

Present: Judith Robertson (Chair, JR)

Anna Black (AB)

Jane-Claire Judson (JCJ)

Jacqueline Kinghan (JK)

In Attendance: Tiia Kontro (Business Support, Minute Secretary) (TK)

Liz Gibb (Head Corporate Services, LG)

Emma Hutton (Head of Communications and Engagement, EH items 1 – 11 only)

Barbara Bolton (Head of Legal and Policy, BB items 1 – 11 only)

Luis Felipe Yanes (Legal Policy Development Officer, items 8 – 9 only)

Apologies: No apologies.

List of Acronyms: CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

NPM: National Preventative Mechanism

SPCB: Scottish Parliament Corporate Body

NACWG: National Advisory Council for Women and Girls

NHRI: National Human Rights Institution

1. Welcome / Declarations of Interest

No declarations of interest.

2. Minutes of Previous Meeting

The minutes of the meeting held on 1 November 2021 were approved with minor changes.

3. Matters Arising

The Matters Arising Report was introduced. No further points were noted.

4. Recap of Decisions and Actions from Fortnightly Briefing

JR introduced the decisions and actions log from Commission's fortnightly briefings. The following points were noted.

- 4.1. JR noted that the decisions and actions from Commission's weekly catch-up meetings have not yet been noted in the decision log. It was agreed that decisions from the weekly catch-ups would be added to the decisions and actions log from fortnightly meetings.

Action: Decisions and actions from Commission's weekly catch-up meetings to be noted in the decision log.

5. Q2 Outcomes Report

JR introduced the Q2 Outcomes Report. The following points were noted.

- 5.1. BB noted that the overview had been kept shorter than previously due to time restrictions and raised a question on whether the Commission found a more detailed overview useful in the future. The Commission agreed that a more detailed overview written by the Chair of the Commission provides an important

narrative that informs other corporate documents and is helpful for both Commissioners and staff.

- 5.2. AB shared an update on the Commission's work regarding prison inspections. It was noted that work has been completed to draft a risk assessment fit for the Commission's purpose and that each visit should be done by two members of staff. It was also noted that further discussions on who the allocated staff members should be are ongoing.
- 5.3. JR shared an update on NPM Scottish Subgroup. It was noted that JR took over the chairing role for the Scottish Subgroup two years ago and the term will come to an end in January 2022. JR proposed the Commission attends as a participant in the future and proposed AB for this role. This proposal was approved by AB and the Commission.
- 5.4. The Commission discussed the possibility of a briefing on the human rights budgeting work stream. The Commission welcomes this as an opportunity to gain more understanding on this large piece of work.

Action: JR will arrange a briefing on human rights budgeting.

6. Q2 Finance Report

LG introduced the Q2 Finance Report. The following points were noted.

- 6.1. JR noted that this year's budget was prepared with only a few amendments due to COVID-19. The Commission's current predicted underspend is due to the continuing COVID-19 situation.

7. Business Case 2022-23

JR noted that in response to our Business Case 2022-23, the SPCB would like to undertake an independent review of resources for the Commission, in line with SPCB policy.

- 7.1. SPCB has invited the Commission to participate the drafting of the Terms of Reference and resourcing of the independent

review. This was agreed by the Commission to be taken forward by JR and JCJ

8. Women's Commissioner

LFY joined the meeting.

The Commission has met with the co-Chairs of the National Advisory Council for Women and Girls (NACWG) to discuss the topic of a potential Women's Commissioner. JK shared an update of the meetings and the following points were noted.

- 8.1. In the context of our status as an NHRI with a broad general mandate to promote all human rights, moving to a thematic approach could put our accredited status at risk. JK highlighted examples of where this approach had created problems in other jurisdictions. As such the Commission would be unable to support this specific recommendation under our current institutional arrangements.
- 8.2. The intended purpose of the proposed Women's Commissioner is to address issues around accountability and access to justice for women. These are very closely aligned with the recommendations of the National Taskforce on Human Rights Leadership, which are being taken forward through a new Human Rights Bill. There is therefore clear synergy between these agendas.
- 8.3. The Commission therefore agreed to continue to engage with the NACWG as the new Bill develops, specifically in relation to potential new accountability mechanisms relating to both the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other international human rights treaties. The Commission agreed 1) to produce a note of its position in relation to the NACWG recommendation and 2) to engage further with NACWG as part of its ongoing work in relation to the Human Rights Bill.

Action: The Commission will prepare a short briefing paper in response to NACWG recommendations

9. Commission Future Powers

JK noted that the Commission has previously discussed potential future powers and that the purpose of this conversation would be to establish next steps of the process.

- 9.1. It was agreed that JK would meet up with LY, BB and KC to start forming the Commission's suggestions to the Human Rights Bill team. The Commission discussed how best to support LY, BB and KC in the work relating to the consultation response.
- 9.2. The Commission agreed to add the Bill development as a priority standing item to its fortnightly catch-ups. This will enable regular updates to be provided, including from meetings with the Bill team.

Action: Bill development to be added as a standing agenda item to fortnightly catch-ups.

10. Governance Review next steps

JR noted that the Governance Review process has been delayed due to management absences and other unforeseen circumstances.

- 10.1. JR suggested that a discussion to plan out next steps for the Governance Review will be tabled for one of the Commission's weekly discussions. The Commission agreed.

Action: A further discussion regarding Governance Review will be added to a future Commission weekly discussions agenda.

- 10.2. Staff engagement in the Governance Review next steps was discussed.

Action: JR to share an update on the Governance Review process with staff.

11. Chair transition

JR's term as the Commission Chair is coming to an end in March 2022. SPCB recruitment for the new Chair is currently ongoing. JR noted the

purpose of this discussion was to open the conversation about managing the transition period.

11.1. The Commission agreed that the importance of ensuring the seamless continuation of any work that the current Chair is leading on, incorporating lessons learned from previous absence of the Chair.

11.2. The Commission discussed the different pieces of work that needed to be handed over.

Action: Management team to draft a Chair transition management plan for discussion at the February 2022 Commission meeting.

12. Commission only discussion

A Commission only discussion followed. No minutes were recorded from the discussion.