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| Present: | Judith Robertson (Chair) (JR)Susan Kemp (SK)Alan Mitchell (AM, items 1-6 only)Jane-Claire Judson (JCJ) |
| In Attendance: | Tiia Kontro (Minute Secretary) (TK)Barbara Bolton (BB, item only)Julie Hoey, Scottish Government Vaccines Programme (JH, item 7 only)Margaret Williamson, Boardroom Consulting (MW, items 1-8 only) |
| Apologies: | No apologies |
| List of Acronyms:  | UNCAT: UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or PunishmentCEDAW: Convention on the Eliminiation of Discrimination against Women CERD: Committee on the Elimination of Racial Discrimination CRPD: Convention on the Rights of Persons with Disabilities EHRC: Equality and Human Rights CommissionFRAC: Finance, Risk and Audit Committee ICCPR: International Covenant on Civil and Political RightsICESCR: International Covenant on Economic, Social and Cultural RightsIHREC: Irish Human Rights and Equality CommissionNHRI: National Human Rights InstitutionSNAP: Scotland’s National Action Plan SPCB: Scottish Parliament Corporate Body |

1. Welcome / Declarations of Interest

JCJ noted her membership of the board of Public Health Scotland in relation to item 7. It was noted that this is not a conflict of interest, but needed to be noted for information.

1. Minutes of Previous Meeting

The minutes of the meeting held on December 2020 were approved with minor changes.

1. Matters Arising

The Matters Arising Report was discussed and the following points noted.

AM raised a question on whether the Commission would receive the COVID-19 Home Working Risk Register at a later date. JR explained that this had not been included in the papers for the February Commission meeting due to staff availability and suggested circulating the existing papers to the Commissioners and tabling a conversation for later should it be required. The Commission agreed.

**Action:** JR to circulate the COVID-19 Home Working Risk Register to the Commissioners.

JR shared a brief update on the latest 4 NHRI Jurisdiction Meeting which happened remotely in January 2021. AM pointed out that the Commission had been incorrectly referred to in the previous 4 Jurisdiction Meeting Minutes from January 2020. It was agreed that JR would request this to be corrected.

**Action:** JR to contact IHREC and request for a correction to the 4 Jurisdiction 2020 Meeting Minutes.

JCJ suggested that a regular FRAC update would be included in the Commission Meeting after each FRAC meeting. The Commission agreed.

**Action:** JR to add a FRAC update discussion in the March Commission Meeting agenda.

1. Accreditation Submission Discussion and Approval

AH joined the meeting.

The Commission discussed the Accreditation Submission paper and the following points were noted.

JR explained that the re-accreditation process had initially been delayed due to COVID-19. The Commission recently received correspondence providing the new deadline for the re-accreditation applications.

KC gave the Commissioners a summary of the background on the papers. Questions and comments were invited.

The Commission discussed the desired outcome of the re-accreditation. It was agreed that the Commission wishes to remain an A-accredited NHRI while acknowledging the limitations presented by lack of resources for the organisation.

The Commission discussed the relevant deadlines involved. It was noted that the risk of postal submission arriving late due to Brexit has been taken into consideration.

It was agreed that the Commission should acknowledge the constraints of its current resources in the expectation that this would also be highlighted through the accreditation process and likely recommendations from the international committee.

1. National Taskforce Update

5.1 KC provided an update on the National Taskforce for Human Rights Leadership. It was noted that things are moving very quickly now as the end of the process is approaching.

SK raised a question on whether the Commission would have any way of slowing down the process to ensure further consideration of feasibility and cost of our proposed additional role(s). KC noted that this was not something the Commission would be able to do as the timeline is driven by the Scottish Government’s and the Taskforce’s need to complete the recommendations before pre-election period in March 2021. It was noted that from the Commission’s perspective, there are a number of areas that will need further consideration as a Bill develops.

KC noted that the Taskforce may recommend the incorporation of ICESCR, CRPD, CERD and CEDAW treaties in the framework. It was noted that only the incorporation of ICESCRwas originally in the Taskforce mandate. The Commission emphasised that the Taskforce should acknowledge the importance of incorporating the ICCPR and UNCAT.

KC summarised the conversations each of the subgroups has had. It was noted that some conversations are still ongoing, but that decisions around recommendations have been reached in some areas.

It was noted that in the next three weeks the focus will be on the draft report and drawing up all conversations that have happened so far. It was noted that the Commission needs to consider its response as a Taskforce member. The Commission agreed that it should have as much influence as possible in future legislative consultation.

1. EHRC Consent

JR introduced the papers which detail the two consent requests received from EHRC. The Commission discussed the requests and following points were noted.

The Commission discussed the first consent request regarding a Social Care Inquiry and the potential of working jointly with EHRC. It was noted that the Commission has already completed a substantial amount of work in the area. The Commission discussed what further work might advance the rights in this area or more broadly rights in Scotland. It was decided to decline consent in this instance.

The Commission agreed that the rationale behind the decision to decline the consent should be made clear to EHRC.

The Commission discussed the proposal for the event about Governing in a Crisis. The Commission agree that the event should go ahead as an equality conversation as per EHRC’s mandate.

1. Vaccines Discussion

JH and BB joined the meeting.

JR introduced JH from the Scottish Vaccines Programme to the Commission. JH introduced some of the background and actions that have been taken in the vaccinations programme in order to take a human rights based approach. JH invited comments and questions from the Commissioners and the following points were noted.

JH explained that Scottish Government is aiming to take a person centred approach to vaccination making sure everyone is treated fairly and that any barriers to accessing vaccinations would be taken into consideration. It was also noted that the programme is designed so that people do not feel pressured to consent to vaccinations before they feel that sufficient amount of information has been provided to them.

JCJ asked JH to clarify the process the programme has gone through to ensure response to human rights concerns. JH explained that work was underway to publish impact assessments and that discussions are ongoing with colleagues and stakeholders to improve the process.

JCJ raised a question on whether any live analysis is going to be taking place on what barriers people are facing in accessing the vaccines programme and how they can be supported. JH explained that the work is ongoing and that options have been discussed to ensure people have an easy way of accessing the vaccines programme whether it is by being able to request a home visit or by getting the vaccine at a third party location near to home.

SK raised a question on behalf of Dr Alan Mitchell who could not be present, regarding how priority groups will continue to be established. As more clinical information is received, SK wanted to ask whether an ongoing review of groups for example teachers, prisoners, is taking place. JH responded clarifying that a panel will be formed to assess new information coming in and group’s requests to be considered as a priority.

JR noted that from the Commission’s perspective it is important to look at the most vulnerable groups of people and any treaty body implications that may arise from their specific circumstances. JR raised a question on whether the Scottish Government will be focussing on the treaty body implications and the impact on most vulnerable groups of people. JH ensured that this would be part of the planning process and that it will be discussed further taking the Commission’s recommendations forward.

SK raised the issue around long term impact and possible issues in accessing services or housing without vaccine – the idea of vaccine “passports”. JH confirmed that the Scottish Government will be looking at the long term impacts and making sure that people’s rights are protected. The Commission agreed that it is important to thoroughly understand the impact on access to key services possible long term impacts of the programme as well as how to support people and ensure that their rights are protected.

1. Governance Review Update and Discussion

MW shared some reflections on the Governance Review work so far. Comments and questions were invited and the following points noted.

MW recommended holding a regular development day during which the Commission would be able to both build stronger team bonds as well as plan the future work efficiently. The Commission agreed the development day would also provide more understanding about each Commissioner’s and staff members’ background and expertise and communication about how best to work together.

MW noted that staff had asked for further information on how the Commission reaches decisions. The Commission discussed the possibility of adding more rationale in the Commission meeting minutes, but acknowledged that internal communications need to be clarified in other ways as well, as reading meeting minutes may not be the best way of finding information for staff. A development day was noted to be another way of relaying this information to staff in an efficient and clear way.

The Commission discussed the Chair’s role as a Chief Executive and the role of Accountable Officer It was noted that each Chair of the Commission will execute their role differently and resilient organisational management processes will assist the Commission to prepare for any potential changes and impacts to staff. A suggestion was put forward to contact SPCB to find out what kind of processes the Scottish Parliament has in place to manage change.

MW noted that a report will be written based on the interviews with staff and key stakeholders and it will be shared with the Commission at the March Commission meeting.

1. AOB

No AOB.