

Commission Meeting Minutes

Date: 26 March 2025

Time: 1000-1530

Present:	Angela O'Hagan (Chair) AOH Shelley Gray (Member of the Commission) SG
In Attendance:	Jan Savage (Executive Director) JS David Lees (Head of Secretariat and Business Support) DL Tiia Kontro (Minute Secretary) TK
Apologies:	Claire Methven O'Brien (Member of the Commission) CMO [sick leave]
List of Acronyms:	ARC: Audit and Risk Committee CERD: Committee on the Elimination of Racial Discrimination EHRC: Equality and Human Rights Commission FAI: Fatal Accident Inquiry GANHRI: Global Alliance of National Human Rights Institutions

ICESCR: International Covenant on Economic,
Social and Cultural Rights

KPI: Key Process Indicator

MoU: Memorandum of Understanding

NHRI: National Human Rights Institution

NPM: National Preventative Mechanism

OLR: Order for Lifelong Restriction

SPCB: Scottish Parliament Corporate Body

UNCRC: UN Convention on Rights of the Child

1. Welcome / Declarations of Interest

An acknowledgement was shared for the rescheduling of the meeting and the members of the Commission wanted to formally express their thanks to staff members involved for facilitating the rescheduling amidst varying emerging issues.

For transparency ahead of Agenda Item 5, it was noted that the Chair has previously worked with a number of the Research Advisory Group Members on other projects.

2. Minutes of Previous Meeting

2.1 The minutes of the meeting held on 13 January 2025 of the Special Commission Meeting held on 3 February 2025 were approved with minor changes.

2.3 The Commission agreed that, as articulated in the Standing Orders for Commission meetings, all meeting minutes record the substantive points discussed and actions agreed and not be verbatim minutes, and individuals would only be referred to if specifically requested or when a dissent is recorded.

3. Matters Arising

The Action Log was discussed and following points noted.

3.1 Briefing with the members of the Commission and NPM is still to be scheduled but timelines have been delayed due to ongoing diary challenges. It was noted that the NPM annual conference is taking place on 30 April 2025. A draft agenda will be shared with the members of the Commission for their information.

Action: Draft agenda for NPM Annual conference to be shared with members of the Commission

3.2 The Commission discussed the option of including Commonwealth Games in the workplan for 2026. It was noted that a background briefing has been developed by staff and will feed into a full Commission discussion paper to be presented to the Commission in due course.

3.3 The Re-accreditation process was discussed. It was noted that the Commission has had extremely useful contact with colleagues from the Secretariat of the Sub-Committee on Accreditation (SCA), GANHRI, ENHRI and sister NHRIs internationally which will inform the process. Additional staff resource will be allocated to the project team to support the process.

3.4 The Commission discussed the process of updating the current MoU with EHRC. It was noted that GANHRI has recommended to prioritise updating the 3 NHRI MoU. Discussions are ongoing with colleagues across the UK NHRI network. Given that the Commission is currently under capacity due to the sick leave of one member of the Commission who was serving on the group, these updates will now be delivered via the Commission rather than the working group.

4. Strategic Performance Scorecard

4.1 The Strategic Performance Scorecard was tabled at Commission. The current update reflects performance until end of Q3, December 2024.

4.2 It was noted that measures are in development to capture impact via the Theory of Change framework to inform the Annual Report, as well as lessons learned on project design and delivery.

5. Research Strategy

5.1 AH joined the Commission virtually to present a brief overview of the purpose, approach, and key considerations of the proposed 2024-28 Research Strategy.

5.2 The Commission discussed the Research Advisory Group (RAG). Clarification was sought on its Governance function - how the group links to the Commission and how work of the RAG is structured.

5.3 It was agreed the Research Strategy would be discussed further at the April Commission meeting, with a background paper on the RAG and an options appraisal for its development.

5.4 A draft Terms of Reference (ToR) should also be developed for review at the next Commission meeting.

5.5 A discussion ensued about the purpose of advisory groups to the Commission, and that there is interest in establishing a Legal Advisory Group on the same basis as we explore greater use of the Commission's enabling powers

5.6 The following actions were noted.

Action(s):

Further discussion on Research Strategy at April Commission meeting, to include background paper on the RAG and options appraisal.

Draft Terms of Reference for the Research Advisory Group will be tabled at the next Commission meeting in April 2025.

The Commission aims to approve the Research Strategy at the July Commission meeting

6. Chair Update

Chair provided an update on her key activities including a range of external engagements

6.1 Chair thanked the members of the Commission and the staff team for the multiple outputs in the first quarter of 2025 and the volume of activity across the team.

6.2 Since the last meeting, the Commission has published the spotlight report on deinstitutionalisation. The Commission wished to formally thank both the members of the Commission and the staff team, and all those external stakeholders involved in producing the report. The report has significant potential for ongoing work and further stakeholder engagement.

6.3 The Commission has been completing capacity building work on the Highlands and Islands report. Visits to the communities have been extremely useful and have opened new ways of engaging with duty bearers. The Commission will be capturing learnings from the project to further direct any future Spotlight projects. The Commission also provided evidence on the Highlands and Islands project to the Rural Affairs Committee during their session in February 2025.

6.4 The Chair and Executive Director gave evidence to the Committee Inquiry into SPCB Officeholder Landscape Review on 27 February 2025. Our evidence is a matter of public record via the Scottish Parliament Official Report.

6.5 The Chair provided feedback on the GANHRI annual conference and attendance at the CRPD session of the Human Rights Council. The Chair represented the SHRC on two panels at GANHRI: human rights approach to drugs policy in Scotland; protection of the rights of women and girls in the context of 30 years since the Beijing Platform for Action. The Chair highlighted a blog she had issued with some of her reflections from this international event.

6.6 The Commission has issued its agreed Position Statement on women's rights produced collaboratively and approved by all members of the Commission. The related activities as agreed on 3 February and in correspondence include a future legal roundtable, duty bearer engagement, and consideration at a future Commission meeting of the outcome of the pending Supreme Court decision and related matters. It was also noted that the statement supersedes previous SHRC positions on this issue.

Action: Related enquiries or communications to refer to the approved Position Statement

6.7 Chair welcomed the confirmation from SPCB that recruitment for further members of the Commission will be progressing soon. It was agreed that induction processes will be reviewed to ensure they are up to date, post adoption of the Code of Governance.

Action: Induction processes will be reviewed ahead of new members of the Commission start dates, building on the newly codified Chair Induction process.

7. Executive Director's Update

The Executive Director referred to her update contained in Paper 7 and spoke to its highlights.

7.1 The Commission recognised that, despite unforeseen circumstances leading to unplanned capacity issues, the past two months have been highly productive in relation to outputs with positive impact and reach.

7.2 It was noted that recruitment for new staff members, including the new senior leadership team members, has been successfully completed, subject to successful pre-employment checks and security clearances.

7.3 It was noted that the Commission as a whole has experienced pressures and potential reputational challenges recently, and that these will be reflected in the risk register and recorded at ARC.

8. Risk Management

8.1 ARC meeting will be taking place on 31 March 2025.

8.2 An assessment has determined that risk has heightened in three primary areas: Organisational Stability, Reputation and Integrity and Political Neutrality and Impartiality.

8.3 The Commission discussed the reasons for the increased risks, and it was agreed that sufficient mitigating actions are in place. The Commission continues to monitor the risk and effectiveness of the mitigating actions, and the Risk Register will be updated accordingly when necessary.

8.4 Following the previous ARC meeting, two additional risks will be added to the Risk Register; GANHRI re-accreditation status which is scheduled this year, and the context and impact of the current external political environment and its potential impacts on the human rights landscape in Scotland.

9. ARC minutes

9.1 It was noted that the minutes from the previous ARC meeting will be published following approval at the ARC meeting on 31 March 2025.

10. Policy Update

10.1 The Commission has received a request from the Scottish Government to discuss further proposals regarding the Commission's mandate (HRB).

Action: The proposals in relation to mandate (HRB) will be shared in the Policy update at the April 2025 Commission meeting.

10.2 A paper on Live Facial Recognition Technology was tabled to update members of the Commission on an emerging area of human rights concern regarding the possible adoption of Live Facial Recognition Technology (LFRT) by Police Scotland, and to recommend early engagement with Police Scotland and the Scottish Police Authority, in partnership with EHRC Scotland.

10.3 The Commission discussed the paper and approved the recommendations around early engagement with Police Scotland and the Scottish Police Authority, in partnership with EHRC Scotland.

10.4 A paper on human rights concerns in places of detention and the recent reports of conditions in the Skye House facility was tabled. The paper invited members to consider options for future actions by the Commission and noted risks of non-action

10.5 The Commission agreed to issue a public letter of concern to the Scottish Government, and that the staff team should explore other potential action under the terms of the SCHR Act 2006.

Action: A public letter will be drafted on concerns regarding Skye House and issued to the Scottish Government; and further proposals for action will be developed for Commission consideration.

11. Legal Update

11.1 As the format of Commission meeting develops and new staff members join, the update on the Commission's legal work will be presented as a separate agenda item at Commission. The aim is to inform discussion on maximising the potential of the Commission's legal powers.

11.2 It was noted that a decision on the Supreme Court judgement in relation to the For Women Scotland appeal is expected soon.

11.3 An update on the progress of the Govan Law Centre Winter Fuel Payments case was provided. The Commission agreed to prep a statement following the ruling of the case.

11.4 The Commission discussed live cases in the Scottish courts on matters which align to the Commission's current strategic priorities, such as deaths in state custody and institutionalisation.

11.5 It was noted that there have been no recent referrals via the UNCRC Act 2024.

11.6 The Commission discussed forming of a Legal Advisory Group. It was agreed that this will be reviewed for action during wider consideration on how the Commission wishes to work with and form advisory groups, following the discussion on the status of the Research Advisory Group.

12. Human Rights Monitoring

12.1 It was noted that Concluding Observations from ICESCR and CERD Committees have been published. Both will be circulated to the members of the Commission ahead of the deep-dive session later in the year.

12.2 It was noted that the Commission now has an opportunity to consider lessons learned on evidence gathering and methodologies through Highlands and Islands and State of the Nation monitoring, and linking this to the Research Strategy.

13. Spotlight Programme Update

13.1 A scoping paper was tabled on the Poverty Spotlight, reflecting the Commission discussion which took place in a members' meeting in February 2025. The paper was approved as accurate and for action.

13.2 The Commission was provided with an update paper on the scoping of work regarding FAIs and Deaths in Custody, following the announcement that the Scottish Government would instruct its own independent review of FAI in 2025. The Commission discussed all the proposals and agreed to all the recommendations in the paper for action.

13.3 The Commission was provided with an update paper on Orders of Lifelong Restriction, following the September 2024 Commission meeting. The primary recommendation from the paper is for the Commission to publish a discussion paper on OLRs in Summer 2025. The Commission accepted the recommendations as detailed in the paper.

The draft paper will be issued to the Commission for comment by late April 2025.

14. AOB

There was no AOB.

The next Commission meeting will take place on 28 April 2025 (earlier than usual to accommodate Spring Bank Holidays and planned annual leave of the Chair).