Human Rights and Social Policy: Challenges and Opportunities for Social Research and Its Use as Evidence in the Protection and Promotion of Human Rights in Scotland

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This article is the result of a joint project conducted by University of Roehampton and the Scottish Human Rights Commission, undertaken between March 2010 and April 2011. The article describes the methodological challenges encountered in the data collection phase of the project and addresses the conceptual relationship between social science and human rights research. It argues that social policy and social sciences research has an important contribution to make in the promotion and protection of human rights and demonstrates the use of the Research in Scotland's National Action Plan for Human Rights, being prepared by the Commission during 2012–13.

Keywords: Human Rights, Social Policy, Scotland, National Action Plan.

Introduction

The Scottish Human Rights Commission (the Commission), established by the Scottish Commission for Human Rights Act 2006[1] and formed in 2008, is an independent public body with the mandate to promote and protect human rights for everyone in Scotland. The Commission is a national human rights institution, established according to the United Nations Principles relating to the Status of National Institutions (The Paris Principles[2]), one of over eighty in the world and three in the UK, along with the Northern Ireland Human Rights Commission and the Equality and Human Rights Commission.

Since 2008, the Commission has been developing a programme of research to provide an evidence base on rights realisation in Scotland that would:

1. enable the Commission to identify gaps, as well as good practices, which they will use to prioritise their work in their second operational planning period and beyond;
2. help the Commission to report to and participate in UN human rights reviews, including the UN's second review of the UK on all of its UN human rights obligations in the 'Universal Periodic Review' in 2012;
3. provide an evidence base to provide the foundation for developing Scotland's National Action Plan for Human Rights in 2012–13 (SHRC, 2012), a road map for the fulfilment of rights.

Coming from a social policy background, the Commission's research officer developed a programme of research which made best use of the varied legal and social research experience of the team. This programme has attempted to bridge the gap between

human rights and social policy/social research and this article begins by outlining some of the key distinctions in the approaches taken by these two disciplines. The article then explores one of a number of projects[3] that was commissioned as part of this research programme, undertaken by Lamb and colleagues from the University of Roehampton's Department of Social Sciences in March 2010, to produce an annotated bibliography of grey[4] and non-grey non-legal literature on human rights in Scotland since 2006. The article presents the methodology used in the initial building of the bibliography and discusses the conceptual and methodological issues raised in Phase One. It then goes on to present findings that emerged from the project in terms of the distribution of literature and its relationships to human rights research (Phase Two) before proceeding to the final section in which the use of the data is discussed more fully with reference to specific human rights and its application in Scotland's National Action Plan for Human Rights (Phase Three).

Social policy, social science and human rights research

Distinctions in the normative orientation and conceptual tools utilised by social policy/social science and human rights researchers has a long history. For some social researchers, a perceived lack of foundations for the idea of human rights within the sociological cannon of Marx, Weber and Durkheim, from whence much academic and empirical social policy research has emerged, and the traditional tension between moral and scientific visions of the social sciences, meant that the study of human rights has until recently remained marginal to the social sciences. Much social policy research instead focused on Marshall's concept of social citizenship through rights tied to citizenship, rather than the universal idea of human rights which Dean argues are perceived as more abstract and in practice more elusive, particularly with respect to economic and social justice (Dean, 2007).

Another distinction lies in the strong focus of social policy and social science research on equality (which in itself contains competing conceptions) as a key driver of social progress. While there is a strong relationship between equality and human rights, they are not the same, and their conflation can risk marginalising the importance of other constituent concepts within human rights, such as dignity, respect, diversity and autonomy. While studies addressing inequality regard social justice as arising from relative equality between groups, human rights, at least theoretically, regards equality as a component of human rights which accrues to individuals. Human rights are, as described by Walby, 'a threshold concept', in which individuals claim equality in accessing and enjoying their rights (Walby, 2009: 8).

Yet if social science and social policy researchers and advocates have been reluctant to engage with human rights, many human rights researchers and practitioners have been equally slow to address issues of class, poverty, inequality and social and economic injustice, instead focusing mainly on civil and political rights (CP). While CP rights violations draw the international attention of human rights advocates when violated, there has traditionally been less attention paid to economic, social and cultural rights (ESC) in developed Western democracies, principally because a distinction has arisen in relation to what constitutes a human rights violation. While CP rights must be respected and ensured, ESC rights are subject to progressive realisation tied to the availability of State resources. This distinction has permeated the international human rights regime ever since they were accorded different statuses within separate treaties in the International Bill of Rights.[5] The UK Human Rights Act (1998)[6] is based on the European Convention

on Human Rights (ECHR),[7] which contains no ESC provisions, and while NGOs have been active in monitoring civil and political rights, they have until recently shown less interest in ESC or welfare rights (Hunt, 1995 in Dean, 2006).

Despite these tensions, this article argues that, nonetheless, there is considerable scope for social policy/social science research to contribute to human rights promotion and protection, and in particular to the formulation of human rights action plans and strategies. Furthermore, the distinctions between the two outlined above have, in recent years, begun to erode.

As early as the mid-1970s, Townsend argued that much social policy discussion is lacking in that it 'offers no indication of the mechanisms by which they [social problems] might be reduced or eliminated' (Townsend, 1975: 6). Dean too has argued that 'if Social Policy must struggle to understand what's wrong with society and with existing policies, it must also consider the various ways in which these may be put right' (Dean, 2006: 101). Turner's early argument that human rights was a fitting subject of study for sociology (Turner, 1993) began an engagement through which social scientists are now grasping the study of human rights with increasing recognition of their importance in addressing issues of social justice in practice and interrogating their social construction in contemporary society (Morris, 2006; Morgan, 2009; Short 2009; Hynes *et al.*, 2011).

Human rights researchers too are placing greater focus on ESC rights and inequalities arising from traditional social concerns with poverty, exclusion and class. This arguably follows international developments in applying human rights approaches to development and poverty reduction in the global south, influenced in the 1990s by Amartya Sen's work on development (Sen, 1999) and subsequently taken up in the United Nations Development Programme. At the same time, increasing concern with group rights has challenged the limiting of equality to individuals, and this is increasingly reflected in the growing field of human rights research methods where, for example, human rights impact assessment and measurement addresses the enjoyment of rights by groups (Landman, 2006; Landman and Carvalho, 2010).

A final distinction between the two approaches lies in their aims and outcomes. While both seek to contribute towards greater social and political justice, human rights research places particular emphasis on identifying a duty bearer for the fulfilment of human rights. This is because, historically in human rights research, the State (judiciary, legislature and executive) has been identified as the focus of its policy interventions. At the centre of international human rights is the ability of the State to both protect and violate human rights, and thus a key characteristic of human rights research has been that it identifies the State and the responsibility of state actors as 'duty bearers' who are accountable for upholding their international obligations. Research on human rights identifies whether human rights are being respected, protected, promoted and fulfilled; in what cases they are being violated; how, why and when. It asks the State to be accountable for their protection and promotion in accordance with international norms, holds it accountable for remedying breaches of human rights and assesses and measures in a variety of ways how State actors do this in principle, policy and practice (Landman and Carvalho, 2010: 17). In contrast, much social policy research does not focus solely on the unitary state but on the variety of social relations necessary for human wellbeing and the ways in which they can be promoted (Dean, 2006: 1). These can be structural, systemic, attitudinal and behavioural, and involve a variety of mechanisms for progress and change, from voluntary and private sector intervention to structural analysis, redistribution and social planning (Williams, 1989: 11) towards the realisation of well-being.

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Against this backdrop, the project initiated by the Commission in 2010 to combine social policy, social science and legal research with human rights standards in order to understand the current state of human rights protection in Scotland was an innovative step in expanding the work of both research sectors and in placing human rights firmly at the centre of Scottish government policy. The direction of governmental support for human rights has begun to diverge throughout the UK in recent years and the Conservative Party within the current coalition government at Westminster propose to replace the Human Rights Act (HRA) (1998) with a weaker UK bill of rights with reduced government accountability. The Scotland Act (1998)[8] and the HRA (1998) combine, however, to firmly place human rights at the centre of a constitutional framework in Scotland, and this, combined with more than a decade of devolution, as Miller (2011) argues, 'has given Scotland a more mature understanding of human rights and their rightful place in a modern, inclusive and outward looking society'.

Since its creation, the Commission has taken a human rights based approach to all of its work, as a means to empowering people to know, understand and claim their rights as well as to increase the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights. The Commission believes that involving all corners of Scottish society to develop Scotland's National Action plan for Human Rights (SHRC, 2012) is an appropriate means of delivering the promotion and progressive realisation of ESC as well as CP Rights.

Phase One: human rights research in Scotland since 2006

In March 2010, Lamb and colleagues were commissioned to produce an annotated bibliography of grey and non-grey non-legal literature on human rights in Scotland since 2006, focusing on issues within the Scottish Parliament's competency. During the initial planning phase, in consultation with the Commission, the researchers identified the range of sources to be used which included statutory, quasi-statutory and non-governmental organisations, and academic sources.[9] As the project focus was on non-legal literature, its principal sources were to be the social sciences, and specifically social and public policy, political science, health and human sciences, anthropology and sociological research.

The bibliography was to include research that referred to human rights both explicitly and non-explicitly, that is research that addressed human rights-related concepts such as equality or dignity, even while not specifically referring to 'human rights' or 'rights' (Table 1). The range of terms to be used in the literature searches were agreed by the Commission and University of Roehampton prior to the commencement of the project, however these terms were also expanded throughout Phase One of the project as the literature was reviewed – this will be discussed later.

However, as the first phase of the project progressed, it became clear that the conceptual issues identified in the introduction to this article had to be addressed methodologically before the project searches could proceed. While the researchers were identifying a great deal of research on issues germane to human rights advocacy, in that vulnerable groups were addressed and inequalities exposed, there was little research explicitly drawing on the language of human rights that could be simply classified under the rubric 'human rights research'.

The first phase of this project thus had to confront the following question: 'What constitutes human rights research and what should be included in the Bibliography?'.

Initial literature searches of the source databases identified 2,500 pieces of research which could be designated as non-legal research on Scotland since 2006. But did that make it human rights research? On the other hand, only including research that explicitly addressed human rights would not have yielded sufficient literature for the purposes of the Commission, which was to understand the content and range of relevant research and identify gaps and good practice in the enjoyment of human rights by people in Scotland. Thus, the researchers took the decision to develop a mechanism by which to classify literature for inclusion in the bibliography as human rights research.

The researchers firstly identified the explicit and intentional use of human rights language and concepts, alongside clear identification of a duty bearer, as the primary criteria for inclusion in the bibliography. The second criterion for inclusion was research which focused on vulnerable groups, which, while not explicitly referring to human rights, used 'non-human rights related themes and key words' (Table 1) and implied a duty bearer. In addition, two other criteria, 'vulnerable groups' and 'equality strands', were included

Table 1   Themes, keywords and equality strands

Themes relating to devolved issues identified by the Commission	Human rights and non-human rights related keywords	Equality strands
Access to justice and remedies	Dignity	Religion
Detention	Justice	Political opinion
Climate change, environmental protection and justice	Respect	Marital status
Criminal justice (this includes policing)	Equality	Race
	Abuse	Age/ageing
	Violence/violation	Sexual orientation
	Discrimination (this includes stigma)	Gender
Devolution and the future of human rights in Scotland	Access to Services	Disability (this includes physical disability and learning difficulty)
Social care/welfare	Diversity	People with dependents
Disability	Autonomy	Maternity
Education	Harassment	Nomadic/sedentary (i.e. Gypsy/Traveller)
Physical and mental integrity and health	Freedom	Gender identity
	Fairness	Health status
	Threat	Economic or social origin (including class/poverty)
Housing/homelessness	Neglect	Rural communities
Privacy	Welfare	Armed forces
Participation in decisions	Needs	
Standard of living	Citizenship	
Minorities/migration including asylum seekers/refugees	Liberty	
	Accountability	
	Empowerment	
Language	Inclusion/exclusion	
Employment and working conditions	Deprivation	
Poverty		

to capture the purpose of human rights in protecting those groups that are most vulnerable to being marginalised and discriminated against. The resultant bibliography was divided as follows:

1. research that is explicitly human rights focused and identifies a duty bearer (11 per cent of total bibliography);
2. research that addressed core human rights themes or violations (identified in Table 1) but where authors do not use the language of rights/human rights although a duty bearer was implicit (32 per cent);
3. research that did not mention human rights or a duty bearer but was focused on vulnerable groups subject to human rights protection (25 per cent);
4. research that is not human rights related, that is it is attitudinal or behavioural etc., but the content has the potential to enhance future human rights research by providing context or additional information on lifestyle that may be impacted upon by inequalities or other sources of deprivation (21 per cent).[10]

These criteria were applied to each piece of research alongside an evaluation of its methodological robustness, and confirmed that, despite shared concerns for social justice, there is an on-going gap between social policy and human rights research in terms of content, language and policy recommendations. Only 11 per cent of the research included in the bibliography of 531 pieces of literature explicitly intended to use a human rights framework, or identified a rights violation or duty bearer responsible for the fulfilment of the right, a finding that reflects an important distinction between approaches described in the first section. In 32 per cent of the bibliography, rights were not referred to but the responsibility of State actors as duty bearer to address issues identified was implied and they were thus included. However, in 46 per cent of the research (categories 3 and 4) no duty bearer was identified. By failing to identify the duty bearer the literature left open the question of who or what body is responsible for fulfilment, an omission that echoes the concerns expressed by Townsend (1975) and Dean (2006) of the usefulness of social policy and social science research where a duty bearer is not identified. In research where the language of 'human rights violations' was used, it was limited to specific sectors such as homophobia, domestic violence/rape, detention and trafficking — all sectors which have been quicker to employ the language of human rights as a result of their successful internationalisation of these sectors by campaigning groups. Again, bearing in mind the earlier discussion, it was unsurprising that 'equality' and 'inclusion/exclusion' were the categories most utilised in the bibliography, and, with the exception of 'maternity', all the equality strands listed by the Commission at the start of the project were identified, with gender and disability being most frequent, and religion and sedentary/mobility (Gypsy/Travellers) being least.[11] Less than 10 per cent of the final bibliography addressed issues facing travellers, human trafficking, privacy, climate change and the environment — all issues which are emergent areas of social and political attention and human rights advocacy, and indicating that the concerns of both groups remain divergent. Finally, there was no research that addressed 'adequate standard of living' as an explicit category despite this being identified as a human right within numerous human rights conventions.[12] As the following section demonstrates, however, much of the research included within the final bibliography has the potential to provide evidence of its contravention.

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Phase Two of the project: mapping human rights onto social science and policy research

The second phase of this project involved the application of a human rights analytical lens to the source literature from the bibliography. Where possible and deemed relevant,[13] every source article was retrieved and reviewed. In particular, the focus of the research, the relevant articles engaged, clarification of the state responsibility and any possible actions suggested by the report were summarised (see Figure 1 for an example). Each source article was then coded through NVivo software, article by article in order to make it a simple process to analyse the degree to which this non-legal research literature had relevance to different human rights conventions and the specific articles within them.

Reference:

K. Dryburgh (2010), *Fully Charged,* Edinburgh: Citizens Advice Scotland

Keywords:

Access to Services, Poverty, Inclusion/Exclusion, Vulnerability

Notes:

Focus 3: Human rights are implicit in this research and has been judged to warrant inclusion;

Method grading D: This research has been carried out by a pressure group. The validity of the

research cannot be confirmed but may be acceptable.

Focus of research:

Examination of bank charges and how they affect those on benefits or low incomes. Bank

charges are not always caused by irresponsible spending; vulnerable clients are hit much

harder by charges; and banks are failing to help those struggling with their finances.

Relevant Human Rights Articles:

This could engage the following rights:

ICSECR A11: adequate standard of living

UNCPRD A28: standard of living and social protection for persons with disabilities

State Responsibility:

Government regulation of bank charges (or banks to use more discretion in applying charges)

Possible Actions Suggested by Report:

Government regulation of bank charges including level of charges – Indirectly discriminatory

effect on low income workers or people on benefits (including those on disability benefits) –

charges from this group subsidise low costs accounts for higher earners/savers.

Figure 1. Example of a Rights Analysis Summary of one report.

By identifying the relevant Convention articles that could be engaged within the source literature, a broader picture of the potential focus of different civil and political and economic, social and cultural rights was revealed. As can be seen in Figure 2 below, there is a fairly equal spread between the two streams of rights foci: civil and political (CP) and economic, social and cultural (ESC), with a particular focus on: the rights to: health (ESC), family and private life (CP), adequate standard of living [including housing, water and food] (ESC), fair trial (CP), freedom from torture and degrading treatment (CP), education (ESC and CP), life (CP) and liberty (CP).

This adds further weight to the proposition that there is indeed much that non-legal social policy and social science research and literature could contribute to human rights promotion and protection in Scotland.
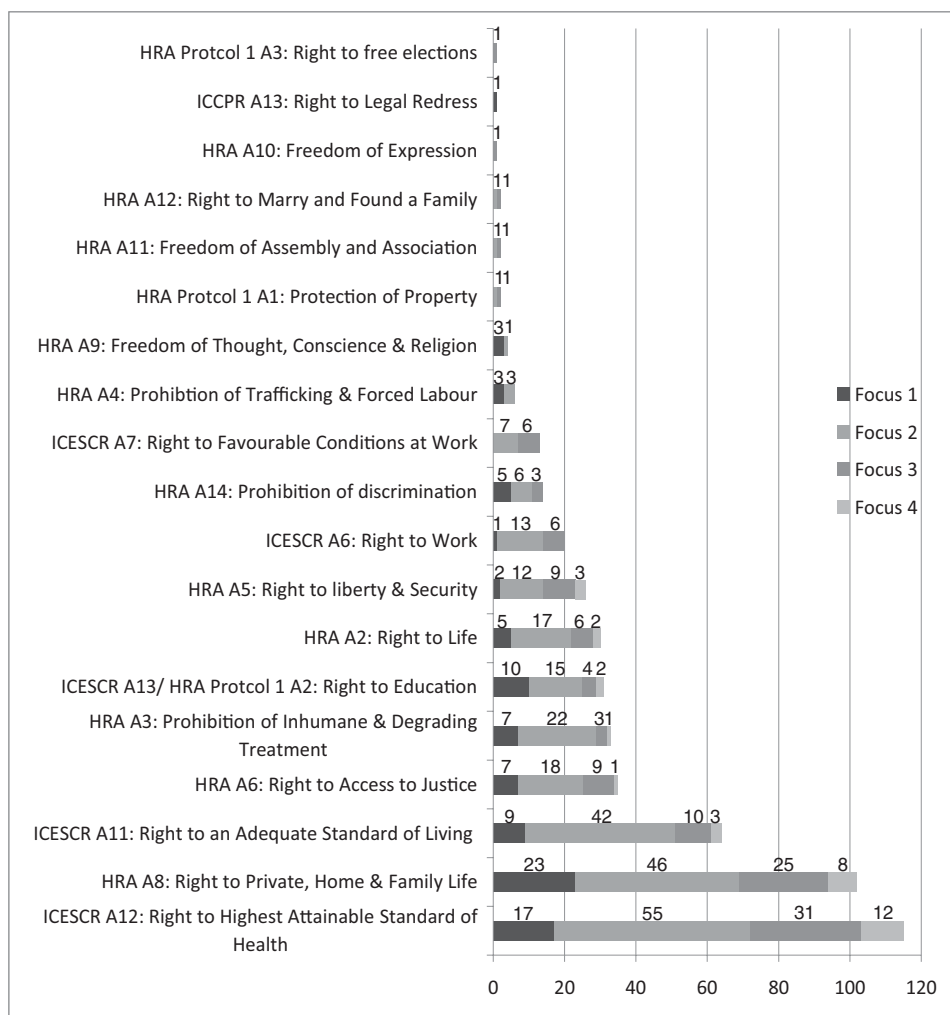

Figure 2. Articles potentially engaged within source literature.

Phase Three: Scotland's National Action Plan for Human Rights

Helping to empower people in Scotland to understand and claim their rights has been a core strategic goal of the Commission since it began its work in late 2008 (SRHC, 2008). In addition to the Annotated Bibliography described above, further data sources included:

1. three legal literature reviews exploring specific conventions/acts in relation to the law in Scotland (Convention against Torture, Inhumane and Degrading Treatment, International [CAT]; International Convention of Economic, Social and Cultural Rights [ICESCR]; and Human Rights Act/ European Convention of Human Rights);
2. all individual enquiries[14] received and all general intelligence on human rights issues in Scotland collated by the Commission (2008–10);
3. all responses to the Commission's 2008–9 national consultation;[15]
4. preliminary Scottish data from the Human Rights Measurement Framework (HRMF).[16]

   All of these data sources were subjected to the same human rights analysis described above in order to draw out potential (over 300) human rights concerns under each of the Articles of the Human Rights Act [incorporating ECHR] and ICESCR. In turn, the main areas of thematic focus for the second phase of the research began to emerge from this analysis — themes, which will be familiar to any social scientist.

   Consideration of six contextual areas of focus, namely social, economic, political, legal, environmental and technological will allow for the painting of the 'bigger picture' within which the people of Scotland live their lives and can realise (or not) their rights on a daily basis. For example, in considering the economic context to the state of human rights in Scotland, understanding the changing face of public services and the impact of the severe cutbacks in services being introduced as a result of the economic recession will be crucial. Social scientists may focus on what public service cuts are made and the impact on the lived experience of people affected by service cuts. A human rights focus would also look to explore: how local authorities take and justify the decisions they make in relation to their public duty of human rights obligations (transparency), the degree to which such decisions have been assessed for their impact on peoples' ability to realise their rights (human rights impact assessment and measurement) and also by holding those authorities accountable for the decisions they make (accountability).

   In relation to the social context, social science may focus on the extent and impact of poverty in Scotland — with specific focus on the groups most impacted by poverty — or on better understanding the relationship between poverty, ill-health, mortality rates, social deprivation, educational outcome and so on. Every State signed up to ICESCR is under the obligation to progressively realise ESC rights, which means that, while a country may be subject to resource constraints, it must also act as best it can within its available resources. A human rights focus would therefore look to explore these issues further in relation to the State's obligation to ensure that everyone's right to the highest attainable standard of physical and mental health and the right to an adequate standard of living, including access to adequate housing, food and water.

   In addition to the wider contextual themes noted above, eight specific areas of thematic focus have also been identified for further research during the second phase

of the Commission's research programme. These themes will also be familiar to social scientists and complementary to much social science research:

1. Dignity in care: including abuse prevention, protection and response; independent living; quality of care and treatment; support for carers.
2. Health: including access to healthcare complaints; accessibility and non-discrimination within healthcare service provision; health promotion; mental health care and treatment.
3. Private and family life: including domestic abuse; forced marriage; the right to family life for people with learning disabilities; fathers' rights; parental imprisonment.
4. Where we live: including the right to adequate housing; rights of those living in rural areas; reconciling the rights of Scottish gypsies/travellers.
5. Education and work: including removing barriers in access to education; inclusion in education and equality of outcome; removing barriers in access to work; removing barriers to fair pay.
6. Safety and security: including asylum; hate crime; human trafficking; policing and community safety.
7. Living in detention: including conditions in detention; mental health detention; women in detention; young people in detention or secure accommodation.
8. Access to justice and the right to remedy: including access to legal advice and lawyers, legal aid; victims of crime and vulnerable witnesses; right to legal process of review and/ or appeal.

Phase Two of this programme of research has explored this selection of thematic areas in more depth through further secondary analysis of available sources as well as primary research. The Commission is, at the time of writing, completing its analysis of a series of focus group interactions and individual in-depth interviews. A central aim of this second phase of research has been to draw on the lived experience of, and give a voice to, many of those within Scottish society who are marginalised or struggle the most to have their voices heard and what they have said valued.

Over the last two years, the Commission has developed a specific 'FAIR' methodology for its programme and project development and this has four key elements:

1. Facts: What are the important facts to understand?
2. Analysis: What are the human rights or issues at stake?
3. Identifying shared responsibilities: What changes are necessary? Who has responsibilities for helping to make the necessary changes?
4. Recall: Over time have the necessary changes occurred? If not, who is to be held accountable?

Again, much of this process will be familiar to social scientists: determining facts, analysing what they mean and identifying who is responsible for change. Approaching this from a human rights perspective, however, identifies both the State's obligations to the protection of rights and the necessity to go beyond who is responsible and hold those responsible to account for change.

The research programme that the Commission is currently engaged in aims to identify the facts and analyse the human rights issues at stake. As this research reaches its conclusions, the Commission will engage with key stakeholders (government, local government, third sector, private business, academics, amongst others) to identify shared

responsibilities through the development of Scotland's National Action Plan for Human Rights during 2012–13 (SHRC, 2012). The monitoring of that Action Plan over its lifetime with evaluation and review throughout will then provide the ability to recognise positive change in the realisation of peoples' rights across Scotland as well as highlight where further work is required.

The world of social research has many roles to play and much to contribute to the promotion and protection of human rights in Scotland, in relation to in-depth study of certain issues and in increasing our theoretical understanding of wider social problems. In turn, applying a human rights lens to traditional areas of social policy could help to strengthen arguments for State accountability where there is necessity for change, remedy or redress. Further, by combining legal and social policy/social science research, the potential to hold public bodies to account through social and economic rights, in addition or as an alternative to the existing reliance on civil and political violations (Chapman, 1996; Mantouvalou and Gearty, 2011), can be enhanced.

Adopting this human rights lens may also be further supported in future years by data from the British Human Rights Measurement Framework, launched in December 2011, including separate indicators and monitoring data for England, Scotland and Wales. Using the UNOHCHR (2008) framework on human rights indicators as a starting point, the development team has produced indicators for eight rights,[17] namely the rights to health, family and private life, adequate standard of living [including housing, water and food], fair trial, freedom from torture and degrading treatment, education, life and liberty — all of which were the specific rights that would have been engaged by the majority of the non-legal social policy and sociology research reviewed, had the issues been viewed through a human rights lens.

Conclusion: human rights in Scotland

Devolution in Scotland has arguably facilitated new forms of governance and a new policy environment. The devolved administration has been active in the fields of social policy and welfare, evidenced by early policy divergences from the rest of the UK in the fields of social care and higher education (Mooney and Scott, 2005: 144–5), although such developments remain conditioned and constrained by the economics of funding by Westminster (Stewart, 2004; Mooney and Scott, 2005).

In parallel to this new found social policy independence has been the development of a distinct engagement with the language of human rights demonstrated in the work of the Commission. Prior to its establishment, there were concerns that if the Commission took a functional approach, it would marginalise distinct areas of social policy concern, a fear tempered by the possibility that a single body would be in a better position to address intersectionality and the relationship between poverty, social exclusion and multiple deprivations (Mooney and Scott, 2005). The approach taken by the Commission, in which two distinct disciplines, social policy/social research and human rights, are brought together and combined with legal research and other 'grey' sources, potentially allays this fear. While the project continues, and it is too early to assess its impact on the actual enjoyment of human rights in Scotland, it does have the potential to contribute to a broader understanding of how human rights can contribute to social policy objectives of human wellbeing, equality and social justice.

Acknowledgements

Notes

1 Scottish Commission for Human Rights Act 2006, http://www.legislation.gov.uk/asp/2006/16/contents.

2 http://www2.ohchr.org/English/law/parisprinciples.htm.

3 See Phase Three for details of the other projects.

4 Defined by the Commission as 'Documents issued outside the formal channels of publication and distribution i.e. scientific and technical reports, government documents, theses, unpublished research reports by universities, voluntary groups, third sector agencies, NGOs and so on'.

5 International Bill of Rights is the informal name given to the two core international human rights treaties, namely the International Covenant on Civil and Political Rights (ICCPR) (http://www2.ohchr.org/english/law/ccpr.htm) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (http://www2.ohchr.org/english/law/pdf/cescr.pdf).

6 The UK Human Rights Act 1998 http://www.legislation.gov.uk/ukpga/1998/42.

7 European Convention on Human Rights (ECHR) http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/CONVENTION_ENG_WEB.pdf.

8 The Scotland Act 1998 http://www.legislation.gov.uk/ukpga/1998/46/contents.

9 The final list of data sources included Scottish University repositories; journal articles and books, Think Tanks; Political Research Units; Consultancies; Human Rights NGOs; Trade Unions and Professional Bodies; NGOs/organisations focused on equality strands; and Single Issue NGOs/organisations.

10 A further 10 per cent was included which represents conferences or other events or research where we were unable to locate sufficient information to evaluate.

11 In addition, the iterative approach to reviewing the literature enabled the researchers to identify Armed Forces personnel as a group with distinct needs and potentially distinct rights which are not dealt with through other equality strands and they were thus included as a distinct equality strand.

12 For example, Article 25(1) Universal Declaration of Human Rights; Article 11 International Covenant on Economic, Social and Cultural Rights, and Article 26 in the Convention on the Rights of the Child (http://www2.ohchr.org/english/law/crc.htm). However, this is also because of the difficulty of operationalising such a right.

13 All literature that was classified as Focus 1 or 2 was retrieved and reviewed. Literature that was classed as Focus 3 or 4, was purchased only if a preliminary review of the abstract revealed that there were clear areas where Convention articles may be engaged.

14 Under Section 6(1) of the Scottish Commission for Human Rights Act 2006, the Commission do not have the power to provide legal assistance, advice or guidance and hence cannot take on individual casework. However, information is logged on all inquiries so as to build a picture of the areas where help is sought.

15 The original consultation document can be accessed at http://www.scottishhumanrights.com/ourwork/publications/article/reportofthenationalconsultation

16 The Human Rights Measurement Framework is a new tool for evaluating the human rights protection in England, Scotland and Wales. More information can be found here: http://www.equalityhumanrights.com/human-rights/policy-and-research/human-rights-measurement-framework/

17 The HRMF began with these eight rights, over time the framework will develop to include further rights.

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