

# **SNAP 2: Proposal for Scotland's second National Action Plan for Human Rights**

Shelter Scotland consultation response, December 2019

Shelter Scotland welcomes the opportunity to respond to the consultation on SNAP 2: Proposal for Scotland's second National Action Plan for Human Rights.

## **General**

### **1. Do you broadly support the idea of SNAP 2 and the contents of this draft proposal?**

Yes, Shelter Scotland agree with the idea of SNAP 2 and the direction of the draft proposal.

### **2. How do you think you or your community could support SNAP 2 in the future?**

Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help. We're here so no one has to fight bad housing or homelessness on their own.

We will continue to campaign to strengthen people's right to housing through our policy and lobbying work, as well as our legal services and working with individuals to support them to claim their rights. Furthermore, our Are You With Us? campaign seeks to strengthen the human right to housing in Scotland. Shelter Scotland are campaigning for a rights-based approach to housing, for a Scotland where:

- New laws enhance and protect the right to a safe, secure and affordable home for all.
- Everyone knows and can defend their housing rights.
- Rights are upheld and laws cannot be routinely broken.

[See campaign briefing at

[https://scotland.shelter.org.uk/professional\\_resources/policy\\_library/policy\\_library\\_folder/are\\_you\\_with\\_us\\_campaign\\_update\\_december\\_2019](https://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/are_you_with_us_campaign_update_december_2019)]

## **Issues**

### **3. Have any of the issues set out changed, or does anything need updated?**

- Right to an adequate standard of living.

Whilst it is good that theme 2, the right to adequate standard of living, includes an issue on homelessness – the inclusion of this issue of housing inadequacy but not others suggests that homelessness is the only housing issue relevant here. Some signposting to theme 15 the right to housing might be helpful in both the issues and actions.

- Right to housing.

With respect to theme 15, the right to housing, the 'urgent lack of affordable and adequate housing – approx. 160,000 people are on local authority waiting lists' could be expanded upon. The lack of available housing and particularly social housing puts pressure on all parts of the housing system: meaning many are forced to stay in homes that don't meet their needs or are substandard, spend long periods in temporary homeless accommodation, or in accommodation which is unaffordable for them.

With regards to affordable housing, many people are struggling to pay their housing costs which puts their security of tenure at risk. For some, this is because of the inadequate social security support for housing costs. More information can be provided on request.

## **Actions**

### **4. Is there something else you think SNAP 2 could or should do?**

- Right to housing.

An action on raising awareness of people's existing housing rights, as well as tackling affordability issues, are both areas of work that should be undertaken – whether by SNAP 2 or by organisations outwith this process is a matter for further discussion (for example, Shelter Scotland focuses on both these areas in its work) however it may be valuable to just raise awareness by including reference to the issues.

### **5. What could you or your community do to support these actions?**

The following three actions are all relevant to the current ongoing work of Shelter Scotland.

- Right to Housing: Lead the development of a rights based approach to tackling violations of the right to housing, including participation of both rights holders and duty bearers
- Right to Adequate Standard of Living: Pursue and advocate for the incorporation of the right to an adequate standard of living and other economic and social rights, including getting cross-party support for this agenda
- Right to Housing: Instigate or connect with initiatives to hold public authorities to account for 'gatekeeping' practices & other failures to address homelessness and inadequacy of housing conditions

Shelter Scotland's plan for 2019-2022 outlines out planned activity. [see [https://scotland.shelter.org.uk/about\\_us/who\\_we\\_are/our\\_plan](https://scotland.shelter.org.uk/about_us/who_we_are/our_plan)]

Specifically, our 'are you with us' campaign seeks to strengthen the human right to housing in Scotland in several ways. On 10th December 2019 we submitted a petition to the Minister for Local Government, Housing and Planning, Kevin Stewart, who received it on behalf of the Scottish Government. This petition asked for the human right to housing to be included in Scots law, and featured over 10,000 signatures. [see campaign update at [https://scotland.shelter.org.uk/professional\\_resources/policy\\_library/policy\\_library\\_folder/are\\_you\\_with\\_us\\_campaign\\_update\\_december\\_2019](https://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/are_you_with_us_campaign_update_december_2019)]

Furthermore, our campaign also seeks to ensure that accountability of current laws are strengthened, and that any future law such as a new Act of the Scottish Parliament on human rights builds in a strong accountability and enforcement mechanism to ensure rights are upheld and laws are not routinely broken, as is currently the case with several pieces of housing legislation. [see campaign briefing at [https://scotland.shelter.org.uk/professional\\_resources/policy\\_library/policy\\_library\\_folder/are\\_you\\_with\\_us\\_campaign\\_briefing](https://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/are_you_with_us_campaign_briefing)]. We have also highlighted the importance of a rights-based approach with participation of people included in the decisions that affect them, ensuring people are aware of their rights and how to take steps to realise those rights.

The campaign has cross-party support with 72 MSPs signed up so far which goes some way to achieving the action regarding the adequate standard of living.

Alongside our daily advice and support and involvement of our in-house legal team in helping people access their rights, Shelter Scotland has also been exploring the use of strategic litigation. In summer 2019 we launched a legal case against Glasgow City Council for their repeated practice of what we call 'gatekeeping' – failing in their duty to provide temporary accommodation. This action is ongoing and follows years of campaigning work. More information on the current status of this case is available on request, and the legal papers served on the council are available at [https://scotland.shelter.org.uk/professional\\_resources/policy\\_library/policy\\_library\\_folder/shelter\\_scotland\\_begins\\_legal\\_action\\_against\\_glasgow\\_city\\_council](https://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/shelter_scotland_begins_legal_action_against_glasgow_city_council).

Across Shelter Scotland we work to engage with and involve those with lived experience of homelessness in the city and to reach new individuals and groups in need of help through community organising and our innovative Time for Change approach. We also support several workstreams such as the Scottish Government's 'all in for change' programme which seeks to build a national network of people living and working with homelessness and contribute to ongoing decision and policy making.

More generally, we can support the involvement of people with experience of homelessness and bad housing to participate in these various channels.

## **Delivery, governance and resources**

### **6. What do you think about the proposed delivery, governance and resources model for SNAP 2?**

It is vital that SNAP 2 is resourced appropriately. In addition, given feedback on SNAP 1 was that ambition exceeded practical ability to deliver and roles and expectations were not clearly defined, we believe there is work to do to assign roles and communicate clearly with stakeholders on taking forward the actions identified.

### **7. How do you think SNAP 2 should connect with the Scottish Government's National Task Force on Human Rights Leadership?**

We believe SNAP 2 and the taskforce should be separate and independent, but with a confirmed process by which they can feed in and communicate with each other.

### **8. How do you think SNAP 2 should engage with the Scottish Parliament?**

Official recognition and a formal process of engagement is required to ensure collaborative working takes place at appropriate times.

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