

## Briefing to Parliament on SPCB Supported Bodies Landscape Review Committee Debate

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Debate: SPCB Supported Bodies Landscape Review Committee Debate: SPCB  
Supported Bodies Landscape Review

Date and time: 18th September 2025, after 2pm

Motion: Set out in Scottish Parliament Business Programme (Motion S6M-18788)

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### 1. Introduction

The Scottish Human Rights Commission (SHRC) welcomes the opportunity to provide this briefing to MSPs ahead of the scheduled debate on Thursday 18th September 2025 on the Report of the SPCB Supported Bodies Landscape Review Committee.

As an SPCB supported body, the SHRC welcomes the Report, and the opportunities we had to participate in the Committee Inquiry through written and oral evidence. We provide this advice to Parliament in line with our general duty under the Scottish Commission for Human Rights Act (2006) to protect and promote human rights for people in Scotland.

### 2. About the SHRC

The SHRC is Scotland's human rights watchdog. Uniquely among the SPCB office-holder landscape an accredited body as part of the UN's international human rights system, trusted to independently report on how human rights are being realised in Scotland. To retain this global accreditation as a National Human Rights Institution (NHRI), we must comply with a set of minimum standards known as the Paris Principles. Many of these, including our mandate, powers and resources, are within the control of the Scottish Parliament.

In its capacity as the NHRI, the SHRC holds a unique role as the 'bridge' between the international human rights framework and the domestic realisation of rights for people in Scotland. We provide support and accountability to the Scottish

Parliament, Scottish Government and other duty-bearers in their obligations to respect, protect and uphold rights.

### 3. Summary

We are pleased to see the Committee's conclusion that the bodies currently supported by the SPCB fulfil "a vital function in safeguarding public trust, institutional integrity and democratic accountability in relation to our public institutions and elected representatives." We strongly support the stated purpose of the Review's recommendations to uphold and enhance the role of SPCB supported bodies.

We have been clear in our evidence to this Review and the work that preceded it, that too many people in Scotland still experience denials of their basic human rights and dignity every day. This is made worse by lack of effective access to the mechanisms and means to challenge human rights breaches and failings. This is a matter of concern to the SHRC. We are therefore encouraged that the report recognises that part of the reason more office-holders are proposed is a public perception that current bodies are not resourced, or able, to address these issues effectively through their current mandates.

SHRC has acknowledged these limitations in its own mandate, and have highlighted them to the Review Committee, the preceding Finance and Public Administration Committee inquiry into Scotland's commissioner landscape, and indeed in earlier publications including *At a Crossroads* (June 2023).

In light of this, we are pleased that the Committee report makes a clear statement that there is a case for reviewing the powers and remit of the Scottish Human Rights Commission. This reflects the 2021 recommendations of the United Nations's accreditation body for Independent National Human Rights Institutions (SCA).

The SHRC highlights to MSPs that a significant amount of public consultation and dialogue has already taken place about proposed amendments to the Scottish Commission for Human Rights Act 2006. The SHRC has explored what enabling powers and duties would better serve rights holders in its submission to the public consultation on the Scottish Government's proposed Human Rights Bill, which sets out the Scottish Government's views on how it would wish to amend the mandate of the SHRC to improve human rights accountability in Scotland. Further to consideration of the public consultation responses on this matter, the Scottish Government has recently reconfirmed its intent to review the mandate of the SHRC in its published "Human Rights Bill for Scotland: Discussion Paper" (1 July 2025).

Until the amendments resulting from the UNCRC (Incorporation) (Scotland) Act 2024, the mandate and resource of the SHRC has not been reviewed since its establishment in 2006. An expansion of the powers and remit of the SHRC, supported by adequate resourcing to exercise these powers effectively and as expansively as is needed, would enable us to be even more responsive to current and future demands about human rights concerns in Scotland, aligned with the stated intent of the Review's recommendations. It would enable the SHRC to better to protect the rights of particular groups, and to do so in an independent, authoritative and intersectional way.

We also note and welcome the Committee's recommendation for a more strategic SHRC. This aligns with the vision of the current members of the Commission, and is the direction set out in our 2024-28 Strategic Plan, to focus on the provision of advice to Parliament as an SPCB supported body; to take a strong participatory approach to our policy, legal, research and monitoring work; and to improve accountability through our emerging 'Spotlight' model of domestic human rights monitoring, highlighting systemic and persistent issues for rights-holders across Scotland, and providing guidance for duty bearers to develop human rights compliant improvement plans. Our Participation Strategy is also ensuring that our findings are informed by people who are experiencing human rights denials, and that we are communicating our work in formats and language which is accessible to all.

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#### Examples of recent SHRC outputs to protect and promote rights in Scotland

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##### SHRC Participation Strategy 2024-8

"Tick Tock: A human rights assessment of progress from institutionalisation to independent living in Scotland" (January 2025)

Economic, Social and Cultural Rights in the Highlands and Islands (November 2024) (subsequently debated by Parliament in January 2025)

Warning of risks to human rights in policing of protests (August 2025)

Accessible guide to the Scottish Prison Rules (July 2025)

We will continue to pursue this strategic approach within the constraints of current limited resources. Should resources be reviewed and increased, we would be well placed to strengthen rights protection and accountability, consistently prioritising areas that have greatest impact and add public value. The SHRC would also

welcome the opportunity to deliver a distinct human rights education programme, should resource allow.

We note with interest the proposal for the SHRC to emulate the way in which the Auditor General engages with Parliament. As set out above, we welcome engagement with Parliament. We would, however, note that the Auditor General's regular engagement is generally conducted through a single Parliamentary Committee, and so is not directly comparable to the work of the SHRC which cuts across a number of Committees. The SHRC is committed to further consideration of how we can more effectively incorporate evidence from Committees and MSPs into the wider evidence base that informs our understanding of the human rights picture in Scotland.

Suggestions from the Committee to consider specific areas of inquiry over time-limited periods following the interest or request of Parliament or a Committee merit further consideration. The SHRC would be happy to engage with this further, including consideration of the mechanisms and resourcing of such a change in our mandate.

The SHRC welcomes further engagement with Parliament and will continue to incorporate its feedback into the development of our work, in particular through the consultations on our Strategic Plans. However, we sound caution that any proposal that indicates that the SHRC should take direction from duty-bearers would pose a risk to its independence, its effectiveness, and its accreditation as an A-status NHRI

The Scottish Parliament and Scottish Government must also acknowledge and adhere to the independence of the SHRC as a core requirement of the Paris Principles. The SHRC is independent in how it discharges its remit as an NHRI, while acknowledging that we are accountable to the Parliament for corporate functions, such as financial management, and governance oversight..

#### 4. Response to other recommendations for the SHRC

In respect of oversight, we also note the proposal to pilot a new specialist Committee to scrutinise all SPCB supported bodies. The additional scrutiny such a proposal offers in relation to public finance and governance could be a welcome addition to the multiple audit and scrutiny functions already in place and which work well, including through the Annual Accounts and Report process supported by independent audit.

We are mindful of the resourcing requirements of this, which will be a matter for the Parliament and the SPCB to consider.

We welcome the recognition that the ‘hub and spoke’ model for shared services is effective and efficient. We support the move towards further embedding this approach, and encourage the Parliament to consider all options, including greater efficacy of central SPCB supported services.

## 5. Powers and mandate of the NHRI

As we have set out previously, we consider that the SHRC is under-mandated to protect human rights in Scotland as effectively as it could. In particular, when reviewing our powers and remit we would recommend consideration of:

Removal of the restriction to provide advice to individuals. Currently, the SHRC, is prohibited from providing advice to individuals and intervening in individual circumstances.

The power to raise own-name human rights litigation. Since the enactment of the UNCRC (Incorporation) (Scotland) Act 2024, the SHRC can now start legal proceedings in its own name where we consider that a public authority has unlawfully failed to comply with the United Nations Convention on the Rights of the Child (UNCRC). However, the SHRC cannot raise own name legal proceedings on any other human rights points of law. This is in stark contrast to our sister NHRIs in England and Northern Ireland.

The power to undertake formal investigations on specific matters of human rights concern, and to compel information.

Our 2023 paper ‘At a Crossroads’ sets out in fuller detail our considerations for strengthening the SHRC in the service of rights holders in Scotland, including other considerations in respect of increasing the number of members of the SHRC in pursuit of greater pluralism. The SHRC intends to publish a further briefing paper on its mandate and powers in 2025-26 to inform Parliament in its consideration of this issue.

## 6. Conclusion

The SHRC welcomes the Committee report, and supports the proposal for widening powers and mandate of the Scottish Human Rights Commission. We consider that this process could be effectively delivered by the Scottish Parliament itself – for

example via the Equalities, Human Rights and Civil Justice Committee – incorporating and having regard to proposals from the Scottish Government to amend the SCHR Act 2006, for example via a future Human Rights [Incorporation] Bill in the next session of Parliament. There is a body of existing evidence from the work the SHRC, including the long-standing analysis provided, for example in our 2023 ‘At A Crossroads’ paper, and the Scottish Government on this matter which has already been subject to extensive public consultation, as documented in the recent Discussion Paper from the Scottish Government on a proposed Human Rights Bill for Scotland.

In the context of ongoing delays to the Human Rights Bill, which is subject to the intentions of the next Scottish Government from May 2026, we would also strongly recommend that MSPs give consideration of secondary legislation and further non-legislative options such as a review of resourcing, to ensure that the gaps in accountability and protection for rights-holders in Scotland can be addressed in a timely way.

The priority for the SHRC is to ensure more effective access to justice and realisation of human rights denied for many across Scotland, and we therefore encourage Parliament to consider this at pace.

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For more information on any element of this briefing, please contact:

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