

## Commission Meeting Minutes

2 February 2026

10.00 - 16.00

Bridgeside House, Edinburgh

### Present

- Angela O'Hagan (Chair) AOH
- Aaliya Seyal (Member) AS
- Claire Methven O'Brien (Member) CMO
- Rosemary Agnew (Member) RA
- Shelley Gray (Member) SG

### In attendance

- Jan Savage (Executive Director) JS
- David Lees (Head of Secretariat and Business Support) DL
- Jennifer Cannon (Head of Legal and Policy) JC
- Rosie McIntosh (Head of Communications and Engagement) RM
- Cathy Asante (Legal Officer: Human Rights Based Approach) CA
- Tiia Kontro (Minute Secretary) TK

### Apologies

- No apologies were noted.

### List of acronyms

- AAB: Audit Advisory Board
- ACC: Assistant Chief Constable
- ARC: Audit and Risk Committee
- EHRC: Equality and Human Rights Commission
- FWS: For Women Scotland
- KPI: Key Progress Indicator
- NIHRC: Northern Ireland Human Rights Commission
- SCLD: Scottish Commission for People with Learning Disabilities
- SPCB: Scottish Parliament Corporate Body

## 1. Welcomes

- 1.1. The Chair opened the meeting and welcomed all Members and attendees.

## 2. Declarations of Interest

- 2.1. No Declarations of Interest were recorded in relation to any of the agenda items.
- 2.2. RA noted for transparency work she has undertaken for SPCB to produce a report in relation to a Review of Members of the Scottish Parliament complaints sanctions process, which is scheduled to be published today, 2 February.
- 2.3. JS noted for transparency her declared status as a Trustee of SCLD, noting paragraph 15 of the previous minutes from 1 December referencing the Adults with Incapacity Ministerial group.

## 3. Minutes from Previous Meeting(s)

- 3.1. The minutes from the meeting held on 1 December 2025 were approved with minor revisions.

## 4. Matters Arising/Action Log Review

- 4.1. The Action Log was reviewed and an update shared on key points.
- 4.2. It was noted that a previously diarised meeting with the Research Advisory Group will now be rescheduled in line with future strategy development relating to monitoring.
- 4.3. The development of the Litigation and Stakeholder Engagement Strategies were discussed. It was agreed that a half-day session to discuss each of the strategies would be diarised for Members to input prior to final drafting.

- 4.4. It was agreed that separate papers on powers and mandate development, and on strengthening the human rights framework will be developed published after the Scottish Parliamentary election.

**Action 1: A full day strategy development session to be scheduled, to include Litigation, Monitoring and Stakeholder Engagement on the same day,**

**Action 2: Papers on powers/mandate and strengthening the human rights framework to be developed for distribution after the Scottish parliamentary elections.**

## 5. Chair Report

- 5.1. The Chair provided an update and summary of relevant meetings and engagements since the previous Commission meeting in December, which was noted. The following additional points were discussed.
- 5.2. The Chair and Members agreed that a further meeting with Police Scotland ACCs will be scheduled to discuss a range of issues previously raised with Police Scotland including Live Facial Recognition Technology (LFRT), data on sex and gender and policing of protests.
- 5.3. The Chair and Members reflected on the recent meeting with SPCB and discussed the requirement for a robust approach for Parliamentary engagement ahead of and following the election.

**Action 3: A meeting between Members and Police Scotland ACCs will be requested and diarised.**

**Action 4: Parliamentary engagement approach to be developed for pre- and post-election period.**

## 6. Member Report

- 6.1. Members shared a verbal report on recent meetings and activities, which was noted.

- 6.2. Members discussed the format of the Member Report. JS proposed that the process and support for Member engagements would be further developed as part of the Stakeholder Strategy.

**Action 5: Template to be developed to allow Chair and Members to provide feedback on engagements and events.**

## 7. Executive Director Report

- 7.1. The Executive Director report was tabled on matters relating to operational performance, corporate governance, and risk. The following additional points were discussed.
- 7.2. JS shared an updated timeline for the Employee Policies and Handbook development. It was noted that the aim is to have the policy reviews completed by the end of the financial year.
- 7.3. The capacity requirements and resource commitments for the s.14 intervention case (FWS v Scottish Ministers) were formally acknowledged. It was noted that the additional work required has impacted the progress of other work. The Commission agreed that following the Court decision on the intervention, a formal response will be developed from SHRC.
- 7.4. Members discussed the appointment of the new Chair of ARC, Joe Al-Gharabally, who is also the Chair of SPCB's AAB. It was noted that the new Chair has proposed a Risk Workshop for all Members and SLT, along with independent members of ARC. It was noted that the current proposed date of 2 March will need to be rescheduled as JS is attending a meeting with MoJ in London.

**Action 6: A response from SHRC to be drafted and published following the Court Decision on the s.14 intervention.**

**Action 7: Risk Workshop will be rescheduled.**

## 8. ARC report

- 8.1. DL noted that the purpose of the ARC Report is to provide the Members who are also members of the ARC the opportunity to share key updates from the most recent ARC Meeting. This will be delivered with support from staff also present at ARC.
- 8.2. It was noted that the minutes from the September ARC meeting had not been circulated and will be shared with Members for information via correspondence.
- 8.3. Members extended a formal welcome to the new Chair of ARC following their appointment.
- 8.4. SG shared an update on the key items discussed at the ARC meeting in December 2025.

**Action 8: Minutes from September ARC meeting to be circulated via correspondence.**

## 9. Comms and Engagement

- 9.1. RM joined the meeting to present an update on recent communications activities. Members noted the updates and welcomed the progress outlined. The following additional points were discussed.
- 9.2. The SHRC has requested permission from the Court to publish its s.14 intervention submission. Should the court grant this permission, the submission will be published on the website.
- 9.3. Increased numbers of FOI requests in 2025 were noted both in volume and complexity. The implications on staff capacity were discussed, and this has been recognised in the Operational Plan for 2026-27.
- 9.4. Members discussed the drafting of a joint 3 NHRI position statement (SHRC, EHRC, NIHRC) reaffirming the importance of the ECHR and the Human Rights Act 1998 in the protection of rights for everyone in the UK. Consideration was given to the broader context, including UK government proposals threatening to weaken the human rights framework and a growing anti-rights sentiment in public and political discourse, as well as interventions from international bodies such as ENNHRI, who have

issued public statements defending the integrity of the ECHR and encouraged other NHRIs to do the same. It was agreed that the SHRC will draft a joint position statement, to be agreed with the other NHRI's, for future publication as agreed.

**Action 9: Joint statement to be drafted and agreed across 3 NHRI's, for future publication.**

## 10. Legal and Policy

### 10.1. Proposed Inquiry on Restrictive Practice in Mental Health Detention

- 10.2. CA joined the meeting to present a proposal on the potential use of SHRC's inquiry powers under Section 8 of the SCHR (2006) Act, in relation to the use of restrictive practices in mental health settings. The proposal builds on concerns initially identified via the Tick Tock Spotlight report around the potential for Art 3 violations and the absence of a regulatory framework to safeguard these rights. Members noted the proposal and the following points discussed.
- 10.3. Members recognised the human rights concern of the issues highlighted and the need for SHRC to provide focus in this area. A range of issues were discussed on how best to frame a human rights approach to the issue, the inquiry process, potential alternatives, and the resource requirements.
- 10.4. It was noted that SHRC should build momentum towards the case for use of our s.8 power, by staging publication of evidence papers about the issue and engagement with duty bearers to highlight SHRC concern throughout 2026-27.
- 10.5. Members agreed that subject to unsatisfactory progress from duty bearers as a result of this activity, the SHRC will build the operational plan and business case for funding an Inquiry under s.8 of the SCHR Act 2006 in 2027-28.
- 10.6. Members are committed to supporting an inquiry in principle once mapping of the required steps has taken place. Members requested that

a workplan outlining the staged approach in 2026-27 will be tabled at the April 2026 meeting and included in the 2026-27 Operational Plan.

**Action 10: A paper to outline workplan and outputs on promoting initial analysis of the issue throughout 2026-27 to build momentum towards an inquiry.**

### **10.7. Policy Update (paper)**

- 10.8. JC joined the meeting to present the legal and policy update. A Policy Update paper was presented for assurance. Members noted the updates and the following points were discussed.
- 10.9. A briefing paper clarifying the current Government recommendations on FAI process will be drafted and shared with Members separately, over correspondence. Members discussed potential positioning and next steps.
- 10.10. Members requested a clearer formatting on required decisions and actions for the next paper.

**Action 11: Briefing paper on FAI to be drafted and shared with Members.**

**Action 12. Commission papers to clearly highlight what is being asked of Members in terms of decisions, actions, assurance.**

### **10.11. Commonwealth Games Engagement (paper)**

- 10.12. Paper on a Human Rights Statement to be published by the Organising Committee of the 2026 Glasgow Commonwealth Games was tabled and a decision sought on whether to publicly support the statement.
- 10.13. Following a discussion, Members noted that the Committee's engagement with the SHRC on human rights matters was welcomed and recognition of the efforts made in this area. However, Members decided that it would not be appropriate to formally endorse the statement.

### **10.14. Monitoring and Research Update (paper)**

- 10.15. An update of the status of current Monitoring and Research work was tabled for assurance. Members noted the paper. The following points were discussed.
- 10.16. Members discussed the upcoming South of Scotland spotlight project noting comparisons to the Highlands and Islands project in relation to resource, staffing and workplans. It was noted that learnings from the Highlands and Islands project have been applied to the planning and methodology of the South of Scotland spotlight project.
- 10.17. Members discussed the plans for building a wider evidence base for the SHRC. It was agreed that discussions on this will be built into the discussions on Monitoring Strategy.
- 10.18. Members requested a planned timeline for Member engagement and key dates for the upcoming poverty spotlight.

**Action 13: Indicative plan for Poverty Spotlight to be shared with Members via correspondence.**

### **10.19. Duty Bearer Research Proposal (paper)**

- 10.20. A paper seeking the Commission's approval for a new Duty Bearer Research Project was tabled for approval. Following points were discussed.
- 10.21. Member support in principle for the research proposal was noted, and it was agreed to proceed.
- 10.22. The research will be commissioned in 2026-27, and a revised scope will be developed in line with Member feedback for Member approval ahead of commissioning.

**Action 14: A revised scope to be tabled for approval at a later meeting.**

### **10.23. Legal Update (paper)**

- 10.24. An update on the status of current legal work was tabled for Assurance. Members noted the paper and highlighted that there were some decisions required from Members. The following additional points were discussed.
- 10.25. In relation to UNCRC, Members supported the change in approach from the previous strategy of focusing on cases in the higher courts to now including the scope of opportunities to intervene in lower courts and tribunals, with the intent to build institutional capacity, knowledge, and readiness for litigating more frequently.
- 10.26. Members considered the Judicial Review on Palestine Action which has been granted permission to be heard in Scotland. Members discussed the potential intervention, and following assessment, decided that intervening at this stage would not add value to the process.
- 10.27. It was agreed that learning will be undertaken following the s.14 intervention and Palestine Action on how to assess and recommend interventions to the Commission.
- 10.28. Members agreed to discuss a comms response on the Palestine Action outcome following the verdict.

**Action 15: Develop a comms response to the Judicial Review on Palestine Action following the verdict.**

## **11. Strategy and Governance**

### **11.1. KPI Scorecard for Q3 (paper)**

- 11.2. The KPI Scorecard for Q3 was tabled for Assurance. Members noted the paper. The following additional points were discussed.
- 11.3. Members noted the updated format as helpful and proposed to share the scorecard with the wider staff team as a formal update.
- 11.4. Members discussed the SHRC's approach to social media, with concerns raised in relation to the use of X (formerly Twitter). It was requested that the Head of Communications and Engagement will provide an options paper for Member consideration.

**Action 16: Formal options proposal with regard to the SHRC's social media presence will be tabled at next Commission meeting.**

## **12. AOB**

12.1. Next meeting will take place on 13 April 2026.

ENDS.