

Joe Fitzpatrick MSP
Convener
Equalities, Human Rights & Civil Justice Committee

2 March 2023

SCOTTISH HUMAN RIGHTS COMMISSION - UPDATE

Dear Convener,

As we come towards the end of our current strategic plan, the Scottish Human Rights Commission ('the Commission') is starting to map out our operational work for 2023/24. Although that work is ongoing, I write to update you on some of our anticipated priorities for 2023, which might be of wider interest to the Committee.

As ever, we encourage the Committee to play an active role in the scrutiny of Scotland's compliance with domestic and international human rights law. I consider positive working relationships, transparency and mutual accountability between the Committee and the Commission an important aspect of our protection and promotion mandate as Scotland's independent National Human Rights Institution (NHRI).

Publication of the second iteration of the **Scottish National Action Plan on Human Rights (SNAP2)** is scheduled for 30 March. Over the last few years, the Commission and Scottish Government have co-chaired a leadership panel composed of rights holders, civil society and public bodies, to develop a series of actions to strengthen human rights in Scotland.

Following publication of SNAP2, the Commission will step into a new role, to monitor the implementation of these actions by the Scottish

Government and public bodies in Scotland. We want to ensure meaningful follow-up to SNAP2, which has been carefully co-produced, including by those with lived experience of human rights. The Committee may also want to play a role in monitoring the follow-up of SNAP2.

The Commission will continue its international monitoring and reporting work, in line with our role as the accredited NHRI. We will provide evidence and analysis to the various **UN Treaty Bodies**, who are charged with monitoring compliance by the UK and Scottish Governments on their international human rights obligations. For example, we recently provided written evidence to the UN Committee on Economic, Social and Cultural Rights (CESCR) and we will present further evidence in-person to the Committee's working group on 8 March. I have attached an Annex to this letter setting out a provisional timetable for the other human rights treaties to which the UK is a signatory.

Under the **Universal Periodic Review (UPR)**, the UK was peer reviewed on its human rights record at the UN Human Rights Council in November 2022. Such reviews take place every 4-5 years. We expect the UK Government to formally respond to the various recommendations made during that review at the current session of the UN Human Rights Council. The Commission seeks to support a positive response to the UPR and we will outline how recommendations can be implemented in Scotland. The Committee may also wish to monitor progress of commitments made by the Scottish Government.

The Commission will continue to review and analyse **legislative proposals** over the year. We are aware of a number of draft bills, including members' bills, which have a significant focus on human rights. The Scottish Government's plans **to incorporate a number of UN Treaties into Scots law** will be a major focus of the SHRC's legislative scrutiny. In addition, new human rights legislation provides opportunities to (a) review the Commission's legal powers, which are currently quite

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limited, and (b) review our internal governance, which is set out in our founding legislation. This will be a significant area of work for the SHRC in 2023/24.

The Commission has decided to conduct an **independent review into its internal governance**, to explore options on how its mandate can be improved to provide greater clarity on operational and executive decision making. As part of that exercise, I hope the review team would be able to interview members of the Equalities, Human Rights and Civil Justice Committee, in order to solicit feedback on the Commission's mandate and performance. We would envisage the review completing by late spring, in order to inform any future proposals concerning our mandate.

Resources continue to be a challenge for the Commission. We are a small body and as of 1 March have 11.8 permanent staff. We have bid to Parliament for funds to convert two fixed-term posts into permanent roles, but even with this small uplift our capacity to respond remains limited. As staff costs represent around 85% of our total budget, any future expansion of our legal powers would need to be met with an increase in staff headcount.

While the Commission will continue to publish its analysis and respond to relevant consultations on draft legislation, the many demands for our analysis limit our ability to be more strategic. My intention is to move the organisation towards a sharper focus on thematic priorities, so that we can more readily measure our impact on improving the protection and realisation of rights. I see 2023 as a transition year, as we develop plans for our next 4-year strategy, covering the period 2024-2028.

Yours sincerely,

Ian Duddy

Chair, Scottish Human Rights Commission

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Please note that the following are anticipated key dates and may be subject to change.

March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	September 2023
<p>ICESCR: 72nd pre-session (6-10 March), Geneva. NHRI session on 8 March. Committee produces a list of issues to ask the UK.</p> <p>UPR- Formal adoption of the report of the working group at 52nd session of the Human Rights Council.</p>	<p>UPR: SHRC publishing position statement on Universal Periodic Review (TBC).</p> <p>UN Independent Expert on Sexual Orientation and Gender Identity: Confirmed official visit to UK (24 April- 5 May).</p>	<p>UNCAT: UK state party report due 17 May 2023.</p> <p>CRC: UK reviewed at 93rd session , Geneva (8-26 May).</p>	<p>European Social Charter: NHRI submission on Children, Families and Migrants.</p> <p>Istanbul Convention: UK state baseline report due.</p>	<p>UNCRPD: NHRI submission to UNCRPD on 2016 Inquiry follow up.</p> <p>Framework Convention for the Protection of Minorities - 6th Cycle state report due.</p>		<p>UNCRPD: potential follow-up Procedure of Committee's Inquiry in Grave and Systemic Violations in the UK.</p>

CEDAW UK State Report CEDAW due.						
October 2023 Istanbul Convention: NHRI Submission on Istanbul Convention baseline report.	November 2023	December 2023 European Social Charter: UK state report for European Social Charter on Employment, Training and Equal Opportunities theme due.	January 2024 Istanbul Convention- Baseline visit to UK expected (TBC).	February 2024	March 2024	April 2024
May 2024	June 2024 NHRI deadline for European Social Charter submission on Employment, Training & Equal	Possible Dates TBC ICESCR Examination CERD Examination				

	Opportunities due.	CEDAW Examination Special Procedures Visits				
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