

Strategic Framework Agreement

June 2026

The purpose of the Strategic Framework Agreement

1. The purpose of this Strategic Framework Agreement is to clarify the respective roles and responsibilities of the Commissions, particularly in relation to the operation of the EHRC in Scotland on human rights matters in the discharge of their functions as A Status National Human Rights Institutions.
2. We work together on reserved policy and legislative matters which impact on the human rights of people in Scotland.
3. We work together as part of the unique framework in Great Britain and Northern Ireland led by the UK and Scottish Governments across 1998-2006 which created 3 NHRIs to uphold human rights in these islands – SHRC for Scotland, EHRC for England and Wales, and NIHRC for Northern Ireland.
4. In that context, the three organisations liaise as one Great Britain and Northern Ireland delegation in the following ways: at the Global Alliance of National Human Rights Institutions (GANHRI), on treaty monitoring review evidence sessions with the UN and Council of Europe Treaty Bodies, to form the UK Independent Mechanism on CRPD as designated by the UK Government, and to participate in the National Preventative Mechanism.
5. A separate Memorandum of Understanding is in place to outline how the three NHRIs operate.

The remits of the Commissions in Scotland

6. The SHRC is Scotland's National Human Rights Institution.
7. The EHRC is Scotland's equality regulator, and the National Human Rights Institution for England and Wales and in Scotland for matters reserved to Westminster.
8. The SHRC was established by the Scottish Commission for Human Rights Act 2006 and operates as the Scottish Human Rights Commission. It has a remit to

promote human rights and encourage best practice in relation to human rights in Scotland. It fulfils this remit by providing information, guidance and education; by conducting enquiries; by monitoring law, policy and practice; by intervening in civil court proceedings (and criminal court proceedings in respect of the UNCRC (Incorporation) (Scotland) Act 2004 only), and by raising own name litigation in respect of UNCRC (Incorporation) (Scotland) Act 2024.

9. In relation to its general duty, the SHRC's statutory remit is to promote human rights and encourage best practice in devolved, reserved and international areas. In relation to the exercise of specific powers, the SHRC may conduct inquiries into the policies and practices of Scottish public authorities; review and recommend changes to the law of Scotland or the policies and practices of Scottish public authorities; intervene in Scottish Courts, the Supreme Court and the European Court of Human Rights on any matters which relate to its general duty to promote human rights; and it can enter places of detention in which an individual is detained by or with the authority or consent of a Scottish public authority.
10. It is the sole A Status NHRI for Scotland as defined in the Scottish Commission for Human Rights (Scotland) Act 2006.
11. The EHRC was established by the Equality Act 2006 and operates as the Equality and Human Rights Commission. The Equality Act sets out the remit of the EHRC, which is to promote equality and diversity and enforce the equality laws, and to promote and protect human rights, by encouraging good practice and promoting mutual respect including good relations. The EHRC is an A status NHRI with its human rights role in Scotland restricted to matters relating to Westminster reserved issues.
12. The EHRC's reserved equalities remit extends across Great Britain. The EHRC has specific powers in Scotland in relation to equality laws, and in particular it has the power to conduct inquiries and investigations, to make applications to court, including judicial reviews and interventions, and to provide legal assistance to

individuals. In relation to human rights in Scotland, the EHRC's remit covers human rights issues arising in reserved areas only. In respect of human rights in relation to reserved matters, the EHRC has the power to conduct inquiries, to take judicial reviews and to intervene in relevant cases before the courts.

The working relationship

13. Each Commission is entitled to perform its statutory functions independently of the other and without outside influence. This Strategic Framework Agreement does not prejudice that independence.
14. There is no requirement for an additional Framework Agreement around the discharge of the equalities mandate and the human rights mandate in Scotland.
15. The Commissions recognise that their respective roles can be enhanced by working effectively together. They are both committed to the development of a positive, constructive working relationship between the two organisations.
16. This may include working together to consider where strategic use of each Commission's enabling powers may usefully progress human rights matters in the public interest in Scotland.
17. Where either Commission identifies an issue falling within the remit of both Commissions, each Commission will discuss any proposed action with the other, and the Commissions will endeavour to agree how best the work can be carried out in order to maximise resources and avoid unnecessary duplication of work.

Role of the EHRC in relation to devolved matters

18. Under section 7 of the Equality Act 2006, the EHRC is not entitled to undertake human rights action in relation to devolved matters / matters within the legislative competence of the Scottish Parliament, as long as there is a statutory body in Scotland with the remit to do so. Since the passage of the Scottish Commission for Human Rights Act 2006, that body is the SHRC.

19. Section 7 of the Equality Act 2006 does contain a provision for consent to be sought. The criteria by which the SHRC will consider consent is set out in para 22. Where these criteria are not met consent may be given only in exceptional circumstances.
20. The EHRC will undertake human rights activity in relation to such matters only with the consent of the SHRC. Such consent will be sought whether the activity is undertaken directly by the EHRC or indirectly by third parties engaged or funded by the EHRC to carry out human rights activity in relation to such matters.
21. The SHRC's decision whether or not to consent will be informed by whether the proposed work is complementary to the SHRC's statutory remit, policy positions and programmes, and by whether or not the SHRC is engaged or intends to engage in similar work. Consideration will also be given to consent where the engagement of EHRC's powers on an issue are more likely to achieve a substantive outcome. In such situations the SHRC will be engaged and involved appropriately. The day to day operation of the consent mechanism will be detailed in a separate operational protocol.
22. The EHRC and SHRC will inform and consult with each other on any human rights work they are undertaking on reserved policies which impact on the human rights of the people of Scotland. Where possible, a common position would be adopted. The process for developing common positions or resolving differences will be dealt with through the aforementioned separate operational protocol.

Communication

23. Each Commission undertakes to provide regular updates to the other on its work.
24. Each Commission undertakes to share with the other, as soon as possible, information which it considers may be of interest to the other, subject to any confidentiality requirements.

25. The Commissions undertake to establish and maintain effective communication channels to assist each Commission in fulfilling its responsibilities as fully and efficiently as possible.
26. The Chief Executive of the EHRC, the SHRC Executive Director and the EHRC Head of Scotland, and other staff of both Commissions, will maintain regular contact with each other.
27. The Chairs of the Commissions will meet together formally from time to time, and at least annually, in order to discuss matters of mutual concern.
28. The Members of the SHRC and the Chair and Members of the Scotland Committee of the EHRC will meet together formally from time to time, to discuss matters of mutual interest.
29. International NHRI matters are governed by the interim protocol between the EHRC, the SHRC and the Northern Ireland Human Rights Commission.

Monitoring and review

30. The Scotland Committee and the Head of Scotland of the EHRC, and SHRC Members and the Executive Director of the SHRC will keep this Strategic Framework Agreement under review. An annual review on the operation of the Agreement will be undertaken and a short report prepared on how and where the two Commissions have collaborated.
31. In the event of either Commission identifying an issue in the operation of this Strategic Framework Agreement, they will seek to resolve it quickly and informally. If this is not possible, the Chief Executive of the EHRC and the Executive Director of the SHRC will take responsibility for achieving a mutually acceptable solution.
32. While it is intended that the arrangements in the Agreement should apply generally, it is recognised that some circumstances will require special handling.

Nothing in this Agreement prevents the making of arrangements to meet specific exceptional needs.