

## **Standards, Procedures and Public Appointments Committee Inquiry into Committee Effectiveness - Stakeholder Survey Response**

April 2025

## Experiences of Committee Scrutiny

The SHRC submitted the below information as part of a survey launched by the Scottish Parliament's Standards, Procedures and Public Appointments Committee in March 2025 to inform the Committee's inquiry into Committee effectiveness ([How could Holyrood committees work more effectively | Scottish Parliament Website](#))

### **Q12. – Can you highlight any pieces of committee scrutiny or work which have stood out to you as effective scrutiny, and can you briefly say why it was effective? (free text)**

The SHRC routinely advises MSPs on the human rights considerations of parliamentary business through oral and written evidence. We prepare analysis of the legal framework to support consideration of a diverse range of issues by subject Committees.

The SHRC is not an advocacy body and does not advocate for specific legislative or policy choices. That is the role of Government, individual MSPs, and civil society. Instead, our advice is rooted in the legal obligations contained in human rights laws that the UK has accepted, and which are binding across Scotland and its public institutions. Our statutory role is to explain and apply these standards to make visible the human rights considerations that Parliament must apply when making its decisions, often articulated through application of the PANEL principles (<https://www.scottishhumanrights.com/projects-and-programmes/human-rights-based-approach/>.)

The Parliament has demonstrated its willingness to explore human rights in depth through detailed and technical inquiry. For example, in 2018 the then Equality and Human Rights Committee carried out a comprehensive Inquiry into the role of the Parliament in strengthening human rights protection across all areas of its work. The Inquiry responded directly to the call the Scottish Human Rights Commission made to the independent Commission on Parliamentary Reform asking for the Scottish Parliament to become a better human rights guarantor.

The resulting report '[Getting Rights Right](#)' was a robust assessment of Parliament's role and potential capabilities to mainstream human rights, drawing on significant amount of Scottish and international expertise. The resultant recommendations were clear, timebound and widely well received, [including by the SHRC](#). It may be of interest for the current review to revisit these recommendations.

The Commission also welcomes the increasing cross-committee capacity to consider human rights in the annual budget process. The Finance and Public Administration Committee debate on the Scottish Budget 2025-26 referred to oral and written evidence from the Commission to shape the formal asks to the Scottish Government and directly used the SHRC's recommendations and analysis in their conclusions on rights-based policymaking and spending transparency. This has developed the Committee's current position on human rights budgeting, collectively indicating a gradual development of the Committee's position beyond an annual topical focus.

This development in the approaches of Committees to budget scrutiny can also be seen in the increasing links been drawn by the Equalities, Human Rights and Civil Justice Committee (EHRCJ), who in 2024 highlighted connections between the Programme for Government, the annual budget, and the National Performance Framework as a structural reform priority. This example also demonstrates strong cross-committee working, with EHRCJ drawing directly on official report evidence from another committee, ensuring effective use of analysis.

Recently, the SHRC has provided evidence to Committees on our spotlight projects, covering areas of significant concern including economic, social and cultural rights in the Highlands and Island ([Rural Affairs 26 April 2025](#)) and the institutionalisation of people with learning disabilities and autism ([Equality Human Rights and Civil Justice 1 April 2025](#)). This builds on appearances to discuss core activities such as governance ([SPCB Supported Bodies Landscape Review 27 February 2025](#)) or specific items of parliamentary business.

We highlight these examples of effective human rights scrutiny beyond a narrow conception of human rights responsibility, where human rights considerations are siloed into the remit of a single committee.

### **Q13. – Can you describe any pieces of committee work which have been less effective or have not achieved what you expected, and briefly explain why? (free text)**

While the SHRC has observed much good practice over the years in the level of scrutiny and resultant findings of many Committees, in general it is difficult to point to many examples where this has led to effective change, which points perhaps to a need to revisit recommendations of Committee work. While Committees do not always have the power to effect the changes needed, even where recommendations concern the internal workings of parliament, implementation is slow and too often undelivered. The recommendations from the 2018 Getting Rights Right report are a clear example, where significant work within and outwith parliament has not

subsequently led to change or been comprehensively revisited. Similarly, the current SPCB Supported Body Landscape Inquiry Committee is revealing that earlier committee recommendations around the setting up of new office holders of Parliament have not necessarily been applied.

On human rights matters, the SHRC has consistently encouraged the Equality, Human Rights and Civil Justice Committee to dedicate time to follow up on the scrutiny of the UK by international human rights bodies, such as UN treaty bodies. Whilst there has been no general opposition to this, it has never been taken forward as a formal part of the work programme. However, we do welcome that the current Committee has scheduled a session to discuss the recent review by the UN Committee on Economic, Social and Cultural Rights and its recommendations for Scotland in April 2025.

Timescales for participation in Committee business can also pose challenges, especially at busy points in the parliamentary year. The pre-Budget scrutiny process typically issues a number of calls for view over summer recess. While this can be managed, combined with standard twelve week consultation periods, timescales for considered research can undermine the potential of small organisations, including the SHRC, to engage.

In our view, the role of the SHRC as the NHRI and as distinct from civil society is not fully understood when synthesised into evidence received especially outwith the Commission's lead committee. It is important that parliament as the duty-bearer can evidence its scrutiny has paid attention to the relevant human rights considerations, and it could perhaps explore a clearer relationship with the NHRI in that regard. This would present resource considerations for the SHRC but is a conversation that the SHRC is willing to have.

## **Q14. – If there's anything else you'd like to say about your experience of committee scrutiny, please do so here (free text)**

The SHRC considers the Parliament – both the institution and its members - to be essential partners in the full delivery of its mandate. Parliaments are one of the strongest guarantors of human rights domestically in their lawmaking and scrutiny role. This involves all Committees playing a proactive role in accountability and realisation of rights through their deliberations.

Almost all policy decisions raise a number of human rights standards from one or multiple treaties. Under its general duty, the SHRC can provide MSPs with an independent analysis of which rights could fall within the scope of legislative

proposals. To assist MSPs in their deliberations, we provide an assessment of which tests apply, for example whether a right is absolute and therefore whether a threshold is or could be met, or whether and what factors must balance against one another to prevent violations.

As part of the Commission's 2024-28 Strategic Plan, the Commission is proactively developing new means of engaging with the Scottish Parliament to support the strongest possible promotion and protection of human rights across parliamentary business. This includes:

- Development of the Commission's [first annual State of the Nation](#) issued to all Scottish Parliamentarians on Human Rights Day, with further communications issued to the Presiding Officer and Equality, Human Rights and Civil Justice Committee calling for an annual human rights day debate to be aligned to the Commission's monitoring
- Working with MSPs in [the Highlands and Islands region to examine their casework through the lens of economic, social and cultural rights](#)
- Bilateral engagement with MSPs and Parliamentary Committees to provide human rights analysis developed in key reports, e.g. [Review](#), [Recommend, Repeat](#) and [Tick Tock](#)
- Written human rights framework advice on legislative proposals, including the use of framework legislation, election candidacy, housing, social care and the budget
- Prioritising SHRC resource to supporting Parliament with advice, rather than Government.

Participation of and engagement with people affected by decisions are core parts of a Human Rights Based Approach and key aspects of good governance. Parliament and in this context, its Committees, could strengthen mechanisms for public engagement and deliberative democracy. This may include measures such as Committee's sitting across Scotland and inviting a wider range of people and perspectives to give written and oral evidence. Parliament should ensure it is able to resource education, development and other access support to enable it to proactively reflect its founding principles and purposefully engage with a wider and more diverse range of the population than it currently does; addressing the lack of access to decision-making for minoritised groups.

Independence in its functions and positions is core to the SHRC's position as the National Human Rights Institution for Scotland. The promotion of human rights may require it to be critical of existing practices or provide critical advice in relation to

policies and legislation enacted by the Parliament or Government without fear or favour.

Parliament both holds the Commission to account for our decisions and is accountable to the Commission in our monitoring activities, supporting the public to understand and engage with human rights protection or threats. While the Commission provides its independent advice, the Parliament as an institution must also have sufficient competency, capacity and processes to meet and monitoring its human rights obligations.

The Committee's inquiry explicitly draws attention to the Gender Sensitive Audit, and we highlight that the approach of the Inter-Parliamentary Union (IPU) was drawn upon. The IPU has developed similar [self assessment kits to support human rights assessments](#) that could be undertaken to further strengthen human rights assessment, compliance and realisation across the procedures and work of parliament.

Given the centrality of the relationship between Parliaments and NHRIs, principles for effective working have been developed through international experience. [The Belgrade Principles](#) identify safeguards for independent, mutual accountability and effective cooperation. [The Belgrade Principles have been officially welcomed by the United Nations High Commissioner for Human Rights](#) and [encouraged by the UN Human Rights Council](#).

The SHRC would welcome further conversation about the integration of the Belgrade Principles in the underpinning relationship between the NHRI and Scottish Parliament. This could include undertaking an audit of compliance. The Principles touch on many aspects of committee work, including relationships between individual committees and the NHRI, all of which would enhance parliament's role as a guarantor of human rights in Scotland.