, reach their potential and participate in society.

They ensure that people are treated fairly and with dignity and respect.

You have human rights simply because you are human and they cannot be taken away, although sometimes they can be restricted.

Human Rights Act 1998

This Act sets out the fundamental rights and freedoms to which everyone in the UK is entitled.

The Act incorporates most of the rights set out in the European Convention on Human Rights into UK law.

. The Human Rights Act came into force in the UK in October 2000.

The Act sets out your human rights in a series of 'Articles'.

Each Article deals with a different right.

These are all taken from the ECHR and are commonly known as 'the Convention Rights':

Article 2: Right to life

Article 3: Freedom from torture and inhuman or degrading treatment

Article 4: Freedom from slavery and forced labour

Article 5: Right to liberty and security

Article 6: Right to a fair trial

Article 7: No punishment without law

Article 8: Respect for your private and family life, home and correspondence

Article 9: Freedom of thought, belief and religion

Article 10: Freedom of expression

Article 11: Freedom of assembly and association

Article 12: Right to marry and start a family

Article 14: Protection from discrimination in respect of these rights and freedoms

Protocol 1, Article 1: Right to peaceful enjoyment of your property

Protocol 1, Article 2: Right to education

Protocol 1, Article 3: Right to participate in free elections

Protocol 13, Article 1: Abolition of the death penalty

The Act has three main effects:

1. You can seek justice in a British court

It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law.

This means that if your human rights have been breached, you can take your case to a British court rather than having to seek justice from the European Court of Human Rights in Strasbourg, France.

2. Public bodies must respect your rights

It requires all public bodies (like courts, police, local authorities, hospitals and publicly funded schools) and other bodies carrying out public functions to respect and protect your human rights.

3. New laws are compatible with Convention rights

In practice it means that Parliament will nearly always make sure that new laws are compatible with the rights set out in the European Convention on Human Rights (although ultimately Parliament is sovereign and can pass laws which are incompatible).

The courts will also, where possible, interpret laws in a way which is compatible with Convention rights.

Human Rights Defenders

Human Rights Defenders are individuals or groups who act to promote, protect or strive for the protection and realisation of human rights and fundamental freedoms through peaceful means.

The key role of Human Rights Defenders in the realisation of the human rights enshrined in the Universal Declaration of Human Rights and legally binding treaties and in the international human rights system.

Human Rights Act 1998 – Independent Review

Human Rights Act – COVID-19 Pandemic

The impact of the pandemic has been significant on all our human rights, including our right to work, to education, to housing, to private and family life, to liberty, and to due process. COVID-19 has shone a light on the longstanding inequalities we face as a society.

Human Rights Based Approach (HRBA)

A human rights based approach is about empowering people to know and claim their rights and increasing the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights.

This means giving people greater opportunities to participate in shaping the decisions that impact on their human rights.

It also means increasing the ability of those with responsibility for fulfilling rights to recognise and know how to respect those rights, and make sure they can be held to account.

A human rights based approach is about ensuring that both the standards and the principles of human rights are integrated into policymaking as well as the day to day running of organisations.

The **PANEL** principles

There are some underlying principles which are of fundamental importance in applying a human rights based approach in practice. These are:

- **P**articipation
- **A**ccountability
- **N**on-discrimination and equality
- **E**mpowerment and
- **L**egality.

These are known as the **PANEL** principles.

Participation

Everyone has the right to participate in decisions which affect their human rights.

Participation must be active, free, meaningful and give attention to issues of accessibility, including access to information in a form and a language which can be understood.

What does this mean?

For example, in relation to the care of older people this means that individuals should participate in all decisions about the care and support they are receiving.

This could range from participation in the commissioning and procurement of social care services by local authorities to participating in daily decisions about the care and support being received.

There is a lot of guidance about how care providers can involve people who use care services and their families and friends.

Accountability

Accountability requires effective monitoring of human rights standards as well as effective remedies for human rights breaches.

For accountability to be effective there must be appropriate laws, policies, institutions, administrative procedures and mechanisms of redress in order to secure human rights.

What does this mean?

In the care sector in Scotland there are a range of bodies which promote accountability for respecting, protecting and fulfilling human rights.

In different ways these bodies all have a responsibility to ensure that the standards of accountability for human rights are as high as possible.

These include the commissioners of care services, care provider organisations and inspection and regulation bodies.

Non-discrimination and equality

A human rights based approach means that all forms of discrimination in the realisation of rights must be prohibited, prevented and eliminated.

It also requires the prioritisation of those in the most marginalised situations who face the biggest barriers to realising their rights.

What does this mean?

There are times when older people receiving care and support services can be amongst some of the most vulnerable and marginalised people in our society'

A human rights based approach means we must pay particular attention to the protection and realisation of their rights.

Sometimes, because of their age, older people are discriminated against in access to services or in opportunities to express their views.

Older people also have different identities based on their gender, ethnicity, religion and many other grounds.

Each of these identities should be respected when receiving care and support services.

Empowerment of rights holders

A human rights based approach means that individuals and communities should know their rights.

It also means that they should be fully supported to participate in the development of policy and practices which affect their lives and to claim rights where necessary.

What does this mean?

This means that everyone, including older people, should understand what their rights are and how they can claim these rights. Achieving this may require the provision of appropriate advocacy support.

Legality of rights

A human rights based approach requires the recognition of rights as legally enforceable entitlements and is linked in to national and international human rights law.

What does this mean?

Care providers and all other accountable bodies must be sure that their practices and procedures are grounded in human rights law.

Under the law they must not breach the human rights of anyone.

Human Rights Committee

This is a United Nations body of 18 experts that meets three times a year to consider the five-yearly reports submitted by 162 UN member states on their compliance with the International Covenant on Civil and Political Rights, ICCPR.

Human Rights Consortium Scotland (HRCS)

The Human Rights Consortium Scotland is the civil society network to protect and promote human rights in Scotland.

They work towards two strategic outcomes: a strong, collective civil society voice to protect and promote human rights in Scotland, and to ensure civil society has the resources and understanding that it needs to protect and promote human rights in Scotland.

Human Rights Council:

This refers to an inter-governmental body within the UN system made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe.

The Council was created by the UN General Assembly in March 2006 to replace the Commission on Human Rights, and with the main purpose of addressing situations of human rights violations and making recommendations on them.

Human Rights Day

Human Rights Day is observed every year on 10 December.

This was the day the United Nations General Assembly adopted, in 1948, the Universal Declaration of Human Rights (UDHR).

The UDHR is a milestone document that proclaims the inalienable rights which everyone is entitled to as a human being - regardless of race, colour, religion, sex, language, political or other opinion, national or social origin, property, birth or other status.

Available in more than 500 languages, it is the most translated document in the world.

Human rights framework

This is the evolving and interrelated body of international and regional instruments that define human rights and establish mechanisms to promote and protect them.

Human Rights Impact Assessment (HRIA)

This is an improvement and adds a different perspective to EIAs (Equality Impact Assessments).

A human rights impact assessment (HRIA) is a process for identifying, understanding, assessing and addressing the adverse effects of a business project or activities on the human rights enjoyment of impacted rights-holders such as workers and community members.

HRIAs can take various shapes and be led by different stakeholders, but should share the ultimate goal of protecting human rights and improving accountability of public bodies and businesses for their adverse impacts on human rights.

Human Rights Instruments

This is the official term for international human rights agreements e.g. UNCRPD

Human Rights Treaties Division

Within OHCHR, the Human Rights Treaties Division provides secretariat support to all the treaty bodies and the United Nations Voluntary Fund for Victims of Torture. It is based in Palais Wilson, Geneva.

Human Rights Watch.

This is a prominent international human rights NGO that originated as a series of US-based “watch committees.”

The first such committee was charged to monitor Soviet compliance with the 1975 Helsinki Accords.

Subsequent committees were formed to monitor human rights concerns in Latin America, Asia, Africa and the Middle East.

Before consolidating as “Human Rights Watch” in 1988 the organisation was known as the Watch Committees.

I

Identity

The characteristics and qualities of a person, considered collectively, and regarded as essential to that person’s self-awareness.

Inalienable

Something that cannot be taken away.

We have human rights simply because we are human.

We cannot give these rights away nor can they be taken from us by anybody (although they can be limited or qualified in certain circumstances).

Inclusion

Inclusion is about making sure that people feel comfortable to be themselves, and feel that they belong.

Incorporation

The idea of including UN treaty rights within our domestic law in Scotland.

Although discussions have been taking place for at least a decade regarding the consolidation of human rights into domestic legislation, the urgency was further enhanced by UK government figures making statements a few years ago about repealing / replacing the Human Rights Act 1998.

The Human Rights Act 1998 is currently undergoing an “Independent Review) and one of the options is to replace it with an as yet unspecified Bill of Rights.

Although a State can ratify a treaty, and is therefore bound by its terms in international law, the rights can be difficult to uphold under our current laws.

Incorporation - Types

Incorporation is what happens when a State has a Treaty entered into National Law (e..g.) Scots Law.

This also means that the provisions of the Treaty can be used in the courts of the State, and also applies to Tribunals and Public Bodies.

Incorporation is the point where the Implementation of international law can begin and there are different forms of Incorporation and those include:

Constitutional Incorporation

This is where international human rights laws are entered into through the State’s legal system by referring to them in the State’s constitution.

Direct Incorporation

This is when the whole of an international Treaty is entered into national domestic law.

There are 2 methods of Direct Incorporation and those are by Transformation or by Transposition.

It also means that there are no changes to the words or terms in the original Treaty and is Enforceable on Public Bodies in the State’s domestic courts.

An example of Direct Incorporation is the Human Rights Act 1998 which guarantees the rights and freedoms associated with the European Convention on Human Rights.

Indirect Incorporation

This uses another legal procedure and allows some effects of a Treaty to take effect.

Indirect Incorporation usually applies if it is provided for in a national constitution and says that the courts and the Public Authorities should take human rights Treaties into account.

Piecemeal or Sectoral Incorporation

This is where a provision within a Treaty is included in State's domestic law. However, it does not need to refer to the actual Treaty.

This also only Incorporates parts of a Treaty and may ignore other parts not to be Incorporated.

Independent advocacy

This is a method of providing people with support to have as much control as possible over their own lives.

An Independent Advocate will support a person by providing them with information to enable them to make informed choices and decisions.

An independent Advocate will never take a decision for their advocacy partner.

They may also attend meeting with their advocacy partner. This is either to be a physical supportive presence, or if required, speak on behalf of their advocacy partner. People often think that independent advocacy is about working in the best interests of individuals.

In fact, sometimes independent advocacy is about supporting people to explore, understand and express something that is not in their own best interests but is nonetheless what they want.

Often professionals and organisations make decisions that are in the best interests of an individual because they have a duty to do so.

Independent advocacy does not have such a legal duty.

An effective independent advocate needs to challenge, question and hold professionals to account when best interests are given as a reason for decisions made about their advocacy partner.

Independent Advocacy and Best Interest

People often think that independent advocacy is about working in the best interests of individuals.

In fact, sometimes independent advocacy is about supporting people to explore, understand and express something that is not in their own best interests but is nonetheless what they want.

Often professionals and organisations make decisions that are in the best interests of an individual because they have a duty to do so.

Independent advocacy does not have such a legal duty.

An effective independent advocate needs to challenge, question and hold professionals to account when best interests are given as a reason for decisions made about their advocacy partner.

Independent Advocacy and Human Rights

Everyone, everywhere, has basic rights and freedoms which are needed to live together with dignity based on a common humanity.

These human rights are secured in law. The law applies to everyone equally and provides an important means of protection for the most vulnerable in our communities, including those who use independent advocacy services.

It sets out the duties owed by those responsible for upholding human rights and the outcomes people are entitled to expect as a matter of right.

Independent advocacy plays an integral role in helping to ensure that an individual's human rights are respected by offering access to justice on an equal and non-discriminatory basis with others.

It does this by addressing issues of autonomy and choice, and by supporting an individual's voice and opinions to be meaningfully heard.

The Principles, Standards & Code of Best Practice for independent advocacy are based on an approach that promotes and defends human rights. Independent advocacy helps statutory services to practise a human rights-based approach.

Independent Advocacy and the 5 PANEL Principles

The internationally recognised PANEL Principles are of fundamental importance in applying a human rights-based approach in the practice of independent advocacy.

They are a practical tool for describing what a human rights-based approach looks like in practice

The five PANEL principles are:

Participation

Everyone has the right to participate in decisions which affect their human rights.

Participation must be active, free, meaningful and give attention to issues of accessibility, including access to information in a form and a language which can be understood.

The provision of independent advocacy is fundamentally about enabling people who may require help in speaking for themselves to participate in decisions that affect them, whether they be about healthcare, social activities, or legal processes.

Accountability

Accountability requires effective monitoring of human rights standards as well as effective remedies for human rights breaches.

For accountability to be effective there must be appropriate laws, policies, institutions, administrative procedures, and mechanisms of redress in order to secure human rights.

Independent advocacy helps people to access a wide range of accountability mechanisms such as complaints processes, courts, and tribunals.

Non-discrimination and equality

A human rights-based approach means that all forms of discrimination in the realisation of rights must be prohibited, prevented, and eliminated. It also requires the prioritisation of those in the most marginalised situations who face the biggest barriers to realising their rights.

There are times when those in need of independent advocacy can be amongst some of the most vulnerable and marginalised people in our society – a human rights-based approach means we must pay particular attention to the protection and realisation of their rights.

Sometimes, because of their support needs, people are discriminated against in access to services or in opportunities to express their views.

People also have different identities based on their gender, ethnicity, religion, and many other grounds.

Each of these identities should be respected when receiving any services, including independent advocacy.

Empowerment

A human rights-based approach means that individuals and communities should know their rights. It also means that they should be fully supported to participate in the development of policy and practices which affect their lives and to claim rights where necessary.

Independent advocacy plays an essential role in helping people to know and understand their rights, participate in legal processes, and hold decision makers to account.

Legality

A human rights-based approach requires the recognition of rights as legally enforceable entitlements and is linked in with national and international human rights law.

All public bodies in Scotland must be sure that their practices and procedures are grounded in human rights thinking.

Under the law they must not breach the human rights of anyone.

The situations which independent advocacy supports people are grounded in legally enforceable human rights, such as the right to private and family life, the right to liberty and the right to a fair trial.

They are also grounded in non-legally enforceable, but internationally agreed human rights such as the right to health, the right to education and the right to an adequate standard of living.

Making the explicit connection to human rights helps back up representations made on behalf of people.

Independent advocates are human rights defenders.

Independent advocacy is built on enabling people to know and claim their rights and on increasing the ability and accountability of individuals and institutions responsible for respecting, protecting, and fulfilling rights.

Within the context of independent advocacy, a human rights-based approach is about ensuring that both the standards and the principles of human rights are integrated into procedures and processes, as well as embedded into the day to day running of organisations.

Independent advocacy organisation

An independent advocacy organisation only provides independent advocacy and all the activities it undertakes are about providing, promoting, supporting and defending independent advocacy.

Independence means that it does not provide any other services and is structurally, financially and psychologically separate from other organisations and interests.

Independent Human Rights Act Review

This review is focusing on the relationship between domestic courts and the European Court of Human Rights, and then also the relationship between the judiciary, the executive and the legislature.

The Review is to report in Summer 2021.

Independent Living

Independent Living means all disabled people having the same freedom, dignity, choice and control as other citizens at home, at work and in the community.

It does not mean living by yourself or fending for yourself.

It means rights to practical assistance and support to participate in society and live an ordinary life – Independent Living in Scotland (ILiS)

Indigenous peoples

These are defined as much by their relations with the land as by any intrinsic characteristics that they may possess.

They have suffered from colonisation, are always marginal to their states and they are often tribal.

Many indigenous peoples seek recognition of their rights as distinct peoples, including the right to self-determination, and the right to control the development of their societies.

United Nations Declaration on the Rights of Indigenous Peoples, 2007.

Indirect discrimination

This is when a provision, criterion or practice is applied in a way that creates disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic, and this is not a proportionate means of achieving a legitimate aim.

Individual Budget

An individual budget is an allocation of funding for self-directed support given after an assessment.

The assessment to determine the budget should be a transparent process that demonstrates compliance with community care and other legislation.

This budget may include money for health and learning needs, where there has been a joint assessment.

Individual complaint

A formal complaint, from an individual who claims that her or his rights under one of the treaties have been violated by a State party, which most of the treaty bodies are competent to consider.

The right of the treaty bodies to consider individual complaints must be expressly conceded by the State party concerned in one of three ways:

- (a) By making a declaration under the relevant article of the treaty (this procedure applies to the International Convention on the Elimination of

All Forms of Racial Discrimination, the Convention against Torture and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families);

(b) By ratifying or acceding to the treaty itself (this procedure applies to the International Convention for the Protection of All Persons from Enforced Disappearance; or

(c) By ratifying or acceding to the relevant optional protocol to a treaty providing for a right of individual complaint (this procedure applies to the two International Covenants, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities).

Indivisible

Something that cannot be divided and recognises that all human rights are equally important.

There are many different types of human rights, **Civil and Political, Economic, Social and Cultural**, and the principle of these rights being indivisible means that they are inextricably linked. A

As stated at the **Vienna World Conference on Human Rights** in 1993, 'All human rights are universal, indivisible and interdependent and related.

Informal education

This is the lifelong process whereby every individual acquires attitudes, values, skills and knowledge from daily experience and the educational influences and resources in his or her own environment (family, peer-group, neighbours, market place, library, mass media, work, play etc).

Instruments

They are any formal, written document of a state or states that sets forth rights as non-binding principles (a declaration) or codifies rights that are legally binding on those states that ratify them (a covenant, treaty, or convention).

They may be national or international.

Integrated Impact Assessment

Formerly known as Equality Impact Assessment this method or tool for assessing impact has been renamed Integrated Impact Assessment (IIA).

IIA is a method or tool for assessing predicted effects or impacts of a policy or function on meeting the public sector equality duties to:

- eliminate discrimination

- promote equality of opportunity

- and foster good relations between those who have an equality characteristic and those who do not.

It also incorporates the Fairer Scotland Duty (Socio - economic disadvantage).

This new duty requires public bodies to:

- show that they have actively considered (pay due regard to) how they can reduce socio economic inequalities in the strategic decisions that they make

- publish a short written assessment on how they have done this

Strategic has been given a broad interpretation in this regard and means:

- high level public sector decisions

- decisions which affect how a public body fulfils its intended purpose, over a significant period of time

Purpose of assessing integrated impact

IIA is a tool for designing out discrimination and removing barriers to equal access and outcomes for people who have equality characteristics and experience disadvantage due to socio economic factors.

Any time a new service is planned, or the review an existing one, or develop a policy there is need to think about the range of people who might use that service, or be affected by that policy and what barriers to access we might be creating unintentionally.

Intercultural

This refers to the interdependency and interaction between various linguistic and ethnic communities.

An intercultural perspective requires us to recognise that reality is plural, complex and dynamic, and that interaction is an integral part of all life and culture.

Interdependent

This refers to the complementary framework of human rights law, for example:

Your ability to participate in your government is directly affected by the right to express yourself and get an education.

Intergovernmental organisations (IGOs)

These are organisations sponsored by several governments that seek to coordinate their efforts.

The United Nations is an international IGO.

Some IGOs are regional e.g. the Council of Europe, the Organisation of African Unity.

Some are alliances e.g. the North Atlantic Treaty Organisation, (NATO)

Some are dedicated to a specific purpose e.g. the International Organisation for Migration (IOM).

Internally displaced persons (IDPs)

These are people or groups of individuals who have been forced to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid, the effects of:

- armed conflict,

- situations of generalised violence,

- violations of human rights or

- natural- or human-made disasters,

and who have not crossed an international border.

International Bill of Human Rights

The International Bill of Human Rights consists of :

The Universal Declaration of Human Rights,

The International Covenant on Economic, Social and Cultural Rights

The International Covenant on Civil and Political Rights and its two Optional Protocols.

Human rights had already found expression in the Covenant of the League of Nations, which led, inter alia, to the creation of the International Labour Organisation.

At the 1945 San Francisco Conference, held to draft the Charter of the United Nations, a proposal to embody a "Declaration on the Essential Rights of Man" was put forward but was not examined because it required more detailed consideration than was possible at the time.

The Charter clearly speaks of "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion" (Art. 1, para. 3).

The idea of promulgating an "international bill of rights" was also considered by many as basically implicit in the Charter.

The Preparatory Commission of the United Nations, which met immediately after the closing session of the San Francisco Conference, recommended that the Economic and Social Council should, at its first session, establish a commission for the promotion of human rights as envisaged in Article 68 of the Charter. At its first session, in 1946, the General Assembly considered a draft Declaration on Fundamental Human

Accordingly, the Council established the Commission on Human Rights early in 1946.

At its first session, in 1946, the General Assembly considered a draft Declaration on Fundamental Human Rights and Freedoms and transmitted it to the Economic and Social Council "for reference to the Commission on Human Rights for consideration . . . in its preparation of an international bill of rights" (resolution 43 (I)).

The Commission, at its first session early in 1947, authorized its officers to formulate what it termed "a preliminary draft International Bill of Human Rights".

Later the work was taken over by a formal drafting committee, consisting of members of the Commission from eight States, selected with due regard for geographical distribution.

International Commission of Jurists (ICJ)

A prominent human rights NGO founded in 1953 and based in Geneva, committed to defending human rights through rule of law.

International Covenant on Civil and Political Rights (ICCPR)

This Covenant was adopted in 1966 but did not come into force until 1976.

It declares that all people have a broad range of civil and political rights and is one of the 3 components of the International Bill of Human Rights.

International Covenant on Economic Social and Cultural Rights (ICESCR)

This is an international human rights treaty adopted by the United Nations General Assembly in 1996.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

This was adopted by General Assembly resolution 45/158 of 18 December 1990.

Article 1

1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

2. The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation

for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence.

International Criminal Court.

A permanent international court established in 2002.

This court prosecutes individual perpetrators of the most serious crimes of concern to the international community.

This includes genocide, war crimes, and crimes against humanity.

Not to be confused with the International Court of Justice, an organ of the UN that has a broader mandate to hear cases between *states*.

International Humanitarian Law (or laws of war, international humanitarian law of war),

This is the body of customary and treaty law that defines the conduct and responsibility of nations at war, relative to each other and to civilians.

It includes most prominently the Geneva Conventions and the Hague Conventions, but also the 1997 Landmine Treaty.

International Labour Office (ILO)

This was established in the aftermath of World War 1, as a part of the Treaty of Versailles. The purpose was to improve working conditions and promote social justice.

The ILO became a Specialised Agency of the UN in 1946.

Irregular migration:

This is a term used by most migration researchers instead of “illegal”, “undocumented” or “unauthorised” migration to underscore that no person is illegal as such.

Istanbul Convention

This is the Council of Europe on preventing and combatting violence against women and domestic violence.

This Convention was opened for signature in 2011.

J

Judiciary

The judicial authorities of a country, judges collectively.

Jurisprudence

This is a legal term that refers to the collection of cases and the principles established by these cases at a particular court, for example the jurisprudence of the European Court of Human Rights.

Justice

The moral principle ensuring fairness and reasonableness in the way people are treated, as well as the administration of the law, and the authority in maintaining this process.

This is a value the European Convention on Human Rights was founded on, although it is not mentioned in the actual text.

L

Languages

There are 3 languages recognised by the Scottish Parliament:

English

Gaidhlig (Gaelic)

British Sign Language (BSL)

Late reporting

Each treaty envisages regular submission of reports by its State parties.

In practice, many States find it difficult to keep up with their reporting obligations in strict conformity with the periodicity foreseen in the treaties to which they are parties.

Late reporting has been identified as one of the main challenges facing the treaty reporting system and the treaty bodies have been seeking ways to

make it easier for States to report, for instance through streamlining the reporting process.

Information on the reporting status of the State parties to each treaty is available.

Law Society of Scotland

The Law Society is the professional body for all Scottish solicitors and sets the standards which practising solicitors must meet.

The Law Society is governed by a Council which has elected members from geographical constituencies, co-opted members representing other interest groups within the legal profession and non-solicitor members.

Whilst we can't become involved in an individual's legal affairs, we are an important part of the system of legal regulation which seeks to protect the public.

The Law Society can:

Help you find a solicitor.

Help you trace any law firm in Scotland, past and present.

Provide you with useful information, such as on buying a house, making a will, power of attorney, divorce and starting a business.

Explain the complaints process, including your solicitor's responsibilities and how to contact the Scottish Legal Complaints Commission.

The Law Society cannot:

Provide legal advice.

Recommend or appoint individual solicitors or firms.

Advise if you are eligible for legal aid (for that you must contact the Scottish Legal Aid Board)

Receive complaints directly - all complaints start with the Scottish Legal Complaints Commission.

Learning disabilities

A learning disability is a reduced intellectual ability and difficulty with everyday activities – for example household tasks, socialising or managing money – which affects someone for their whole life.

People with a learning disability tend to take longer to learn and may need support to develop new skills, understand complicated information and interact with other people.

Legal rights (also called statutory rights)

These rights are laid down in law and they can be defended and brought before courts of law.

Also used to describe human rights relating to legal process, for example, right to a fair trial.

Legislation

Laws made by the UK Parliament, the Scottish Parliament, Welsh Assembly and the Northern Ireland Assembly.

How legislation comes into force and is amended

An Act of Parliament creates a new law or changes an existing law.

An Act is a Bill that has been approved by both the House of Commons and the House of Lords and been given Royal Assent by the Monarch.

Taken together, Acts of Parliament make up what is known as Statute Law in the UK.

An Act may come into force immediately, on a specific future date, or in stages.

You can find out when an Act is due to come into force by looking at a section of the Act itself, headed 'Commencement' – this is among the very last sections of an Act.

Sometimes a specific date is not given and the timing is left to the discretion of the Secretary of State for the relevant government department.

An act can therefore come into force by way of a Statutory Instrument called a 'Commencement Order' or 'Commencement Regulation'.

LGBT

This is an acronym for lesbian, gay, bisexual and transgender people.

LGBTQI

This acronym adds Queer and Intersex to the LGBT acronym.

Life stance

This is a framework of ideas that helps us understand the world and find meaning and value in life; a shared label encompassing both religions and alternatives to religion, without discrimination in favour of either.

Limited right

A right that can be restricted only in some strictly defined circumstances, e.g. the right to liberty can only be restricted in certain circumstances, for example, if you have been convicted of a crime or are mentally ill and pose a serious risk of harm to yourself or to others.

List of issues and / or questions

A list of issues or questions, formulated by a treaty body on the basis of a State party report and other information available to it (information from United Nations specialized agencies, NHRIs, NGOs, etc.), which is transmitted to the State party in advance of the session at which the treaty body will consider the report.

The list of issues provides the framework for a constructive dialogue with the State party's delegation.

Some committees encourage State parties to submit written responses beforehand, allowing the dialogue to move more quickly to specificities.

The list of issues provides a source of up-to-date information for a committee with regard to a State whose report may have been awaiting consideration for as much as two years.

List of themes

A list of themes or topics for which no responses are required, intended to guide and focus the dialogue between a State party's delegation and the Committee on the Elimination of Racial Discrimination during the consideration of the State party's report

Lived Experience

This is expertise and ideas gained through life's experiences. It is often said that people with Lived Experience are experts in their own condition or situation.

Lived Experience Leadership Group

This is a group of people established on 1st January 2021 by the Scottish Human Rights Commission to inform and advise on human rights from a Lived Experience perspective.

The original members of the group transferred from the Scottish National Action Plan for Human Rights Adequate Standard of Living Reference Group that ceased to exist on 31st December 2021.

Lobbying and access to MSPs

Lobbying is when an individual or a group tries to persuade someone in Parliament to support a particular policy or campaign.

Lobbying can be done in person, by sending letters and emails or via social media.

1. A member should not, in relation to contact with any person or organisation who lobbies, do anything which contravenes the Code of Conduct (the Code) or any other relevant rule of the Parliament or any statutory provision.
2. A member should not, in relation to contact with any person or organisation who lobbies, act in any way which could discredit the Parliament.

M

Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'.

Civil partners must be treated the same as married couples in a wide range of circumstances, such as employment, education, service provision and housing.

Failure to do so would amount to discrimination on grounds of sexual orientation.

Mass Lobbying

A mass lobby is when a large number of people contact their MSPs in advance and arrange to meet with them at Parliament all on the same day.

Mass lobbies are usually organised by larger national or regional campaign groups who arrange for them to coincide with a public rally or demonstration in Edinburgh.

Maximum available resources

The idea that a country spends as much of its budget as it can on making economic, social and cultural rights real.

Mediation

This is a process whereby a third person helps disputing parties to settle their disagreement by discussing the issue to find common ground that they can both agree on.

Medical Model of Disability

This is the concept that 'disability' is an individual problem, i.e. the difficulties that a disabled person experiences are caused by that person's impairment, rather than societal barriers being responsible.

Member States

These are countries that are members of an intergovernmental organisation. For example, the United Nations, or the Council of Europe.

Memorandum of Understanding (MoU)

This is a type of agreement between two (bilateral) or more (multilateral) parties. It expresses a convergence of will between the parties, indicating an intended common line of action.

It is often used either in cases where parties do not imply a legal commitment or in situations where the parties cannot create a legally enforceable agreement.

It is a more formal alternative to a gentlemen's agreement.¹

Mental Health

Mental health refers to cognitive, behavioural, and emotional well-being.

It is all about how people think, feel, and behave.

People sometimes use the term “mental health” to mean the absence of a mental disorder.

Mental health can affect daily living, relationships, and physical health.

Mental Health (Care and Treatment) (Scotland) Act 2003

This applies to people who have a mental illness, learning disability, or related condition. The Act calls this mental disorder.

Most of the time, when people become unwell, they understand that they need treatment.

However, sometimes people are unable, or unwilling, to agree to treatment. The Mental Health Act sets out:

- When and how people can be treated if they have a mental disorder.
- When people can be treated or taken into hospital against their will.
- What a person's rights are, and the safeguards which ensure that these rights are protected.

Mental Welfare Commission

The Commission was originally set up in 1960 under the Mental Health Act, and their duties are set out in current mental health and incapacity law.

The Commission is accountable to Ministers at the Scottish Government for their statutory duties and how they spend public money. They carry out work and produce reports independently from the Scottish Government.

The law says that the Commission must have service users and carers on the Board. This means that the service user and carer voice is at the heart of our decision making.

The Mental Welfare Commission has duties under the Mental Health (Care & Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000.

They monitor the acts to see how the law is being used and they also help professionals, people who receive care and treatment and carers to understand the law and put it into practice.

The Commission can help by looking at how best to apply legal and ethical principles to individuals' care and treatment.

Migrant

This is a term used widely in the work of the European Committee on Migration to refer, depending on the context, to:

Emigrants,

Returning migrants,

Immigrants,

Refugees,

Displaced persons

Persons of immigrant background and/or members of ethnic minority populations that have been created through immigration.

Ministry of Housing Communities and Local Government (MHCLG)

Fire Service College

Planning Inspectorate

Queen Elizabeth II Conference Centre

Ministry of Defence (MoD)

Defence Equipment and Support

Defence Science and Technology Laboratory

Defence Support Group

Meteorological Office

Ministry of Justice (MoJ) – excluding agencies)

Criminal Injuries Compensation Authority (CICA)

Her Majesty's Courts and Tribunal Service (HMCTS)

Her Majesty's Courts Service

Legal Aid Agency

National Archives

National Offender Management Service (NOMS)

Scotland Office (including Office of the Advocate General for Scotland)

Office of the Public Guardian (OPG)

Tribunals Service

UK Supreme court

Wales Office

Minority

This refers to any ethnic, linguistic or religious group within a State, in a non-dominant position, consisting of individuals who possess a sense of belonging to that group and determined to preserve and develop their identity.

Moral rights

These are rights deriving from general ethical principles, such as fairness and justice.

Multicultural

This refers to people of different cultures living side by side in a community, interacting to various degrees but at the same time retaining their distinctive features.

Multilateral

Multilateralism, in the form of membership in international institutions, serves to bind powerful nations, discourage unilateralism, and gives small powers a voice and influence that they could not otherwise exercise.

N

Named Person

This is a person who can look after the interests of anyone made the subject of compulsory measures under the Mental Health Care and Treatment Act 2003.

If a person is aged 16 or over, they have the right to choose who they wish to act as a Named Person.

Under the age of 16, this applies to a parent or anyone with parental responsibilities.

A Named Person has rights similar to the patient to appeal or to participate in hearings of a Mental health Tribunal.

National Human Rights Institutions (NHRIs)

Many countries have created national human rights institutions (NHRIs) to promote and protect human rights.

Such institutions are increasingly recognized as an important part of any national human rights protection system, provided their independence from government control can be assured.

A set of international standards, known as the Paris Principles, has been agreed by which to gauge the independence and integrity of NHRIs.

A NHRI reports directly to the UN on human rights issues. We are the only Scottish organisation that can make direct contributions to the UN Human Rights Council.

In Scotland, the SHRC is accredited as an 'A Status' (NHRI) within the United Nations system.

National Human Rights Leadership Taskforce

The mandate of the Scottish Government led Taskforce was to make policy recommendations by March 2021 to inform development of a new statutory human rights framework for Scotland, along with the associated requirements of a public participatory process and capacity-building to enable its effective implementation.

The Taskforce in its report made 30 recommendations on the way forward for human rights in Scotland and all 30 of them were agreed by the Scottish Parliament.

National Performance Framework (NPF)

The framework measures Scotland's progress against the National Outcomes.

To do this, it uses 'National Indicators'.

These indicators give a measure of national wellbeing. They include a range of economic, social and environmental indicators.

Purpose

The framework is for all of Scotland. We aim to:

- create a more successful country
- give opportunities to all people living in Scotland
- increase the wellbeing of people living in Scotland
- create sustainable and inclusive growth
- reduce inequalities and give equal importance to economic, environmental and social progress

Values

The values guide our approach, to:

- treat all our people with kindness, dignity and compassion
- respect the rule of law
- act in an open and transparent way

National Outcomes

To help achieve its purpose, the National Performance Framework sets out 'National Outcomes'.

These outcomes describe the kind of Scotland it aims to create.

To achieve the national outcomes, the National Performance Framework aims to get everyone in Scotland to work together.

This includes:

- national and local government
- businesses
- voluntary organisations
- people living in Scotland

The outcomes:

- reflect the values and aspirations of the people of Scotland
- are aligned with the United Nations Sustainable Development Goals
- help to track progress in reducing inequality

These national outcomes are that people:

- grow up loved, safe and respected so that they realise their full potential
- live in communities that are inclusive, empowered, resilient and safe
- are creative and their vibrant and diverse cultures are expressed and enjoyed widely
- have a globally competitive, entrepreneurial, inclusive and sustainable economy
- are well educated, skilled and able to contribute to society
- value, enjoy, protect and enhance their environment
- have thriving and innovative businesses, with quality jobs and fair work for everyone

- are healthy and active
- respect, protect and fulfil human rights and live free from discrimination
- are open, connected and make a positive contribution internationally
- tackle poverty by sharing opportunities, wealth and power more equally

Natural rights

These are rights that belong to people simply because they are human beings.

Also called inalienable rights, they are considered to be self-evident and universal and not contingent upon the laws, customs, or beliefs of any particular culture or government.

Negotiation

This is a process by which people in a dispute talk to each other in order to arrive at a solution to their problem.

Neo-Nazism

This refers to post-World War II far right political or social movements and ideologies that seek to revive Nazism or some variant based on racial or ethnic nationalism.

NHS Scotland

The National Health Service (Scotland) Act 1947 came into effect on 5 July 1948 and created the National Health Service in Scotland.

Many sections of the Act were repealed by the National Health Service (Scotland) Act 1972 and the remaining provisions were repealed by the National Health Service (Scotland) Act 1978.

Following Scottish devolution in 1999, health and social care policy and funding became devolved to the Scottish Parliament.

It is currently administered through the Health and Social Care Directorates of the Scottish Government.

NHS Scotland is publicly funded and employs approximately 140,000 staff who work in 14 territorial NHS Boards, seven Special NHS Boards and one public health body.

Each NHS Board is accountable to Scottish Ministers, supported by the Scottish Government Health and Social Care Directorates.

Territorial NHS Boards are responsible for the protection and the improvement of their population's health and for the delivery of frontline healthcare services.

Special NHS Boards support the regional NHS Boards by providing a range of important specialist and national services.

All NHS Boards work together for the benefit of the people of Scotland.

They also work closely with partners in other parts of the public sector to fulfil the Scottish Government's Purpose and National Outcomes.

NHS Scotland consists of:

14 regional NHS Boards which are responsible for the protection and the improvement of their population's health and for the delivery of frontline healthcare services,

7 Special NHS Boards and

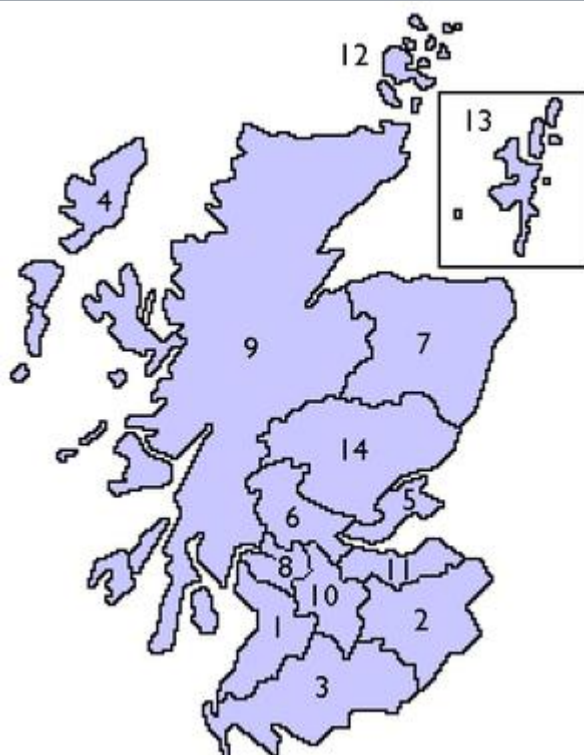
1 public health body who support the regional NHS Boards by providing a range of important specialist and national services.

There are 14 regional Health Boards and the list below provides the areas covered by the Board and the population of those areas.

No	Name	Areas covered	Population
1	<u>NHS Ayrshire and Arran</u>	East Ayrshire, North Ayrshire, South Ayrshire	369,670
2	<u>NHS Borders</u>	Scottish Borders	115,270
3	<u>NHS Dumfries and Galloway</u>	Dumfries and Galloway	148,790

4	NHS Western Isles (Gaelic: <i>Bòrd SSN nan Eilean Siar</i>)	Outer Hebrides	26,830
5	NHS Fife	Fife	371,910
6	NHS Forth Valley	Clackmannanshire, Falkirk, Stirling	306,070
7	NHS Grampian	Aberdeenshire, City of Aberdeen, Moray	584,550
8	NHS Greater Glasgow and Clyde	City of Glasgow, East Dunbartonshire, East Renfrewshire, Inverclyde, Renfrewshire, West Dunbartonshire	1,174,980
9	NHS Highland	Highland, Argyll and Bute	321,800
10	NHS Lanarkshire	North Lanarkshire, South Lanarkshire	659,200
11	NHS Lothian	City of Edinburgh, East Lothian, Midlothian, West Lothian	897,770

1 2	NHS Orkney	Orkney Islands	22,190
1 3	NHS Shetland	Shetland Islands	22,990
1 4	NHS Tayside	Angus, City of Dundee, Perth and Kinross	416,080



Map of the territorial Health Boards

NHS Argyll and Clyde now no longer operates. Its responsibilities were shared between NHS Highland and NHS Greater Glasgow on 1 April 2006.

The latter was renamed NHS Greater Glasgow and Clyde. The part of the NHS Argyll and Clyde area which transferred to NHS Highland corresponds to the Argyll and Bute council area.

NHS 24

This is a 24 hour phone service for health advice and support

NHS Boards

The 14 NHS Boards in Scotland are:

Ayrshire and Arran

Borders

Dumfries & Galloway

Fife

Forth Valley

Grampian

Greater Glasgow and Clyde

Highland

Lanarkshire

Orkney

Shetland

Tayside

Western Isles / Eileanan Siar

NHS Inform

NHS inform is Scotland's national health information service.

Our aim is to provide the people in Scotland with accurate and relevant information to help them make informed decisions about their own health and the health of the people they care for.

NHS Inform provides information about:

- illnesses, injuries and conditions
- tests and treatments
- healthy living topics - such as smoking, alcohol, food and nutrition and mental wellbeing

- health news and events
- national health campaigns
- services provided by GPs, pharmacies and dental surgeries in Scotland
- your rights when using these services

We also have a number of interactive tools:

- Self-help guides for common illnesses and injuries
- Scotland's Service Directory containing hundreds of support groups and thousands of NHS services in Scotland
- Info for Me tool that helps you to gather, save, publish and share your own health information

Non-Absolute Rights

These include limited and qualified rights

Non-binding

A document like a Declaration that carries no legal obligations. However, it may carry moral obligations or the force of law as International Customary Law.

Non-formal education

This is any planned programme of education outside the formal educational setting that is designed to improve a range of skills and competences, for example youth work. Non-formal education is also referred to as non-formal learning.

Non-governmental entity.

This was a term used by Amnesty International and other human rights organizations in the 1980s in reference to insurgent groups and other non-government political entities that commit human rights abuses.

It has largely been replaced by the generic term **non-state actor**.

Non-governmental organisations (NGOs)

These may be involved in promoting human rights, either generally or with a focus on a specific issue.

A framework exists for the participation of NGOs in many United Nations human rights mechanisms, such as the granting of consultative status with the Economic and Social Council, which allows them to participate in the Human Rights Council.

Both international and national NGOs follow the work of the treaty bodies closely and most treaty bodies provide them with an opportunity to contribute to the reporting process through the submission, for example, of additional information relating to the implementation of the treaties in a particular country (sometimes referred to as “alternative” or “parallel” reports).

There are differences in the way the treaty bodies treat this information.

International and national NGOs also have an important role in following up the implementation of the treaty bodies’ recommendations contained in their concluding observations at the national level and in fostering national public debate on human rights implementation when the report is drafted and afterwards.

NGOs have also made an important contribution to promoting the ratification of the human rights treaties worldwide.

Non-instructed advocacy

Non-instructed advocacy happens when there are issues with a person’s capacity perhaps due to dementia, or limited communication due to a physical disability or a learning disability.

In such situations a non-instructed advocate seeks to uphold their advocacy partner’s rights and ensure that decisions are taken with full consideration of their unique preferences, rights and perspectives.

Non-regression

The idea that things should get better and not worse.

Governments should not take decisions that they know will create setbacks in making rights real.

Regressive steps are in contradiction to the principle of progressive realisation and include all of those acts, of omission or of commission on the part of the state, which deprive people of rights that they used to enjoy.

Therefore, states should avoid cutting subsidies for essential goods such as food, water and energy if they will cause undue hardship on people (Rights-Holders). For instance, reduction of spending on education, health care or other social services are a violation of ESCR unless the state can prove that they do not have the necessary resources.

Non-reporting

Despite having freely assumed the legal obligations attached to the human rights treaties that they have ratified, some States fail to submit their reports to the treaty bodies.

There may be many reasons why States fail to report, ranging from war and civil strife to limited resources.

Northern Ireland Assembly

The Northern Ireland Assembly was established as a result of the Belfast Agreement of 10 April 1998.

The Agreement was subsequently given legal force through the Northern Ireland Act 1998.

It led to the creation of a series of interrelated bodies, in particular the Northern Ireland Assembly, which, when it is functioning, has full legislative and executive authority for all matters that are the responsibility of the Northern Ireland Government Departments and are known as transferred matters.

Excepted matters remain the responsibility of the Westminster Parliament.

Reserved matters are also dealt with by Westminster unless it is decided by the Secretary of State that some of these should be devolved to the Assembly.

Excepted and reserved matters are defined in the Schedules to the NI Act.

O

Offences (Aggravated by Prejudice) (Scotland) Act 2009

This Act changed the way that crimes motivated by malice and ill-will towards an individual based on their sexual orientation, transgender identity or impairment are treated.

Where an offence is proven in court to be the result of malice or ill-will towards a disabled person, the court must take that into account when determining sentence.

This can lead to a longer custodial sentence, or a higher fine, or a different type of disposal.

A number of rights contained in the UNCRPD are relevant here including:

- The right to access to justice (Article 13)

- Greater protection against exploitation, violence and abuse (Article 16)

Office of the Scottish Charity Regulator (OSCR)

The Scottish Charity Regulator (OSCR) is a non-ministerial office and part of the Scottish Administration following commencement of the Charities and Trustee Investment (Scotland) Act 2005.

They are the independent regulator and registrar for over 25,000 Scottish charities.

This includes community groups, religious charities, schools, universities, grant-giving charities and major care providers.

Their work as Charity Regulator ultimately supports public confidence in charities and their work.

OSCR is independent of Scottish Government and report directly to the Scottish Parliament every year.

Oligarchy

This is government by a small group of powerful people.

Ombudsman:

An independent official, usually appointed by the government or by parliament, who is charged with investigating complaints reported by individual citizens.

The word ombudsman comes from old Norse meaning “representative”.

Optional Protocol

The term ‘protocol’ is used for an additional legal instrument that complements and add to a treaty.

A protocol may be on any topic relevant to the original treaty and is used either to further address something in the original treaty.

For instance, the (Second Optional Protocol to the International Covenant on Civil and Political Rights), addressed a new or emerging concern.

States must independently ratify or accede to a protocol.

Organization for Security and Co-operation in Europe (OSCE)

This is a security-oriented intergovernmental organization bringing together virtually all the countries from Europe and Central Asia, the United States and Canada.

Its mandate includes issues such as arms control, human rights, freedom of the press and fair elections.

P

Pandemic

The world-wide spread of a new disease.

Currently, we are experiencing a Covid Pandemic.

PANEL Principles

The Panel Principles are the basis for ensuring a Human Rights Based Approach is being followed.

Participation

Includes a wide range of people and organisations to take part in work, including those with personal, lived experience of human rights issues.

Accountability

To ensure realisation of human rights accountability of those with duties to protect rights is essential.

This requires effective laws, regulation and monitoring, as well as transparent decision-making.

Non-discrimination

This is the principle that all forms of discrimination must be prohibited, prevented and eliminated when it comes to realising people's rights.

Empowerment

This helps people to know their rights, take part in decisions that affect their rights, and claim their rights when needed.

Legality

This reflects the need for public authorities to fulfil their obligations under the Human Rights Act and international and regional human rights standards.

Paris Principles.

These were adopted by the UN General Assembly and set out specific requirements that an "A Status" National Human Rights Institution must fulfil.

The **Paris Principles** require the SHRC and other NHRIs to:

- have a foundation in national law
- be independent from government
- have a mandate to cover a broad range of international human rights standards
- demonstrate pluralism and independence in the selection and appointment of members
- have a responsibility to work with both civil society and the state.

Parliament

This term often refers to the legislature of the United Kingdom of Great Britain and Northern Ireland.

However, there are now legislatures that have been given powers by the UK Parliament and are also referred to as Parliaments. For example – the Scottish Parliament

Parliamentary Assembly of the Council of Europe (PACE):

This body situated in Strasbourg, and PACE meets four times a year to discuss topical issues and ask European governments to take initiatives and report back.

The 318 representatives are appointed from among the members of the national parliaments of the Council of Europe's 47 member states.

Participation

Taking part in the public life of a community or society.

For instance, The Revised European Charter on the Participation of Young People in Local and Regional Life is an international policy document to promote youth participation at the local level.

This was adopted by the Congress of Local and Regional Authorities of the Council of Europe in 2003.

Patient Rights Scotland Act 2011

This Act reconciled patient's rights law in relation to personal privacy and current non-compliant complaints procedures with human rights law.

Peace-building (including post-conflict peace building);

These are actions undertaken over the medium and longer-term to address the root-causes of violent conflicts

Periodicity

This is the timetable for the submission of initial and periodic reports by State parties to the treaty bodies is set out in each treaty or decided by the individual committees in accordance with the terms of the treaty.

An initial report is required within a fixed period after the treaty enters into force for the State concerned; periodic reports are then required at regular intervals.

The periodicity differs from treaty to treaty.

People First Scotland

People First (Scotland) works for the human rights of people who have the labels of Learning Disability or Intellectual Impairment. We have had many other labels over the years which we have successfully campaigned to get rid of.

People First (Scotland) began in 1989 when members at our first National conference decided that we should have our own organisation.

From the very beginning, we made our own decisions and decided our own policies.

People First (Scotland) campaigns to establish and protect the same freedom, choice, dignity and control as other citizens across all areas of life.

We want:

- To have the same human rights as other people
- To choose where we live and who we live with
- To be free of discrimination and hate crime
- To have fair access to justice under the law

Petitions

A collective term embracing the various procedures for bringing complaints before treaty bodies.

Petitions may consist of complaints from individuals alleging violations of a treaty by a State party or from State parties alleging violations of a treaty by another State party.

People-Led Policy Panel (Adult Social Care Support)

The PLPP is an Inclusion Scotland initiative and is made up of people with a wide range of experiences of using adult social care support, both as supported people and unpaid carers.

There are people in the Panel who have never given their views and ideas before, as well as people who are already very experienced in giving their views.

Panel members come from across Scotland and from different backgrounds.

The People-Led Policy Panel has worked with the Scottish Government and other stakeholders since 2018 to co-produce the reform of Adult Social Care.

The main aim is to ensure that the experiences and views of disabled people and unpaid carers are at the heart of shaping policy.

On the 12th June 2019 Jeane Freeman, the then Cabinet Secretary for Health and Sport, launched the co-produced Reform Programme for the adult social care support in Scotland.

The PLPP provided a great deal of information to the Adult Social Care Review and one of its members was invited on to the Expert Advisory Group.

Plutocracy

This is a system of government in which the richest people in a country rule or have power.

Policy Note for Scottish Statutory Instruments

A Policy Note sets out a brief statement of the purpose of a Scottish Statutory Instrument and provides information about its policy objective and policy implications.

It aims to make the Scottish Statutory Instrument accessible to readers who are not legally qualified.

Policy Notes accompany any Scottish Statutory Instrument or Draft Scottish Statutory Instrument laid before the Scottish Parliament from July 2005 onwards.

Note that they were originally called Executive Note but have been called Policy Note from July 2012.

Political Rights

The right or people to participate in the political life of their communities and societies – such as voting for governments.

Positive action

Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (e.g. providing mentoring to encourage staff from under-represented groups to apply for promotion).

Positive Discrimination

Treating someone with a protected characteristic more favourably to counteract the effects of past discrimination.

It is generally not lawful although the duty to make reasonable adjustments is an exception where treating a disabled person more favourably may be required by law, so it is legitimate to provide reasonable adjustments which favour of a disabled person.

Poverty

Poverty

This is the state of not having enough material possessions or income for a person's basic needs.

Poverty may include social, economic, and political elements.

Absolute poverty

This measures compare income against the amount needed to meet basic personal needs, such as food, clothing, and shelter.

Relative poverty

This measures when a person cannot meet a minimum level of living standards, compared to others in the same time and place. Therefore, the floor at which relative poverty is defined varies from one country to another, or from one society to another.

Extreme Poverty

People around the world believe extreme poverty is rising, but the truth is that it has actually significantly declined over the past two decades.

Despite great progress, there are still 736 million people who live in extreme poverty.

There is no single cause of extreme poverty, many factors play a role. Gender inequality, discrimination, and conflict and crisis can all limit access to infrastructure, services, and information that help provide basic needs.

The majority of people living in extreme poverty are located in rural areas and lack access to adequate education, work in agriculture, and are under the age of 18.

Extreme poverty disproportionately affects women and children.

Women are more likely to be poor than men because they do not have as many opportunities to receive an education, work, or own property.

Extreme poverty affects children the most because the resources they lack have long-term developmental repercussions that limit their future and further the cycle of poverty.

More than one-fifth of children under the age of 5 in developing countries live in extreme poverty.

Elderly people, people with disabilities, Indigenous people, refugees, and internally displaced people are also especially vulnerable to extreme poverty.

While poverty rates have declined in all regions, progress has been uneven. Most of the world's extreme poor, up to 42%, live in sub-Saharan Africa, within countries with high birth rates, where the lack of available resources pose greater threats of instability.

The United Nations has a Special Rapporteur for Extreme Poverty and Human Rights who visited the UK in 2018 to investigate claims of violations by the UK government against disabled people.

Poverty Alliance

Poverty Alliance is Scotland's anti-poverty network and they bring together campaigners and communities to rebalance the distribution of power and resources.

Pre-sessional working groups

A working group convened by some treaty bodies before or after each plenary session in order to plan their work for future sessions.

The work of the pre-sessional working groups differs from committee to committee.

Some draft lists of issues and questions to be submitted to each State party before its report is considered; some committees with competence to consider individual complaints use their working groups to make initial recommendations on cases and other matters related to the complaints procedures.

Pre-sessional working groups usually meet in closed session.

These types of legislation are sometimes referred to as 'statutes' and the term 'the statute book' refers to the whole of the statute law currently in force.

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby.

Maternity refers to the period after the birth, and is linked to maternity leave in the employment context.

In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

After 26 weeks, sex discrimination protection applies.

Prejudice

Judging someone without knowing them, on the basis of what they look like or what group they belong to, e.g. all black people are good dancers.

Primary Care

Primary care is the day-to-day healthcare given by a health care provider.

Typically this provider acts as the first contact and principal point of continuing care for patients within a healthcare system, and coordinates other specialist care that the patient may need.

In the United Kingdom, patients can access primary care services through their local general practice, community pharmacy, optometrist, dental surgery and community hearing care providers.

Services are generally provided free-at-the-point-contact through the National Health Service. In the UK, unlike many other countries, patients do not normally have direct access to hospital consultants and the GP controls access to secondary care.

This practice is referred to as "gatekeeping";

Patients commonly receive primary care from professionals such as a primary care physician (general practitioner or family physician), a physician assistant, or a nurse practitioner. In some localities, such a professional may be a registered nurse or a pharmacist,

To have access to NHS services, patients should register with a General Practice.

Most often this will be an independent contractor who has agreed to provide general medical services to patients, funded on a capitation basis-with weighting given for the age distribution, poverty, and rurality.

Various services are provided free of charge by General Practitioners (GPs), who are responsible for maintaining a comprehensive medical record, usually affording some continuity of care.

There is no option to self-refer to specialists in Scotland unlike many European countries. The Referral must come from the GP.

In some instances, GPs are directly employed by the local health board, such as in parts of the Highlands and Islands.

Primary legislation

An Act of Parliament that goes through a full process of scrutiny by both the House of Lords and the House of Commons.

'Primary legislation' is also the term used to describe the main laws passed by the legislative bodies of the UK e.g. Acts of the UK Parliament, Scottish Parliament, Welsh Parliament and Northern Ireland Assembly.

Prisoner of Conscience (POC)

This is a term coined by Amnesty International to identify individuals imprisoned for the non-violent expression of their beliefs or opinions.

Amnesty International calls for the unconditional release of such prisoners.

Privacy

This is defined broadly and relates to all aspects of privacy both in and outside of an individual's private home.

Private sector

This refers to the part of a country's economy that consists of industries and commercial companies that are not owned or controlled by the government.

Programme for Government

The Programme for Government is published every year at the beginning of September and sets out the actions we will take in the coming year and beyond.

It includes the legislative programme for the next parliamentary year to drive forward change across all levels of society.

Progressive realisation

Progressive realisation recognises rather than immediately, that some rights may take time to become realised.

However, there should be continual progress on the status of these rights and therefore states should take deliberate steps immediately and in the future towards the full realisation.

Not all states have the same access to resources therefore they will be at different stages of realisation. However, some steps towards realisation are not overly-burdensome. For instance, the elimination of discrimination and improvements in the legal and juridical systems do not necessarily pose a massive drain on resources.

Proportionate

The principle of proportionality is at the heart of many human rights claims.

Proportionality can be most easily explained by the expression:

Reasonable or not excessive in the given circumstances or, “**Don’t use a sledgehammer to crack a nut.**”

When thinking about decisions that affect any of the qualified rights, it is important that the right is restricted with as little as possible, only going as far as is necessary to achieve the legitimate aim.

The following questions might help you to determine whether a restrictive act is proportionate or not:

What is the problem being addressed by the restriction upon someone’s rights?

Will the restriction lead to a reduction in the problem?

Does a less restrictive alternative exist and has it been tried?

Does that restriction involve a blanket policy or does it allow for different individual cases to be treated differently?

Has sufficient regard been paid to the rights and interests of those affected?

Do safeguards exist against error or abuse?

Does the restriction destroy the basic ideas behind the human rights at issue?

Protected characteristics

These are the grounds upon which discrimination is unlawful under the terms of the Equality Act 2010.

The characteristics are:

Age

Disability

Gender reassignment

Marriage and civil partnership

Pregnancy and maternity

Race

Religion or belief

Sex

Sexual orientation.

Protocol

An agreement that adds or amends or which modifies another treaty (generally adding additional procedures or substantive provisions).

The European Convention on Human Rights has 13 protocols, separate treaties to update the original, added gradually between 1952 and 2002.

Public authority or public body

Organisations and individuals that carry out public functions - this would include government departments, local authorities, health authorities and hospitals, schools, prisons, and police for example.

They also include residential or care homes that are run by private or voluntary sector organisations under contract to a local authority.

Everyone who works for a public body has a duty to uphold the terms of the Human Rights Act 1998.

Public Body Participation

The Community Empowerment Act (Scotland) 2015 created a new regulation-making power enabling Ministers to require Scottish public authorities to promote and facilitate the participation of members of the public in the decisions and activities of the authority.

This includes in the allocation of its resources.

Involving people and communities in making decisions helps build community capacity and also helps the public sector identify local needs and priorities and target budgets more effectively

Public bodies (Non-Departmental)

Public bodies are defined as bodies which have a role in the processes of national Government but are not a Government department or part of one.

They operate to a greater or lesser extent at arm's length from Ministers, and include the **Equality and Human Rights Commission**.

Public Bodies (Joint working) (Scotland) Act 2014

This Act requires integration across health and social care for adult services, with local discretion to include integration of children's services.

The Act provides for nationally agreed outcomes on health and wellbeing to be set out by Scottish Ministers.

The Act also establishes integration joint boards and integration joint monitoring committees as the partnership arrangements for the governance and oversight of health and social care services.

There is a requirement on partnerships to strengthen the role of clinicians and care professionals, along with the third and independent sectors, in the planning and delivery of services.

Partnerships will be jointly accountable to Ministers, Local Authorities, NHS Board Chairs and the public for delivering the nationally agreed outcomes.

This legislation is highly relevant where children's services have been included through integration and thus, has consequences for the joint delivery of services as the health of the child or parents is a common factor when children are on the edge of care.

Public Body Procurement

The National Performance Framework looks to help put in place 'sustainable procurement'.

The law means that all public bodies must now think about how procurement will improve:

- the economy
- society

- the environment

Public function

This definition is not always so clear but generally includes services that are the responsibility of central government (Westminster), devolved governments (Holyrood) or local authorities.

Public Health Scotland

Public Health Scotland is the national public health body for Scotland. As a national Health Board it is jointly accountable to both the Convention of Scottish Local Authorities (COSLA) and the Scottish Government.

Fully exercising its functions from 1 April 2020 as Scotland's leading national agency for improving and protecting the health and well-being of all of Scotland's people, it is jointly sponsored by COSLA and the Scottish Government, and collaborates with third sector organisations.

Its role is to increase healthy life expectancy and reduce premature mortality. Areas of focus are COVID-19, mental health and well-being, community and place, and poverty and children.^[4]

Public-private partnership

This is a company jointly owned by government and private interests.

Public Sector

This refers to the part of an economy that consists of state-owned institutions, including nationalised industries and services provided by local authorities.

Public Sector Equality Duty

The duty on a public authority when carrying out its functions to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, foster good relations and advance equality of opportunity.

The PSED is set out in section 149 of the Equality Act 2010.

Q

Qualified right

Some human rights are qualified, which means they can be restricted in some circumstances and within limits.

Also where it is in the interest of the wider community, for example, the right to freedom of expression.

These rights can be restricted in order to protect other rights-holders.

These rights are written so that the first part of the Article sets out the right that is to be protected, while the second part establishes whether a public authority can legitimately restrict that right in order to protect the wider public interest.

Qualified rights include:

- The right to respect for private and family life, home and correspondence
- The right to freedom of thought, conscience and religion
- The right to freedom of expression
- The right to freedom of assembly and association
- The right to protection of property

To consider whether a restriction of a qualified right is justified, you need to think through the following important questions:

- Legality - is there a legal basis for the restriction of the right?
- Is there a legitimate aim or justification for the restriction such as the protection of public health or the protection of other people's human rights?
- Is the action proportionate - is it the minimum necessary restriction of the right?

R

Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.

Race Equality Framework (REC)

The Race Equality Framework for Scotland sets out the Scottish Government's approach to promoting racial equality and tackling racism and racial inequality.

The Framework is based on the priorities, needs, and lived experiences of Scotland's minority ethnic communities, with expertise contributed by the public and voluntary sectors and academia.

The Framework aims to create measurable progress on racial equality.

The Framework was first launched on 21st March 2016 to mark the UN Day for the Elimination of Racial Discrimination.

Racism

This is the belief that people's qualities are influenced by their ethnic group or tribe and that the members of other groups and tribes ("races") are not as good as the members of their own, or the resulting unfair treatment of members of other "races".

For instance, treating someone unfairly because of their race, colour, nationality or ethnic or national origins.

Ratify / Ratification

The formal procedure by a State to finalise an agreement, Convention or Treaty, making it official and binding.

The procedure for ratification is for the state to sign the agreement, Convention or Treaty and then it fulfils its own national legislative requirements (creates the legal framework to ensure realisation of those rights).

Reasonable Adjustment

The duty on schools to make reasonable adjustments requires schools to take positive steps to ensure that disabled pupils can fully participate in education provided by the school, and that they can enjoy the other benefits, facilities and services which schools provide for pupils.

This duty goes beyond simply avoiding discrimination, and requires schools to anticipate the needs of potential pupils for reasonable adjustments, as well as recognising that a disabled pupil's needs may change over time.

Recommendation

A formal recommendation or decision issued by a treaty body.

The term has been used inconsistently to describe formal decisions on specific matters or resolutions of a more general nature, such as those resulting from a day of general discussion.

Concluding observations contain specific recommendations and the term "treaty body recommendation" is sometimes used synonymously with "concluding observation".

The Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women also refer to their general comments as "general recommendations".

Refugee

This refers to someone who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality, and is unable to, or owing to such fear, is unwilling to avail him or herself of the protection of that country.

The term is also used in a general way to describe anyone in a refugee-like situation, for example, asylum seekers.

Refugee Survival Trust

The Refugee Survival Trust was set up in 1996 by a group of people who felt deeply concerned by the destitution facing refugees and people seeking safety in Scotland as a result of the asylum system.

Our work can only exist thanks to the loyal support of our members, the generosity of our donors and the expertise of our team members, board of directors and volunteers.

Our vision

Our vision is a welcoming, inclusive, safe Scotland for refugees and asylum seekers, where all live free of destitution and have the means and opportunities to realise their full potential.

Our mission

We provide refugees and people seeking asylum with practical support when it is most needed, build connections between people and use what we learn to campaign for change

Registration of interest

This is a record of financial interest which may be thought to influence a someone's actions, speeches or, if they are MSPs how they could vote in the Parliament).

This can also refer to political interests if that could influence their actions or how they may vote.

Regression

This is when the State returns to a less favourable standard of human rights and is the opposite of **non-regression**.

Regulations

A rule or directive made and maintained by an authority. A rule or mechanism that limits, steers, or otherwise controls social behaviour, typically accompanied by some authoritative mechanism for monitoring and enforcing compliance.

Religion or belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism).

Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Remedies

Within international human rights law, appropriate remedies can come in the form of:

Restitution

Restoring the victim to the original situation before their rights were violated.

Compensation

Providing economic damages to the violated person

Satisfaction

This can include:

Finding out the truth

An apology, proper investigation and commemorations and tributes

Rehabilitation

This includes medical and social care as well as legal and social services.

Guarantees of non-repetition

Taking of steps to ensure that the violation cannot take place again.

Representative

This may include someone appointed to have:

power of attorney, or

a guardian,

family member,

friend,

neighbour or

an agreed person who can speak on the individual's behalf.

A representative may be formal or not formal.

Reservation

A reservation is a statement, however phrased or named, made by a State by which it purports to exclude or alter the legal effect of certain provisions of a treaty in their application to that State.

A reservation may enable a State to participate in a multilateral treaty in which it would otherwise be unable or unwilling to do so.

States can make reservations to a treaty when they sign, ratify, accept, approve or accede to it.

When a State makes a reservation upon signing, it must confirm the reservation upon ratification, acceptance or approval.

Reservations are governed by the Vienna Convention on the Law of Treaties, and cannot be contrary to the object and purpose of the treaty.

Consequently, when signing, ratifying, accepting, approving or acceding to a treaty, States may make a reservation unless (a) the reservation is prohibited by the treaty; or (b) the treaty provides that only certain reservations may be made and these do not include the reservation in question.

Other State parties may lodge objections to a State party's reservations. Reservations may be withdrawn completely or partially by the State party at any time.

Reserved Matters

These are matters that have not been devolved to the control of the Scottish Parliament but are still controlled by the UK Parliament.

Respect, Protect, Fulfil

This is a method of describing the different types of duties that governments have towards people's human rights.

Respect

This means that the government must not act in a way that violates people's human rights.

Protect

This means that government must protect people' human rights from being violated by the actions of others.

Fulfil

This means that governments must take positive steps to ensure that people's rights are real.

Review procedure

This is a procedure by which a treaty body will consider the situation in a country in the absence of a report from the State party.

The procedure is used if a report is long overdue and the State party has not responded to the treaty body's reminders.

In many cases, State parties submit their reports to avoid the review procedure; in others, they send a delegation to the treaty body's session and answer questions from the treaty body even though they have not been able to submit a report.

The review procedure was first adopted by the Committee on the Elimination of Racial Discrimination in 1991.

Right

A right is a moral or legal entitlement to have or do something.

Rights - Type

There are 3 different types of Human Rights and those are Absolute, Qualified and Limited Rights I will explain each of them separately.

Absolute Rights

Some rights are absolute, in particular the right to life and the right not to be subjected to torture or to inhuman or degrading treatment or punishment.

In other words, there are no circumstances when a public authority is entitled to subject anyone to inhuman or degrading treatment.

These rights cannot be interfered with or make derogations or reservations from that right. This applies even in a state of emergency or in a threat to national security.

Qualified Rights

Most human rights are qualified or limited, which means they can be restricted in some circumstances and within limits.

These rights are written so that the first part of the Article sets out the right that is to be protected, while the second part establishes whether a public authority can legitimately restrict that right in order to protect the wider public interest..

Qualified Rights include:

- The right to respect for private and family life, home and correspondence.
- The right to freedom of thought, conscience and religion.
- The right to freedom of expression.
- The right to freedom of assembly and association.
- The right to protection of property.

To consider whether a restriction to a qualified right is justified, consideration must be given to the following questions:

- Is there a legal basis for the restriction of the right?
- Is there a legitimate aim or justification for the restriction, such as the protection of other people's human rights?

Limited Rights

Some rights can be limited, for example there are certain defined limited circumstances when you can legitimately be deprived of your right to liberty.

Rights in Mind

This is a pathway designed to help staff in mental health services ensure that patients have their human rights respected at key points in their treatment.

Right to a fair trial

This right is about a fair and public hearing and due process.

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

In certain situations, not only in criminal cases, but also in processes which determine civil rights (such as employment, property disputes and benefits claims etc) the right to a fair trial will apply.

It is not always easy to determine whether Article 6 applies but applying the principles can demonstrate good practice in decision making in many of instances.

Right to development

This refers to the right of groups to grow in cultural, political, and economic ways so that their human rights and fundamental freedoms can be fully and progressively realized. The UN Declaration on the Right to Development of 1986.

Right to Independent Advocacy

There are a few groups of people that have a right of access to independent advocacy enshrined in Scottish Legislation.

This includes a right under the **Mental Health (Care and Treatment) (Scotland) Act 2003** to access independent advocacy for;

- People with “mental disorders”. This means people with mental illness or a mental health condition.
- People with learning disabilities, autism and /or dementia.

You do not have to be in hospital or under any mental health legislation in order to get this right to access independent advocacy. You can find out more about the **Mental Health Act from the Mental Welfare Commission**.

Access to independent advocacy varies in different parts of Scotland.

Many independent advocacy organisations are only funded to work with specific groups.

There is also a right to independent advocacy for disabled people claiming benefits or allowances through Social Security Scotland.

Right to life

The right to life is an absolute right which means that there is a duty on the state/public authorities not to take away anyone's life and a duty to take reasonable steps to protect life.

Right not be subjected to torture or to inhuman or degrading treatment or punishment

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Right to private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Right to liberty and security

Everyone has the right to liberty and security of person.

No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law...

Unless identified in one of a range of narrow exceptions, such as preventing harm to yourself or others through lawful arrest or detention, no one should be unnecessarily detained against their will.

Right to freedom of thought, conscience and religion

Everyone has the right to freedom of thought, conscience and religion.

This right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others.

Everyone is free to hold a broad range of views, beliefs and thoughts and to follow a religious faith.

The right to manifest - to practice through e.g. prayer or diet, or to show e.g. through dress or adornments - those beliefs may be limited only in special circumstances.

Right to Freedom of Expression

Everyone has the right to freedom of expression.

This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

This article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Everyone has the right to hold opinions and express their views on their own or in a group. This applies even if these views are unpopular or disturbing.

This right can be restricted only in specified circumstances.

Right to freedom of assembly and association

Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Everyone has the right to assemble with other people in a peaceful way.

They also have the right to associate with other people, which includes the right to form a trade union.

These rights may be restricted only in specified circumstances.

Right not to be discriminated against

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

A person cannot be discriminated against in respect of the other Convention rights.

Rights-holders

Rights-holders can ask that their human rights are respected.

Duty-bearers are responsible for upholding rights and they can be held accountable for not respecting the rights of individuals.

Risk

This is the possibility of Loss, Danger or Harm.

Role-play

This is a short drama acted out by the participants.

People draw on their own life experiences to role-play a situation; role plays are mostly improvised. The purpose of role playing is to enable participants to experience situations and explore solutions to problems in a safe environment.

Royal College of GPs RCGP Scotland

This is the professional membership body for GPs in Scotland.

Their purpose is to encourage, foster and maintain the highest possible standards in general practice.

They support GPs through all stages of their career, from medical students considering general practice, through to training, qualified years and retirement.

Rules of procedure

The formal rules adopted by a treaty body to govern the way in which it undertakes its business.

With the exception of the Committee on Economic, Social and Cultural Rights, committees are empowered by their respective treaties to adopt their own rules of procedure.

These usually cover such matters as the election of officers and the procedures for adopting decisions especially if no consensus can be reached.

Rules of procedure are related to, but distinct from, working methods.

S

Samaritans Scotland

Their vision is for a Scotland where fewer lives are lost to suicide and where everyone can get the right help and support when they need it most. They have provided a vital lifeline for people in crisis and distress for more than six decades, since their first branch in Scotland answered their first call for help in 1959.

SAMH

Founded in 1923, [SAMH](#) is Scotland's national mental health charity.

Today, in over 60 communities they work with adults and young people providing mental health social care support, services in primary care, schools and further education, among others.

These services together with their national programme work in See Me, respectme, suicide prevention and active living; inform their policy and campaign work to influence positive social change.

Scotland Act 1998

This Act provides for the establishment of a Scottish Parliament and Administration and other changes in the government of Scotland.

It also provides for changes in the constitution and functions of certain public authorities.

It also provides for the variation of the basic rate of income tax in relation to income of Scottish taxpayers in accordance with a resolution of the Scottish Parliament and to amend the law about parliamentary constituencies in Scotland; and for connected purposes.

Scotland's Mental Health Partnership

Scotland's Mental Health Partnership is made up of 17 organisations from across the mental health sector.

Each organisation contributes its direct experience and unique perspective to create an informed collective voice on mental health.

All members have national remits and play various roles in the Scottish mental health sector.

These include, but are not limited to, the provision of community-based services and supports, awareness raising, campaigning, influencing and professional regulation.

It was agreed to add Mental Welfare Commission as observers on the Partnership as it was felt their presence would be beneficial but not being official members would avoid potential conflicts of interest in the future.

Scotland's National Action Plan for Human Rights (SNAP)

SNAP was launched in 2013 as a roadmap to giving effect to Scotland's international human rights obligations.

SNAP was the first National Action Plan for human rights in any part of the UK.

It drew from experiences of countries all over the world, as well as guidance from the United Nations and the Council of Europe.

It is based on evidence and [broad participation](#).

SNAP was developed by a Drafting Group from across the public and voluntary sectors.

SNAP originally ran for four years until December 2017.

It is currently being reviewed and updated by a Development Working Group of around fifteen representatives from civil society and the public sector.

A national participation process took place during 2017 to inform the future of SNAP.

The Development Working Group is working together to review the latest evidence on human rights in Scotland, identify draft priorities for action and recommend a new governance structure for SNAP.

Scotland's National Action Plan for Human Rights 2 (SNAP2)

July 2021

SNAP2 is Scotland's second National Action Plan for Human Rights is now being developed. This is known as SNAP 2.

Since late 2017, work has been taking place to develop detailed plans and proposals for [Scotland's second National Action Plan for Human Rights – SNAP 2](#).

This work has drawn heavily on lessons identified from an independent evaluation of the first SNAP, as well as a National Participation Process involving over 1,000 people.

SNAP2 Development Working Group

Planning has been led by a Development Working Group of around 15 people from civil society and the public sector.

Detailed proposals for SNAP 2 were published for wider engagement in autumn 2019, with broadly widespread and positive feedback received, as well as areas for refinement and improvement.

A business case for resources and implementation of SNAP 2 was developed in partnership with and approved by Scottish Ministers in May 2021 (following a delay due to COVID-19).

This means that we are now moving forward with the following steps:

- Scottish Government participation at senior level in a new SNAP 2 Leadership Panel to be established in autumn 2021.
- Initial Scottish Government resourcing of a Secretariat Lead in 2021-22, to be hosted by the Scottish Human Rights Commission, as the first step in establishing a full independent SNAP 2 Secretariat to support ongoing development, implementation and monitoring of actions.
- Refining, prioritising and identifying resources to support SNAP 2 actions.

Scotland's second National Action Plan for Human Rights is now set to become a reality, moving off the page and into implementation.

This will mean that practical actions to improve the realisation of human rights in people's lives can be delivered in a collaborative, coordinated way, enabling Scotland to both better fulfil its international human rights obligations and to evidence this progress.

It will also provide a ready-made, practical means to deliver implementation of, and accountability for, the forthcoming recommendations of the National Taskforce on Human Rights Leadership.

We are currently [recruiting a SNAP Secretariat Lead for an initial period of nine months](#). This new role is funded by the Scottish Government and will be hosted by the Scottish Human Rights Commission on an interim basis.

This will be the first step in establishing a full independent SNAP 2 Secretariat to support ongoing development, implementation and monitoring of actions.

Scotland's National Action Plan for Human Rights – Adequate Standard of Living Reference Group

Poverty is a human rights issue.

It represents a failure to fulfil the right to an adequate standard of living that is established in international human rights law. The Scottish Government, Scottish Parliament and Scottish public authorities have duties to respect, protect and fulfil this right.

Other rights, like the right to education, health and adequate housing, are also affected by poverty.

The Commission promotes respect for economic, social and cultural rights as a way of tackling poverty in Scotland and wants to see these rights incorporated into Scotland's domestic laws.

They also work with a group of people with lived experience of poverty, who act as a Reference Group on the right to an adequate standard of living.

This Group stopped its work on 31st December 2020.

On 1st January 2021. The members of the Group became the original members of the **SHRC Lived Experience Leadership Group**.

Scotland's National Action Plan for Human Rights – Health & Social Care Action Group

As part of the fourth priority area in Scotland's first National Action Plan for Human Rights, Public Health Scotland (formerly NHS Health Scotland) and the Health and Social Care Alliance Scotland (the ALLIANCE) co-convened the Human Rights Action Group on Health and Social Care.

The role of the Action Group was to identify opportunities for using human rights as a driver for change in health and social care and challenge and lobby for greater change to achieve this.

Scottish Association of Social Work (SASW)

This is a part of BASW UK, and is the largest professional association for social workers in Scotland.

We are here to promote the best possible social work services for all people who may need them, whilst also securing the wellbeing of social workers.

Our members include staff working in local government and the independent sector, across health and social care, education, children and families, justice services, and as Mental Health Officers (MHOs). MHOs have a unique role in supporting and protecting people vulnerable because of mental disorder.

We represent the best interests of these specialist social workers, and of those they work with.

Scottish Campaign on Rights to Social Security (SCoRSS)

This is a coalition of over 40 key third sector organisations, faith groups and unions as well as individuals from across Scotland who want to see a fairer social security system.

SCoRSS's Principles for Change sets out the five principles we believe need to be at the heart of our social security system.

Scottish Care

They represent the largest group of independent sector social care providers across Scotland, delivering residential care, nursing care, day care, care at home and housing support services. This includes private, not for profit and charitable organisations.

They are committed to ensuring that the voice of those who access social care and those who provide services is at the heart of national debate. Their aim is to ensure the highest quality care is available to all who need it.

Scottish Charitable Incorporated Organisation (SCIO)

This is a legal form unique to Scottish charities and is able to enter into contracts, employ staff, incur debts, own property, sue and be sued. It also provides a high degree of protection against liability.

However, there are important differences between a SCIO and any other type of body with charitable status in Scotland.

The Scottish Commission for People with Learning Disabilities' (SCLD)

Their vision is of a fairer Scotland where people with learning disabilities live full, safe, loving and equal lives.

They are an intermediary organisation for the learning disability sector in Scotland and the Scottish Government's delivery partner in the implementation of *The keys to life*

Scottish Government - Riaghaltas na h-Alba

The devolved government for Scotland is responsible for most of the issues of day-to-day concern to the people of Scotland, including health, education, justice, rural affairs, and transport.

The Scottish Government was known as the Scottish Executive when it was established in 1999 following the first elections to the Scottish Parliament.

The Scottish Government consists of the **Scottish Ministers**, which is used to describe their collective legal functions.

The Scottish Government is accountable to the Scottish Parliament, which was also created by the Scotland Act 1998 with the First Minister appointed by the monarch following a proposal by the Parliament.

The responsibilities of the Scottish Parliament include those matters that are not reserved in law to the Parliament of the United Kingdom.

Ministers are appointed by the First Minister, with the approval of the Scottish Parliament and the monarch, from among the members of the Parliament.

The Scotland Act 1998 makes provision for Ministers and Junior Ministers, referred to by the current administration as Cabinet Secretaries and Ministers, in addition to two law officers: the lord advocate and solicitor general for Scotland.

Collectively the Scottish Ministers and the Civil Service staff that support the Scottish Government are formally referred to as the Scottish Administration.

Scottish Government Bill

A Scottish Government Bill is introduced by a Scottish Government Minister.

The Scottish Government presents the Bill to the Scottish Parliament. The Scottish Government also give additional information in:

- a Financial Memorandum (to set out the expected costs of the Bill)
- Explanatory Notes (to explain the legal effect of the Bill)
- a Policy Memorandum (to explain why the Bill is being proposed)

- a statement on legislative competence (to say that the Scottish Government believes that the changes to the law are changes that the Parliament has the power to make)

If a Government Bill includes any “delegated powers”, a Delegated Powers Memorandum is needed to explain why.

Delegated powers include powers given to Scottish Ministers to make new law, or change existing law, without this needing another Bill.

Scottish Government Cabinet and Ministers

The Scottish Cabinet

The Cabinet is the main decision-making body of the Scottish Government.

It is made up of the First Minister, all Cabinet Secretaries, Minister for Parliamentary Business and Permanent Secretary.

The Lord Advocate may also attend in his or her role as the Scottish Government’s principal legal adviser.

Cabinet meetings are held weekly during Parliament in Bute House, Edinburgh, and may also be held at other times in locations throughout Scotland.

Cabinet Ministers as at 26th June 2021

Name	Role
Nicola Sturgeon	First Minister
John Swinney	Depute First Minister and Cabinet Secretary for Covid Recovery
Shirley-Anne Somerville	Cabinet Secretary for Education and Skills
Humza Yousaf	Cabinet secretary for Health and Social Care
Kate Forbes	Cabinet Secretary for Finance and the Economy
Keith Brown	Cabinet Secretary for Justice and Veterans
Mairi Gougeon	Cabinet Secretary for Rural Affairs and Islands

Angus Robertson	Cabinet Secretary for the Constitution, External Affairs and Culture
Michael Matheson	Cabinet Secretary for Net Zero, Energy and Transport
Shona Robison	Cabinet Secretary for Social Justice, Housing and Local Government
Dorothy Bain QC	Lord Advocate

Ministers as at 26th June 2021

Name	Role
Angela Constance	Minister for Drugs Policy
George Adam	Minister for Parliamentary Business
Richard Lochhead	Minister for Just Transition, employment and Fair Work
Ivan McKee	Minister for Business, Trade, Tourism and Enterprise
Tom Arthur	Minister for Public Finance, Planning and Community Wealth
Maree Todd	Minister for Public Health, Women's Health and Sport
Kevin Stewart	Minister for Mental Wellbeing and Social Care
Clare Haughey	Minister for Children and Young People
Jamie Hepburn	Minister for Higher Education, Further Education, Youth Employment and Training
Mairi McAllan	Minister for Environment, Biodiversity and Land Reform
Graeme Dey	Minister for Transport
Ash Denham	Minister for Community Safety

Christina McKelvie	Minister for Equalities and Older People
Ben Macpherson	Minister for Social Security and Local Government
Jenny Gilruth	Minister for Culture, Europe and International Development

Scottish Government Structure

The government in Scotland is structured into a number of directorates.

Directorates and their related public bodies are responsible for putting government policy into practice.

The Civil Service

There is 1 Permanent Secretary

6 Directors General

30+ Directorates

The Permanent Secretary is the senior civil servant in Scotland and leads the 5000 plus people working for the Scottish Government. The Permanent Secretary supports the government in developing, implementing and communicating its policies.

The current Permanent Secretary of the Scottish Government is Leslie Evans.

She is the principal policy adviser to the First Minister and Secretary to the Scottish Cabinet. She is also the principal accountable officer with responsibility to ensure that the government's money and resources are used effectively and properly.

Directors-general and directorates

There are six directors-general who head up the Scottish Civil Service.

A director-general manages a number of directorates and agencies which are responsible for proposing legislation and putting Scottish Government policy into practice.

Scottish Government Transparency

Transparency

The government publishes information about how government works to allow you to make politicians, public services and public organisations more accountable.

We are committed to publishing information about:

- how much public money has been spent on what
- the job titles of senior civil servants and how much they are paid
- how the government is doing against its objectives, via the National Performance Framework

Scottish Human Rights Commission (SHRC)

The Scottish Human Rights Commission is an independent public body, accountable to the people of Scotland through the Scottish Parliament.

The Commission has a general duty to promote awareness, understanding and respect for all human rights – economic, social, cultural, civil and political – to everyone, everywhere in Scotland, and to encourage best practice in relation to human rights.

The Commission is accredited as an ‘A Status’ [National Human Rights Institution](#) (NHRI) within the United Nations (UN) system.

This means they can report directly to the UN on human rights issues. They are the only Scottish organisation that can make direct contributions to the UN Human Rights Council.

The Commission has powers to recommend changes to law, policy and practice; promote human rights through education, training and publishing research; and to conduct inquiries into the policies and practices of Scottish public authorities.

Scottish Human Rights Commission - Lived Experience Leadership Group.

The Lived Experience Leadership Group is a group of people from across Scotland who have lived experience of a range of human rights concerns, especially in relation to economic, social and cultural rights, such as the rights to an adequate standard of living, housing, food, social security.

The Group also recognises the connections and interdependence of all rights in its work.

The Commission's Strategic Plan 2020-2024 includes an intended outcome that "the Commission's work increasingly reflects the voices and experiences of people affected by the human rights issues we work on, and those experiences are more reflected in public debate."

The original members of the Lived Experience Leadership Group (LELG) were the members of the SNAP Adequate Standard of Living Reference Group.

The Lived Experience Leadership Group plays an important role in ensuring that the Commission takes a human rights based approach to our work on addressing poverty and related human rights issues.

Scottish Independent Advocacy Alliance (SIAA)

SIAA is a Scottish Charitable Incorporated Organisation (SCIO).

It is a membership organisation responsible for promoting, supporting and defending the principles and practice of independent advocacy, and more widely the provision of Independent advocacy in Scotland.

SIAA advocates for independent advocacy and they are the national intermediary organisation for independent advocacy in Scotland.

It has the overall aim of ensuring that independent advocacy is available to any person in Scotland and they raise awareness about the value and impact of independent advocacy. They also influence decision makers ultimately with a view to widen access to independent advocacy for all who need it in Scotland.

SIAA provides information and support, gathers and distributes information, represents advocacy organisations at various levels and raises awareness and understanding of independent advocacy across Scotland.

They also work to influence legislation, policy and practice in relation to independent advocacy and they are funded by the Scottish Government Planning & Quality Division.

Scottish Information Commission

They promote and enforces people's right to access information held by Scottish public authorities.

The Scottish Information Commissioner is the independent public official responsible for promoting and enforcing Scotland's freedom of information (FOI) law.

The Commissioner is appointed by Her Majesty the Queen, on the nomination of the Scottish Parliament, and serves for a fixed term of six years.

The Scottish Parliament meets the Commissioner's salary and provides funding for the Commissioner's office.

The Commissioner is based in St Andrews, Fife and is supported by a small team.

Our main functions

- Investigating FOI appeals
- Promoting the public's right to know
- Promoting good FOI practice to public authorities
- Intervening when public authority practice is not compliant with FOI law.

Scottish Legal Aid Board (SLAB)

The Scottish Legal Aid Board (SLAB) is an executive non-departmental public body of the Scottish Government, responsible for managing legal aid.

It was established in April 1987, under the Legal Aid (Scotland) Act 1986,^[1] taking over functions previously exercised by the Law Society.

Scottish Local Authorities

Local government in Scotland is organised through 32 unitary authorities designated as *councils* and they consist of councillors elected every five years by registered voters in each of the council areas.

Councils receive the majority of their funding from the Scottish Government, through aggregate external finance (AEF).

AEF consists of three parts: Revenue support grants, non-domestic rates, and income and specific grants.

The level of central government support for each authority is determined by the Cabinet Secretary for Finance and the Constitution, and is distributed by the Finance and Central Services Department of the Scottish Government.

Councils obtain additional income through the Council Tax, that the council itself sets.

Scottish councils co-operate through, and are represented collectively by, the Convention of Scottish Local Authorities (COSLA).

Scotland's 32 Local authorities in alphabetical order;

Aberdeen City Council

Aberdeenshire Council

Angus Council

Argyll & Bute Council

City of Edinburgh Council

Clackmannanshire Council

Comhairle nan Eilean Siar (Western Isles)

Dumfries & Galloway Council

Dundee city Council

East Ayrshire Council

East Dunbartonshire Council

East Lothian Council

East Renfrewshire Council

Falkirk Council

Fife Council

Glasgow City Council

Highland Council

Inverclyde Council

Midlothian Council

Moray Council

North Ayrshire Council

Perth and Kinross Council

Renfrewshire Council

Scottish Borders Council

Shetland Islands Council

South Ayrshire Council

South Lanarkshire Council

Stirling Council

West Dunbartonshire Council

West Lothian Council

Scottish Local Authorities Responsibilities

- Council Tax
- Non-domestic rates collection
- Maintenance of all roads and pavements (except trunk roads which are the responsibility of Transport Scotland)
- Primary and secondary schooling
- The Planning System, and Section 75
- Parking
- Bus stops
- Supporting non-commercial bus services
- Provides some Community Transport
- Nurseries
- Care of the elderly,
- Protection of vulnerable children and adults
- Refuse collection and disposal
- Licensing of hours of sale for alcohol
- Licensing of cultural music parades
- Licensing of taxis and private hire vehicles
- Licensing of window cleaners, market traders, scrap metal merchants, and street hawkers
- Licensing of sexual entertainment venues^[11]
- Food Hygiene inspections
- Regulation of landlords^[12]
- Arm's Length Council leisure centres and swimming baths

- Public parks
- Administering the Scottish Welfare Fund

Scottish Older People's Assembly (SOPA)

The Scottish Older People's Assembly exists to give a strong voice to older people about their experience of life in Scotland, their challenges and concerns, and to celebrate the positive contribution that older people make to society.

SOPA has over 50 membership organisations including community groups, national campaigns and organisations, equality and minority groups and lifelong learning associations along with individual members.

The combined reach of these members is estimated to be 40,000 older people across Scotland, many of whom are affected by ill-health, come from disadvantaged and diverse backgrounds, and who often feel excluded from decision making.

SOPA aims to enable and empower members to use their experience and skills to influence policy decisions that affect later life. Members are encouraged to feedback from national groups and forums to their wider networks of older people, creating a powerful network of engagement.

Since 2009 SOPA has delivered nine national assemblies and over 60 local meetings enabling us to influence decision makers on issues important to older people, including funeral and fuel poverty, housing, transport, health and social care, active ageing, human rights and many other topics.

Members are frequently invited to participate in consultation and engagement activities by the Scottish Government, Scottish Parliament and other national and local bodies.

Scottish Parliament

Government is separate from parliament.

The Scottish Parliament is made up of all elected members of the Scottish Parliament (MSPs) and is the law-making body for devolved matters.

The Scottish Parliament examines what the Scottish Government is doing, makes new laws on devolved matters and debates the issues of the day.

It considers any proposed legislation and scrutinises the activities and policies of the Scottish Government through debates, parliamentary questions and the work of committees.

The current Scottish Parliament was established in 1999 by the Scotland Act 1998 to debate issues and make laws for Scotland.

The Scottish Parliament has power to make laws on a range of issues that are known as devolved matters.

Some issues remain the responsibility of the UK Parliament alone. These are known as reserved matters.

Further powers are transferred to the Scottish Parliament through the Scotland Act 2016 in areas such as taxation, welfare and elections.

Scottish Parliament Equality and Human Rights Committee

In 2019, this Committee of the Scottish Parliament asked for evidence to guide their budget scrutiny around public sector of the third sector aimed at promoting equality and human rights.

The Consortium responded from their members' experience around the all-too-common gap between rhetoric and policy, and the budget allocated to make them a reality on the ground.

Scottish Parliament Members' Bill

A Members' Bill is introduced by an MSP who is not a Scottish Government Minister.

There's a process to be followed before a Members' Bill can be introduced.

Proposal process

An MSP who wants to introduce a Members' Bill must first lodge a "proposal", which is published on the Parliament's website.

A proposal is a short description of what the Bill would do.

Normally, the MSP also consults on the proposal. This means publishing a longer explanation of why the MSP thinks the Bill is a good idea, and encouraging people to write to the MSP with their opinions. (The MSP can lodge a proposal without consulting on it, if a committee agrees that consultation isn't necessary.)

Then, the MSP has to get at least 18 other MSPs, from a number of political parties, to support the proposal.

At this point, the Scottish Government gets the chance to stop the MSP's proposal, but only by promising that they will change the law in much the same way.

If enough other MSPs support the proposal, and it isn't stopped by the Scottish Government, the MSP gets the right to introduce a Members' Bill. It is likely then to take at least a few months to get the Bill ready for introduction

Scottish Public Bodies

Public bodies are one type of organisation within Scotland's devolved public sector, which collectively includes the police, fire and health services, local government, and others.

A public body is an organisation for which either the Scottish Government or Scottish Parliament is responsible and with whom they have a direct relationship. Not all public sector bodies share the same relationship with government, or operate within the same public bodies framework.

There are currently 128 public bodies directly under our control.

In Scotland we have the following types of public bodies:

- executive agencies
- Non Ministerial Office (NMOs)
- executive Non Departmental Public Bodies (NDPBs)
- advisory NDPBs
- tribunal NDPBs
- public corporations
- health bodies
- parliamentary bodies
- other significant national bodies

All public bodies in Scotland are listed in the national public bodies directory.

Ethical standards

Certain public bodies are covered by the ethical standards framework that arose from the Ethical Standards in Public Life etc. (Scotland) Act 2003.

We have produced an ethical standards in public life framework: factsheet to explain the background behind the framework, and a list of all public bodies covered by the ethical standards framework.

Scottish Public Services Ombudsman (SPSO)

The SPSO is the final stage for complaints about public service organisations in Scotland. For instance, councils, the National Health Service, housing associations, colleges and universities, prisons, most water providers, the Scottish Government and its agencies and departments and most Scottish authorities.

The role of the SPSO

The Scottish Public Services Ombudsman has a wide remit, covering a variety of functions and services.

The Ombudsman's powers and duties come (predominantly) from the Scottish Public Services Ombudsman Act 2002, which gives her four distinct statutory functions:

1. the final stage for complaints about most devolved public services in Scotland including councils, the health service, prisons, water and sewerage providers, Scottish Government, universities and colleges
2. specific powers and responsibilities to publish complaints handling procedures, and monitor and support best practice in complaints handling. Please visit our web pages 'For organisation' for further information.
3. independent review service for the Scottish Welfare Fund (SWF) with the power to overturn and substitute decisions made by councils on Community Care and Crisis Grant applications. Please visit our SWF website for further information.
4. Independent National Whistleblowing Officer for the NHS in Scotland (INWO) – from 1 April 2021 – final stage for complaints about how the NHS considers whistleblowing disclosures and the treatment of

individuals concerned. Please visit our INWO website for further information.

All of the SPSO's services are free and independent.

Scottish Recovery Network

Scottish Recovery Network is a small national initiative designed to raise awareness and understanding of recovery from mental health problems.

Their mission is to bring people, services and organisations across sectors together to create a mental health system powered by lived experience which supports everyone's recovery journey.

Scottish Refugee Council

This is an independent charity dedicated to supporting people in need of refugee protection.

The people they work with have fled horrific situations around the world and come from countries where conflict is rife and human rights abuses common.

When people arrive in Scotland, a new journey begins. The UK's asylum system is tough and takes its toll on individuals and families. Settling into a foreign country and a whole new system can be disorientating and challenging.

We are here for people at a difficult time in their lives

Through our direct services we provide practical support, advice and a listening ear to help people rebuild their lives in a sustainable and meaningful way.

We work with communities and community groups and we speak out against an unjust asylum system and campaign for policy changes that make a positive difference to people's lives.

Our work to support people rebuilding their lives here unites us with a movement of people across Scotland and beyond who believe in the importance of solidarity with people forced to flee their homes.

We are proud to stand with people seeking protection and proud of the many ways Scotland's refugee communities have enriched our culture and society.

Scottish Rural Action

Scottish Rural Action's purpose is to ensure that all people living and working in rural Scotland have the power to enact change in their communities and can actively engage with peer groups, government and policy makers in order to do so.

We work with our members and partners at national, regional and community levels to:

- build a grassroots-led rural movement in Scotland that connects rural communities with each other and with politicians and decision-makers;
- collaborate with groups that may face additional barriers to having their views heard to create platforms that better enable their participation in the rural movement;
- collectively develop a cross-sectoral, locally-informed understanding of rural Scotland's economy, society and culture that shapes local practice and national policy;
- deliver the biennial Scottish Rural Parliament and a Rural Manifesto for Scotland.

Scottish Social Services Council (SSSC)

They are the regulator for the social work, social care and early years workforce in Scotland.

Their work means the people of Scotland can count on social work, social care and early years services being provided by a trusted, skilled and confident workforce.

SSSC protects the public by registering social workers, social care and early years workers, setting standards for their practice, conduct, training and education and by supporting their professional development.

Where people fall below the standards of practice and conduct they can investigate and take action.

They:

- publish the national codes of practice for people working in social work, social care and early years services and their employers
- register people working in social work, social care and early years and make sure they adhere to our codes of practice

- promote and regulate their learning and development
- are the national lead for workforce development and planning for the social work, social care and early years workforce in Scotland.

The SSSC Register was set up under the Regulation of Care (Scotland) Act 2001 to regulate social service workers and to promote their education and training.

Social service workers must:

1. Protect the rights and promote the interests of service users and carers.
2. Strive to establish and maintain the trust and confidence of service users and carers.
3. Promote the independence of service users while protecting them as far as possible from danger or harm.
4. Respect the rights of service users while seeking to ensure that their behaviour does not harm themselves or other people.
5. Uphold public trust and confidence in social services.
6. Be accountable for the quality of their work and take responsibility for maintaining and improving their knowledge and skills.

Scottish Trans Alliance

We work to improve gender identity and gender reassignment equality, rights and inclusion in Scotland.

We are inclusive of non-binary people.

We strive for everyone in Scotland to be safe and valued whatever their gender identity and gender reassignment status and to have full freedom in their gender expression.

The Scottish Trans Alliance is currently funded by the Scottish Government Equality Unit to achieve three project outcomes.

The project outcomes relate to trans equality policy work, trans community engagement, and trans visibility.

Project Outcome One - Policy

Government policy makers, equality organisations, and other employers and service providers are more informed about how to improve gender identity and

gender reassignment equality, rights and inclusion through policy and good practice development.

Some of the activities we do to achieve this outcome include:

- Developing good practice guidance for employers and service providers
- Providing trans awareness and equality training for public bodies
- Responding to Government consultations
- Attending equality meetings with public bodies
- Carrying out research into issues affecting trans people

Project Outcome Two - Community Engagement

Transgender people are more informed, equipped and supported to engage with equality organisations, policy makers, service providers and employers on improving gender identity and gender reassignment equality, rights and inclusion.

Some of the activities we do to achieve this outcome include:

- Organising national conferences, roundtables and other forums to bring together trans people, policy makers, service providers and others to explore how to improve trans equality
- Delivering skills development training sessions for trans people interested in doing equality work
- Running consultation events and online surveys to enable trans people to shape our future trans equality work

Project Outcome Three - Visibility

An increase in accurate and positive visibility of transgender people's experiences in Scotland.

Some of the activities we do to achieve this outcome include:

- Supporting trans people to celebrate Trans Day of Visibility on 31 March each year
- Supporting trans people to be visible during Pride events across Scotland
- Running creative arts courses to empower trans people to express themselves

- Organising living library events
- Creating short films about trans equality issues
- Proactively publicly speaking up for trans equality
- Responding to media enquiries

Scottish Youth Parliament

At Westminster in 1991, the UK Government ratified the UN Convention on the Rights of the Child (UNCRC), which established the right for young people to have their views taken seriously within an international legislative context.

At the same time, a group of youth workers and young people in Scotland were demanding more youth participation in activities and projects.

In response to this demand for increased youth participation on the one hand, and the UK's commitment to the UNCRC on the other, charities, councils and the UK Government's Scotland Office worked to develop ways to engage young people in Scotland on this agenda.

Various meetings and conferences took place during this period which ultimately led to a critical gathering in November 1994: the National Youth Work Conference.

At this event, participants made a series of recommendations to gather young people from regional forums and national youth organisations (like Youthlink Scotland, Young Scot), with the support of the UK Government's Cabinet Office into a single, national youth organisation. This organisation was originally called the Scottish Youth Council (SYC).

In 1997, a referendum was held on Scottish political devolution, which was successful. The following year, the Scotland Act established a Scottish Government and Scottish Parliament, which would be reconvened in 1999.

Devolution was a historic moment for the nation which was accompanied by a re-evaluation of how Scottish democracy could work, and what role citizens should play within it.

Young people were seen as a critical part of that conversation, and those who were involved with the Scottish Youth Council wanted to capitalise on this political opportunity.

Youth workers and a planning group of young people worked together to co-design a draft development plan and constitution for a national youth parliament.

Though the young people and youth workers generated much of the ideas, they also reached out to European colleagues simultaneously working to establish national youth councils of their own. Remember - this was before the days of email, the Internet and mobile phones, so this was a lot more difficult than it sounds to us now!

After lots of discussion with European youth groups and many meetings with young people and youth workers in Scotland, the planning committee successfully presented their plans to Henry McLeish, a Minister of State for Scotland responsible for setting up the mechanisms behind devolution for a new youth parliament to represent the views of Scottish young people.

Soon after McLeish committed to this plan, The Scottish Youth Parliament officially launched on the 30th of June 1999—one day before the official opening of the Scottish Parliament.

Secondary care

This includes acute care: necessary treatment for a short period of time for a brief but serious illness, injury, or other health condition.

This care is often found in a hospital emergency department. Secondary care also includes skilled attendance during childbirth, intensive care, and medical imaging services.

The term "secondary care" is sometimes used synonymously with "hospital care". However, many secondary care providers, such as psychiatrists, clinical psychologists, occupational therapists, most dental specialties or physiotherapists, do not necessarily work in hospitals.

Some primary care services are delivered within hospitals. but patients may be required to see a primary care provider for a referral before they can access secondary care.

Allied health professionals, such as physical therapists, respiratory therapists, occupational therapists, speech therapists, and dietitians, also generally work in secondary care, accessed through either their GP or their hospital consultant.

Secondary legislation

Secondary legislation lets the Scottish Government (or in some cases the Lord President of the Court of Session and Lord Justice General of Scotland, who is the most senior judge in Scotland) make changes to laws. These changes are known as secondary legislation.

Secondary legislation can:

give more information about how a law will operate

be used to say when parts of the new Act should become law (when a bill is passed, it doesn't always become law straight away)

keep existing laws up to date

Secondary legislation can also be called:

subordinate legislation

regulations

SSIs (Scottish Statutory Instruments)

delegated legislation

Most Bills have plans to make secondary legislation in them.

Secondary legislation has the same legal status as Bills but does not take as long for the Parliament to look at. Usually secondary legislation takes around 40 days to get through Parliament.

Second-generation rights

These are the rights that entered popular discourse around the beginning of the 20th century mainly encompassing economic, social and cultural rights, such as an adequate standard of living, health care, housing and education.

The International Covenant on Economic, Social, and Cultural Rights principally codifies these rights.

Secretary/secretariat (UN)

Each treaty requires the Secretary-General of the United Nations to provide secretariat support to its treaty body.

Every treaty body has a secretariat, consisting of a secretary and other international civil servants, based within the United Nations Secretariat, who manage the agenda of the committee and coordinate its programme of work.

The secretariats of all treaty bodies are based in Geneva at OHCHR.

See Me

See Me is Scotland's national programme to end mental health stigma and discrimination.

Their vision is to enable people who experience mental health problems to live fulfilled lives.

They want to change the culture around mental health so people feel confident enough to speak about how they are feeling and can ask for help if they need it, without the fear that they will be stigmatised and discriminated against.

To do this They are targeting key setting where people face unacceptably high levels of stigma and discrimination if they are struggling with their mental health; including work, education, health and social care and in their local communities.

Self-Directed Support (SDS)

Self-Directed Support (SDS) replaced but still included Direct Payments that were first introduced in 2003.

This huge change on the way that social care was provided in Scotland was established by the Social Care (Self-directed Support) (Scotland) Act 2013 and provided much more choice and control over who delivers care and support.

Disabled people fought hard for the promotion and protection of human rights and independent living that is clearly stated as the intention of the Act.

Option 1 – Taken as a Direct Payment.

This is money that is paid directly to you so that you can direct your own support. Support you need to meet your agreed outcomes.

You can use this payment to choose and control your support, you can directly employ a Personal Assistant (become the employer) or buy services directly from a provider of your choice.

Option 2 – Allocated to an organisation that the person chooses, and the person is in charge of how it is spent.

A support budget is money for support that could come from several places. You can choose your own support but someone else will arrange that support and manage the money on your behalf.

Option 3 – The person chooses to allow the council to arrange and determine their services.

The local authority will commission a service on your behalf. The local authority will have responsibility for identifying and commissioning (or providing appropriate support and making payment of the relevant amount to the identified provider).

Option 4 – The person can choose a mix of these options for different types of support

A pick and mix of Options 1 to 3

Separation of powers

This is the separation of governmental power into different branches, so that none is able to exercise absolute control.

The normal division is between a legislative branch, which makes the laws, an executive branch to carry out the laws; and an independent judicial branch to oversee observance of the laws.

Sex

The biological differences between men and women, which are universal and do not change.

This is in contrast to gender, which refers to social attributes that are learned or acquired during socialisation as a member of a given community.

Sexuality

A person's sexuality, or sexual orientation, determines whom they do, or do not, feel attraction toward.

This attraction is typically sexual or romantic. A person's sexuality, or sexual orientation, determines whom they do, or do not, feel attraction toward

Shadow report

This refers to an unofficial report prepared by institutes or individuals representing civil society that is submitted to a committee monitoring a human rights treaty.

Such reports usually contradict or add to the official reports on treaty compliance and implementation submitted by a government as part of its treaty obligations.

Signature

The signature of a treaty is the first step to become party to the treaty, which invariably means the step towards ratification.

By signing a treaty the state expresses an intention, in the future, to accept all the obligations arising under the treaty and in the meantime to refrain from doing anything inconsistent with these obligations.

Significant Impairment of Decision-Making Ability (SIDMA)

This triggers a civil compulsory care and treatment orders under the Mental Health Care and Treatment Act 2003 that can include:

- Emergency Detention

- Short Term Detention

- Compulsory Treatment Order

This applies to the person's ability to make decisions about their medical treatment.

Simulation

This is an extended, structured role-play that takes the participants into unfamiliar situations and roles.

Skill

This refers to an ability to do an activity or job well, especially because you have practised it.

The ability to defend human rights includes, for example, skills of communication, problem-solving, creative thinking, negotiation and teamwork.

Slavery

This is a practice based on a relationship of power and submission, whereby one person owns another and can exact labour or other services from that person.

Modern forms of slavery include:

- the sale of children,

child prostitution,
the exploitation of child labour,
the use of children in armed conflicts,
debt bondage,
the traffic in persons,
the exploitation of prostitution and
forced labour.

SMART – Campaigning

Start by writing down your campaign objective. Now think about how to make it 'SMART' – S.M.A.R.T. You can use this as a checklist.

S is for Specific: Who specifically do you want to target? What specifically do you want them to do? Why specifically do you want them to do it? When specifically do you want them to do it?

M is for Measurable: How are you going to measure the success of your campaign? You might set targets for your activities and the changes that result from them.

A is for Achievable: There's no point spending time and money on a campaign that stands no realistic chance of success. What makes your campaign achievable?

R is for Resourced: Do you have enough people and money to carry out the campaign activities? If not, you'll need to think again.

T is for Timebound: There needs to be a start date and a finish date with a timetable of activities in between – otherwise the campaign will risk drifting on until it just fizzles out.

Social Care (Self-Directed Support) (Scotland) Act 2013

This Act makes legislative provisions relating to the arranging of care and support ("community care services" and "children's services") in order to provide a range of choices to individuals as to how they wish their support to be provided.

The Act is underpinned by four statutory principles, which should guide and inform the assessment process and any subsequent provision of choice as part of wider support planning.

The principles of collaboration, informed choice, involvement and participation and dignity are important as they articulate the underlying spirit of the legislation.

The 2013 Act introduces the language of self-directed support into statute. It places a duty on local authorities to offer four options to individuals who they assess as requiring care and support under section 12A of the Social Work (Scotland) Act 1968, section 3 of the 2013 Act (support for adult carers) and section 22-24 of the 1995 Act.

It requires authorities to explain the nature and effect of all four options and provide information and assistance to individuals in order that they can make an informed choice about the options available.

Option 1 – Taken as a Direct Payment.

This is money that is paid directly to you so that you can direct your own support. Support you need to meet your agreed outcomes.

You can use this payment to choose and control your support, you can directly employ a Personal Assistant (become the employer) or buy services directly from a provider of your choice.

Option 2 – Allocated to an organisation that the person chooses, and the person is in charge of how it is spent.

A support budget is money for support that could come from several places. You can choose your own support but someone else will arrange that support and manage the money on your behalf.

Option 3 – The person chooses to allow the council to arrange and determine their services.

The local authority will commission a service on your behalf. The local authority will have responsibility for identifying and commissioning (or providing appropriate support and making payment of the relevant amount to the identified provider).

Option 4 – The person can choose a mix of these options for different types of support

A pick and mix of Options 1 to 3

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Sign

In human rights, this is the first step in the ratification of a treaty.

To sign a Declaration, a Covenant or a Convention consists of a promise to adhere to the principles in the document and to honour its spirit and intent.

Simplified Reporting Procedure

This new optional reporting procedure adopted by the Committee against Torture, the Human Rights Committee, and the Committee on Migrant Workers consists in the preparation of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report so as to facilitate the reporting process.

The State party's response to this list of issues constitutes its report to one of these three treaty bodies.

SNAP2

SNAP2 is the second four-year cycle of SNAP.

The launch has been delayed by the Covid pandemic and now hopefully will launch later in 2021.

Social and Economic Rights

These are rights that give people social and economic security and are sometimes referred to as security-oriented, or second-generation rights.

Examples include the Right to Food, Shelter and Health care

Social Model of Disability

This is the concept that “people with impairments are disabled by the fact that they are excluded from participation within the mainstream of society as a result of physical, organisational and attitudinal barriers.

These barriers prevent them from gaining equal access to information, education, employment, public transport, housing and social/recreational opportunities”.

This model was created by disabled people themselves.

Social Rights

These are rights that give people security as they live together and learn together as in families, schools and other institutions.

Social rights are rights necessary for full participation in the life of society.

The UDHR, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the European Social Charter guarantee social rights.

Social Security Charter

The Social Security (Scotland) Act 2018 required the Scottish Government to create Our Charter.

The purpose of Our Charter is to set out what people should expect from the new social security system, which we will administer.

It explains in clearer terms how we will uphold the Principles in the Act , how we will make sure that we are taking a human rights based approach to what we do and how we will demonstrate dignity, fairness and respect in all our actions.

As with everything in this new system, Our Charter was created with people and not for them.

We have also proactively produced this in a range of accessible formats including video with British Sign Language, audio, large print, Easy Read, which are linked to below.

In addition, you can also find downloadable versions of Our Charter below in English, Farsi, Mandarin, Cantonese, Urdu, Gaelic, Polish and Arabic.

Social Security Scotland – Principles

The Scottish social security principles are—

- (a) social security is an investment in the people of Scotland,
- (b) social security is itself a human right and essential to the realisation of other human rights,
- (c) the delivery of social security is a public service,
- (d) respect for the dignity of individuals is to be at the heart of the Scottish social security system,
- (e) the Scottish social security system is to contribute to reducing poverty in Scotland,
- (f) the Scottish social security system is to be designed with the people of Scotland on the basis of evidence,
- (g) opportunities are to be sought to continuously improve the Scottish social security system in ways which—
 - (i) put the needs of those who require assistance first, and
 - (ii) advance equality and non-discrimination,
- (h) the Scottish social security system is to be efficient and deliver value for money.

Social Security Scotland (SSS) – as at 28 June 2021

Social Security Scotland is part of the Scottish Government. They are an Executive Agency.

This means that they are part of the Scottish Government but their management and budgets are separate.

The Chief Executive is accountable for managing their work and for the budget that they are required to deliver.

Social Security Scotland is an Executive Agency, which means that the Agency is accountable to Ministers, and Ministers are accountable to Parliament.

The Chief Executive reports to the Cabinet Secretary for Social Justice, Housing and Local Government, Shona Robison, and to Minister for Social Security and Local Government, Ben Macpherson.

The Chief Executive is supported in his role by different governance groups and they also have stakeholder groups that offer us advice.

Governance groups

Portfolio Sponsor

Executive Advisory Body

Audit and Assurance Committee

Agency Executive Team

Stakeholder groups

Inclusive Communications Stakeholder Group

Operations Reference Group

Equalities Network

SSS Currently delivers the following benefits:

Best Start Grant Pregnancy and Baby Payment

This is a one off payment of up to £606 from 24 weeks in pregnancy up until a baby turns 6 months for families who get certain benefits.

Best Start Grant Early Learning Payment

A one-off payment of £252.50 when a child is between two and three years and six months for families who get certain benefits.

Best Start Grant School Age Payment

A one-off payment of £252.50 when a child would normally start primary one for families who get certain benefits.

Best Start Foods

A pre-paid card from pregnancy up to when a child turns three for families on certain benefits to help buy healthy food.

Carer's Allowance Supplement

An automatic payment made twice a year to people who get Carer's Allowance through the DWP on certain dates each year.

Funeral Support Payment

Money towards the costs of a funeral at a difficult time like this for people on certain benefits who are responsible for paying for a funeral.

Job Start Payment

This provides £252.50 for 16 to 24 year olds who have been on certain benefits for six months or more to help with the costs of starting a job.

Young Carer Grant

An annual payment of more than £308.15 for people 16, 17 or 18 who care for people who get a disability benefit from the DWP for an average of 16 hours a week or more.

Child Winter Heating Assistance

A new £202 payment to help families of a child on the highest rate care component of Disability Living Allowance for Children to heat their homes.

Scottish Child Payment

A new, unique to Scotland, benefit that will give qualifying parents and carers £40 every four weeks to help towards the costs of looking after each child under 6. It is planned to be fully rolled out to children under the age of 16 by the end of 2022.

There are other benefits that SSS will administer such as Disability Living Allowance (DLA) and Personal Independence Payment (PIP) but are currently being managed by the Department for Work and Pensions under the terms of an Agency Agreement.

Solidarity rights

See collective rights

South of Scotland Enterprise (SOSE)

South of Scotland Enterprise (also known as SOSE) launched officially on 1 April 2020 as the Economic and Community Development Agency for Dumfries and Galloway and Scottish Borders.

They were established by the Scottish Government in recognition of the unique circumstances of the South of Scotland, and the need for a fresh approach to drive inclusive growth across the area.

The South of Scotland Enterprise Act 2019 was passed by Scottish Parliament in June 2019 and provides our legal framework.

They want to drive inclusive growth, increase competitiveness, and tackle inequality within the region. We want to establish the South of Scotland as a centre of opportunity, innovation and growth.

Special Educational Needs and Disability Act 2001 (SENDA) – England

The Special Educational Needs and Disability Act 2001, also known as SENDA, is an Act of the Parliament of the United Kingdom.

It is intended as an adjunct to the Disability Discrimination Act 1995, which legislated to prevent the unfair treatment of individuals, in the provision of goods and services, unless justification could be proved.

This legislation was deemed necessary as the previous Act did not encompass educational organisations. This was further replaced by the Disability Discrimination Act 2005.

The Act required schools, colleges, universities, adult education providers, statutory youth service and local education authorities to make 'reasonable

provisions' to ensure people with disabilities or special needs were provided with the same opportunities as those who were not disabled.

The Act stated that discrimination occurred when the educational establishment/body either fails to make reasonable adjustments to accommodate individuals with special needs or a disability, or when they give them less favourable treatment.

The current regulations for SEN are set out in the Children and Families Act 2014.

Different levels of support are given to children depending on how much support is required. Most children with SEN are given school-level support, known as SEN support.

An Education, Health and Care Plan (EHCP) is given to children and young people who are considered to have complex needs. They can be used for children and young people aged 2–25.

Children and young people with an EHCP are entitled to a personal budget. Every school must have a Special Educational Needs Co-Ordinator (SENCO), who is responsible for overseeing the support of pupils with SEN.

Children with SEN in the UK can attend mainstream or special schools, but legally, local authorities are obliged to educate children in mainstream schools where possible.

If a family feels that their child is not receiving sufficient support, they may take their local authority to the Special Educational Needs and Disability Tribunal to appeal any decisions the local authority has made on a child's support.

Specialised agencies, funds and programmes

The various specialised agencies, funds and programmes of the United Nations system that carry out much of the work of the United Nations, including promoting and protecting human rights.

All treaty bodies permit United Nations agencies to provide additional country information in the context of the consideration of a particular State report.

Some specialized agencies also provide technical assistance to States, both in the implementation of treaty obligations and in the writing of reports for the treaty bodies.

United Nations country teams also participate increasingly in the work of human rights treaty bodies.

Special Educational Needs

A child has special educational needs if they have a learning problem or disability that make it more difficult for them to learn than most children their age.

They may have problems with schoolwork, communication or behaviour. Parents can get help and advice from specialists, teachers and voluntary organisations.

Special Needs

Special needs is an umbrella term for a wide array of diagnoses, from those that resolve quickly to those that will be a challenge for life and those that are relatively mild to those that are profound.

Children with special needs may have developmental delays, medical conditions, psychiatric conditions, and/or congenital conditions. These special needs require accommodations so children can reach their potential.

Special NHS Boards

Public Health Scotland

Public Health Scotland is Scotland's lead national agency for improving and protecting the health and wellbeing of all of Scotland's people.

Healthcare Improvement Scotland

Supporting the delivery of high quality, evidence-based care and scrutinising services to provide public assurance about the quality and safety of healthcare.

NHS Education for Scotland

Quality Education for a Healthier Scotland.

NHS National Waiting Times Centre

Ensuring prompt access to first-class treatment.

NHS24

Providing health advice and information.

Scottish Ambulance Service

Responding to almost 600,000 accident and emergency calls and taking 1.6 million patients to and from hospital each year.

The State Hospitals Board for Scotland

Providing assessment, treatment and care in conditions of special security for individuals with a mental disorder whom because of their dangerous, violent or criminal propensities, cannot be cared for in any other setting.

NHS National Services Scotland

Supplying essential services including health protection, blood transfusion and information

Special Rapporteur

This is a person chosen by a human rights body, such as the UN Human Rights Council to report on a particular theme e.g. on adequate housing, child prostitution and child pornography, on violence against women or on the human rights situation in a particular country.

Standing

This is the ability of a party to demonstrate to the court sufficient connection to the case in order to bring an action.

Standing Orders

Standing Orders of the Scottish Parliament

The Standing Orders are the rules of procedure for the Parliament.

They have been made in accordance with the Scotland Act 1998.

State

Often synonymous with 'country'; a group of people permanently occupying a fixed territory having common laws and government and capable of conducting international affairs.

State Party

A state party to a treaty is a country that has ratified or acceded to that particular treaty, and is therefore legally bound by the provisions in the instrument.

State party report

The report that each State party to a human rights treaty is required, under the provisions of that treaty, to submit regularly to the treaty body, indicating the measures it has adopted to implement the treaty and the difficulties it has encountered.

All treaties require a comprehensive initial report within a fixed time after ratification and, with the exception of the International Convention for the Protection of All Persons from Enforced Disappearance, also subsequent periodic reports at regular intervals.

State sovereignty

This is the idea that a government has the ultimate legal right to determine what is done within its jurisdiction.

International human rights documents set certain limitations to sovereignty, as does membership of international bodies such as the EU.

Stereotypes

Thinking all people who belong to a certain group are the same and labelling them, e.g. all young people who wear hoodies are thugs and all effeminate men are gay.

It is an oversimplified, generalised and often unconscious preconception about people or ideas that may lead to prejudice and discrimination. A

generalisation in which characteristics possessed by a part of a group are extended to the group as a whole.

Structural interdict

This is a remedy for structural issue whereby the courts order a set of measures to be implemented, then they play a part in monitoring the compliance of the measures until the court is satisfied that the violation has been remedied.

Subordinate legislation

Subordinate legislation is secondary legislation, such as regulations, statutory instruments (“SI’s”) or orders.

It is created by Government Ministers (and other bodies) in an exercise of delegated authority under powers granted by Acts of Parliament.

Subordinate legislation is not subject to the same level of parliamentary scrutiny as primary legislation.

The particular procedure followed in creating subordinate legislation will depend on the terms of the primary Act of Parliament.

Sufficient interest

In law, “**Standing**” is the ability of a party to demonstrate to the court sufficient connection to the case in order to bring an action.

While standing differs between jurisdictions, a person or organisation with the ability to demonstrate “sufficient interest” is one of the many methods of determining standing internationally.

Supported Decision Making

Supported Decision-Making (SDM) allows individuals with disabilities to make choices about their own lives with support from a team of people they choose.

Individuals with disabilities choose people they know and trust to be part of a support network to help with decision-making.

Supported Decision-Making is an alternative to guardianship. Instead of having a guardian make a decision *for* the person with the disability, Supported Decision-Making allows the person with the disability to make his or her own decisions.

Support in Mind Scotland

Support in Mind Scotland (SiMS) is a mental health strategy with almost 50 years’ experience.

SiMS supports up to 1,500 people per week and provides support and services across Scotland.

Sustainable development

This refers to development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

The term was first used by the World Commission on Environment and Development (WCED), convened by the UN in 1983.

T

TARA

Trafficking Awareness Raising Alliance

Trafficking and exploitation are forms of modern slavery, in which persons, are forced, threatened, coerced or deceived for the purpose of sexual exploitation, labour exploitation and domestic servitude.

TARA (Trafficking Awareness Raising Alliance) was established in 2004 to provide support to women who may be trafficked and exploited.

Thematic Mechanisms

This refers to the various special rapporteurs, representatives, independent experts or working groups acting under United Nations auspices to investigate specific human rights concerns.

Third-generation rights

These are rights that are not easily classified as either civil-political or social-economic, which emerged in the second half of the twentieth century.

They include the right to a healthy environment, the right to peace, the right to development, and the right to natural resources. See also collective rights.

Third Sector

This is an umbrella term that covers a range of different organisations with different structures and purposes, belonging neither to the public sector (i.e., the state) nor to the private sector (profit-making private enterprise).

You may have heard other terms used to describe such organisations – the voluntary sector, non-governmental organisations, non-profit organisations – particularly in public discussions around policy and politics.

These terms all describe organisations which share the same fundamental elements:

- **Non-governmental:** although they often work with or alongside government agencies, and may receive government funding or commissions, third sector organisations are independent from the government.
- **Non-profit:** third sector organisations raise funds and generate financial surpluses in order to invest in social, environmental, or cultural objectives. They do not seek to make profits as an end in its own right.
- **Values-driven:** third sector organisations pursue specific goals which are often aligned with particular social and political perspectives. They may be associated with or work with political parties, but a political party is not a third sector organisation.

Third sector organisations include:

- Charities
- Voluntary and community organisations
- Social enterprises and cooperatives
- Think tanks and private research institutes (this does not include universities and colleges)
- Some organisations, such as housing associations, have been spun off from government and are considered quasi-third sector groups, even though they deliver public services.

Together – Scottish Alliance for Children’s Rights

Together is an alliance of Scottish children's charities that works to improve the awareness, understanding and implementation of the United Nations Convention on the Rights of the Child (UNCRC).

We do this by:

- promoting the UN Convention on the Rights of the Child;

- helping children's organisations to integrate the UNCRC into their work;
- monitoring and reporting on the progress made at a Scottish and UK level.

Our growing membership is made up of a range of children's charities, from small local playgroups through to large international charities, alongside individuals, academics and professionals with an interest in children's rights.

Tolerance

Refers to a willingness to accept behaviour and beliefs which are different from your own, although you might not agree with or approve of them.

Declaration of Principles on Tolerance (UNESCO 1995).

Trade Union

This is an association of workers in a particular trade or craft that looks after the workers' common interests.

For instance, better working conditions.

The right to form and join a trade union as well as a right to collective bargaining of wages are widely recognised human rights.

Trainer

This is a person who prepares programmes of learning activities, for instance, debates, study visits, viewing films and running activities for a group of participants.

When doing activities, the trainer or teacher works democratically with the group and has the role of facilitator.

Training

The process of learning the knowledge, skills and attitudes that you need to do a particular job or activity, for instance to enable you to defend human rights.

Transgender

An umbrella term for people whose gender identity and / or gender expression differs from their birth sex.

They may or may not seek to undergo gender reassignment, including hormonal treatment and/or surgery.

Often used interchangeably with 'trans'.

Treaty

A written international agreement between two or more states formally approved and signed by their leaders, or between the UN and a member state.

This is a formal agreement that defines and modifies their mutual duties and obligations.

When a state ratifies a treaty that has been adopted, the Articles of that treaty become part of its domestic legal obligations.

Treaty body or committee

A committee of independent experts appointed to review the implementation by State parties of an international human rights treaty.

The treaties use the term “committee” throughout, but the committees are widely known as “treaty bodies” because they are created in accordance with the provisions of the treaty which they oversee.

In many important respects, they are independent of the United Nations system, although they receive support from the United Nations Secretariat and report to the General Assembly. Sometimes also called "treaty-monitoring body".

Treaty, convention, covenant or instrument

Legally, there is no difference between a treaty, a convention or a covenant.

All are international legal instruments which, in international law, legally bind those States that choose to accept the obligations contained in them by becoming a party in accordance with the final clauses of these instruments.

Treaty-specific report / document

The common core document is submitted to a treaty body in tandem with a targeted treaty-specific document, focusing on issues related specifically to the treaty concerned.

Although often referred to as a “treaty-specific report”, the report to each treaty body in fact consist of a common document, which is the same for all committees, and a treaty-specific document for each specific treaty body.

The two documents, read together, constitute the State party’s report.

U

Unilateral

Unilateral means "one-sided." For instance, a decision is unilateral if it made by one person / party / body.

United Nations

An organisation that was founded in 1945

The aim was to facilitate world wide cooperation in international law, international security, economic development, social progress and human rights issues.

The UN is currently made up of 193 Member States.

The mission and work of the UN are guided by the purposes and principles set out in the founding Charter.

UN Agencies and Partners

United Nations agencies and partners are also involved in the promotion and protection of human rights and interact with the main human rights bodies:

United Nations High Commissioner for Refugees (UNHCR)

Office for the Coordination of Humanitarian Affairs (OCHA)

Inter-Agency Internal Displacement Division

International Labour Organization

World Health Organization

United Nations Educational, Scientific and Cultural Organization (UNESCO)

Joint United Nations Programme on HIV/AIDS (UNAIDS)

Inter-Agency Standing Committee (IASC)

DESA (Department of Economic and Social Affairs)

Commission on the Status of Women (CSW)

Office of the Special Adviser on Gender Issues and the Advancement of Women (OSAGI)

Division for the Advancement of Women (DAW)

United Nations Population Fund (UNFPA)

United Nations Children's Fund (UNICEF)

United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)

United Nations Development Programme (UNDP)

Food and Agriculture Organization of the United Nations (FAO)

United Nations Human Settlements Programme (HABITAT)

United Nations Mine Action

United Nations Charter

Initial document of the UN setting forth its goals, functions, and responsibilities; adopted in San Francisco in 1945.

The **Charter of the United Nations** (also known as the **UN Charter**) is the foundational treaty of the United Nations, an intergovernmental organization.

It establishes the purposes, governing structure, and overall framework of the UN system, including its six principal organs:

Secretariat,

General Assembly,

Security Council,

Economic and Social Council, the

International Court of Justice, and
Trusteeship Council.

The UN Charter mandates the UN and its member states to maintain international peace and security, uphold international law, achieve "higher standards of living" for their citizens, address "economic, social, health, and related problems", and promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

As a charter and constituent treaty, its rules and obligations are binding on all members and supersede those of other treaties.

United Nations Children's Fund (UNICEF)

This advocates for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential.

UNICEF is also guided by the Convention on the Rights of the Child and strives to establish it as an international standard for all behaviour towards children.

United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC is an international human rights treaty adopted in 1989 by the United Nations General Assembly.

UNCRC (Incorporation) (Scotland) Bill

This was introduced to the Scottish Parliament on the 1st of September 2020.

It was intended to be the first of many incorporations of UN Conventions including Economic Social and Cultural Rights and the UN Convention on the Rights of Persons with Disabilities.

However, the UK government has challenged the competency of the Scottish parliament to legislate in some of the areas that are Reserved Matters.

United Nations Convention of the Rights of Persons with Disabilities (UNCRPD) 2006

Although hailed as a great step forward for disabled people and their human rights, the Convention does not actually provide disabled people any more

rights but it does bring together existing rights and helps to spell out what they mean for all disabled people.

The Convention cannot be used to take forward a legal case but it can be used to interpret existing laws.

The Government must also regularly report what it has done to implement the UNCRPD.

Under the Optional Protocol to the Convention, individuals or groups of individuals can lodge a complaint to the UN Committee regarding a violation of a right or rights by the state as a last resort.

This was used by Disabled People's organisations in 2016 and this resulted in a UN investigation and a report condemning the UK government for its treatment of disabled people.

United Nations Economic and Social Council (ECOSOC)

This UN Council is made up of 54 members and is principally concerned with the fields of population, economic development, human rights and criminal justice.

This is a high-ranking body that receives and discharges human rights reports in a variety of circumstances.

United Nations General Assembly

The General Assembly is one of the UN's principal organs and consists of all Member States.

The GA issues Declarations and adopts Conventions on human rights issues.

The actions of the GA are governed by the UN Charter.

United Nations Human Rights Bodies

Charter-based bodies

These are the Bodies associated with the UN Charter.

Human Rights Council

Universal Periodic Review

Commission on Human Rights (replaced by the Human Rights Council)

Special Procedures of the Human Rights Council

Human Rights Council Complaint Procedure

Treaty-based bodies

There are ten human rights treaty bodies that monitor implementation of the core international human rights treaties:

Committee on the Elimination of Racial Discrimination (CERD)

Committee on Economic, Social and Cultural Rights (CESCR)

Human Rights Committee (CCPR)

Committee on the Elimination of Discrimination against Women (CEDAW)

Committee against Torture (CAT)

Committee on the Rights of the Child (CRC)

Committee on Migrant Workers (CMW)

Subcommittee on Prevention of Torture (SPT)

Committee on the Rights of Persons with Disabilities (CRPD)

Committee on Enforced Disappearances (CED)

Other United Nations Bodies

Other UN bodies and entities involved in human rights promotion and protection.

There are several other important United Nations bodies which are concerned with the promotion and protection of human rights. These bodies are not serviced by OHCHR and include:

United Nations General Assembly

Third Committee of the General Assembly

Economic and Social Council

International Court of Justice

United Nations Security Council (UNSC)

This is one of the principal organs of the United Nations and is charged with the maintenance of international peace and security.

It has 5 permanent members, each of which has the power to veto any decision by the Security Council, and 10 non-permanent members.

Universal

Something that applies everywhere and in all cases.

Human rights are universal; they belong to everyone who is part of the human family.

Universal Declaration of Human Rights (UDHR) 1948

Primary United Nations document establishing human rights standards and norms.

It was adopted by the general assembly on 10 December 1948.

Although the UDHR was intended to be non-binding, through time its various provisions have become so respected by states that it can now be said to be Customary International Law.

Universal Human Rights Index (UNHRI)

UHRI is a central repository of human rights information.

It aims to assist States in the implementation of these recommendations and to facilitate the work of national stakeholders such as National Human Rights Institutions (NHRIs), non-governmental organisations, civil society and academics as well as the United Nations in support of such implementation efforts.

It is also for human rights analysis including to identify who may be at risk of being left behind and mapping of systematic, recurring and unresolved human rights issues.

Universal Human Rights Instruments

In addition to the International Bill of Rights and the core human rights treaties, there are many other universal instruments relating to human rights. A non-exhaustive selection is listed below.

World Conference on Human Rights and Millennium Assembly

- Vienna Declaration and Programme of Action
- United Nations Millennium Declaration

Freedom of Association

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Rights of The Child

- Convention on the Rights of the Child (CRC)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OPSC)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OPAC)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

War Crimes and Crimes Against Humanity, Including Genocide

- Convention on the Prevention and Punishment of the Crime of Genocide
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
- Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity
- Statute of the International Tribunal for the Former Yugoslavia

- Statute of the International Tribunal for Rwanda
- Rome Statute of the International Criminal Court

Rights of Persons with Disabilities

- Convention on the Rights of Persons with Disabilities
- Optional Protocol to the Convention on the Rights of Persons with Disabilities
- Declaration on the Rights of Mentally Retarded Persons
- Declaration on the Rights of Disabled Persons
- Principles for the protection of persons with mental illness and the improvement of mental health care
- Standard Rules on the Equalization of Opportunities for Persons with Disabilities

Prevention of Discrimination

- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)
- Declaration on Race and Racial Prejudice
- Convention against Discrimination in Education
- Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
- World Conference against Racism, 2001 (Durban Declaration and Programme of Action)

Right to Health

- Declaration of Commitment on HIV/AIDS

Humanitarian Law

- Geneva Convention relative to the Treatment of Prisoners of War
- Geneva Convention relative to the Protection of Civilian Persons in Time of War
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)

Rights of Indigenous Peoples and Minorities

- Declaration on the Rights of Indigenous Peoples
- Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Human Rights in the Administration of Justice: Protection of Persons Subjected to Detention or Imprisonment

- United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)
- Basic Principles for the Treatment of Prisoners
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)
- Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Safeguards guaranteeing protection of the rights of those facing the death penalty
- Code of Conduct for Law Enforcement Officials
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)
- Guidelines for Action on Children in the Criminal Justice System
- United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)
- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- Basic Principles on the Independence of the Judiciary
- Basic Principles on the Role of Lawyers
- Guidelines on the Role of Prosecutors
- Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

- Declaration on the Protection of All Persons from Enforced Disappearance
- Basic Principles and Guidelines on the Right to a Remedy and Reparation
- International Convention for the Protection of All Persons from Enforced Disappearance
- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)
- Updated Set of principles for the protection and promotion of human rights through action to combat impunity

Marriage

- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages
- Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

Rights of Migrants

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPMW)
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

Nationality, Statelessness, Asylum and Refugees

- Convention on the Reduction of Statelessness
- Convention relating to the Status of Stateless Persons
- Convention relating to the Status of Refugees
- Protocol relating to the Status of Refugees
- Declaration on the Human Rights of Individuals who are not nationals of the country in which they live

Rights of Older Persons

- United Nations Principles for Older Persons

Rights of Peasants

- Declaration on the Rights of Peasants and Other People Working in Rural Areas (PDF)

Promotion and Protection of Human Rights

- Principles relating to the status of national institutions (The Paris Principles)
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
- United Nations Declaration on Human Rights Education and Training

The Right of Self-Determination

- United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples
- General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent sovereignty over natural resources"
- International Convention against the Recruitment, Use, Financing and Training of Mercenaries

Slavery, Slavery-Like Practices and Forced Labour

- Slavery Convention
- Protocol amending the Slavery Convention signed at Geneva on 25 September 1926
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
- Forced Labour Convention, 1930 (No. 29)
- Protocol of 2014 to the Forced Labour Convention, 1930

- Abolition of Forced Labour Convention, 1957 (No. 105)
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Social Welfare, Progress and Development

- Declaration on Social Progress and Development
- Universal Declaration on the Eradication of Hunger and Malnutrition
- Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind
- Declaration on the Right of Peoples to Peace
- Declaration on the Right to Development
- Universal Declaration on the Human Genome and Human Rights
- Universal Declaration on Cultural Diversity

Rights of Women

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP)
- Declaration on the Protection of Women and Children in Emergency and Armed Conflict
- Declaration on the Elimination of Violence against Women

Right to Work and to Fair Conditions Of Employment

- Employment Policy Convention, 1964 (No. 122)

Universality

This is the principle that all human rights are held by all persons in all states and societies in the world.

V

Values

'Values are principles, fundamental convictions, ideals, standards or life stances which act as general guides to behaviour or as points of reference in decision-making or the evaluation of beliefs or actions and which are closely connected to personal integrity and personal identity.'

VAWG

Violence Against Women and Girls.

Victimisation

Subjecting a person to a detriment because they have done a protected act or there is a belief that they have done a protected act i.e.:

- Bringing proceedings under the Equality Act 2010

- Giving evidence or information in connection with proceedings under the Act

- Doing any other thing for the purposes or in connection with the Act

- Making an allegation that a person has contravened the Act.

Voices of Experience - VOX Scotland

This is Scotland's national voice on mental health – we represent our members' views to Scotland's politicians and health professionals to make sure Scotland's laws and mental health services reflect service user needs and interests.

VOX is Scotland's only national mental health advocacy organisation run by service users for service users.

Voluntary Health Scotland

We are the national intermediary and network for voluntary health organisations in Scotland

We work with our members and others to address health inequalities, to improve health related policy, systems and partnership working, and to help people and communities to live healthier and fairer lives.

Our work involves:

Collaboration and networking:

We promote more integrated working and co-produced solutions between the voluntary and statutory sectors in order to promote equality and reduce health inequalities. We facilitate networking and we promote partnership working, co-production and mutual support across our membership.

Promotion and advocacy:

We amplify the voice of the voluntary health sector by providing our members with a wide range of opportunities to share their experience, expertise, views and ideas with wider audiences. We gather, build and promote evidence about the third sector's contribution to health agendas and outcomes.

Leadership and influence:

We bring the voluntary health sector's voice and expertise into national policy making. We do this by connecting our members with Scottish Government, NHS and other public sector decision makers. We support a two-way flow of information and ideas, and provide a platform for our members to be critical friends to policy makers.

Knowledge into action:

We raise our members' awareness of health priorities, we analyse and translate policy for and with our members. We provide our members with a wide range of information and opportunities for learning, knowledge exchange and creation, development and action.

We work with:

- Voluntary health organisations – large and small, national and local

- Other voluntary, community and third sector organisations
- Scottish Government and local government
- Health boards, partnerships and networks
- Universities and research bodies

W

War crimes

This refers to crimes committed during a conflict, internal or international, which involve grave breaches of humanitarian law or other laws relating to armed conflict.

The Hague Conventions of 1899 and 1907 along with the Geneva Convention of 1949 are among the first formal international laws of war and war crimes and the humanitarian treatment of the victims of war.

Welsh Parliament

The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people.

The Welsh Parliament makes laws for Wales on specific subject areas.

Outside these areas, different bodies (like local authorities or the UK government) make laws that apply to Wales.

Working methods

The procedures and practices developed by each treaty body to facilitate its work.

Such practices are not always formally adopted in the rules of procedure.

Each treaty body's working methods change in response to the workload and other factors.

In recent years, there has been a move, through the annual meeting of chairpersons, to streamline and harmonize working methods, especially if the different approaches of the committees cause confusion and inconsistency.

World Health Organisation (WHO)

This is an intergovernmental organisation under the auspices of the United Nations that works to promote health worldwide.

Written response / replies to list of issues

A State party's written replies to a treaty body's list of issues and questions submitted before the session at which its report will be considered.

Written responses to a list of issues supplement the State party report or bring it up to date.

X

Xenophobia

This refers to the irrational fear of foreigners, of persons from other countries or of things foreign generally.

Xenophobia can lead to discrimination, racism, violence and even armed conflict against foreigners.

Y

Young Person

A young person is aged 16 to 21 years.

Anyone over 21 will also be a young person while they are being provided with continuing care by a local authority if they have been looked after by the local authority between the ages of 16 and 19.

551 phrases and information regarding organisations with a human rights connection

Alex Thorburn – 13th August 2021