

Scottish Human Rights Commission (SHRC)

Basics	Web site	http://www.scottishhumanrights.com/
	Geographical coverage	Scotland
Constitutional Aspects	Legal Framework/Basis	Scottish Commission for Human Rights Act 2006 (as amended) (available at http://www.legislation.hmso.gov.uk/legislation/scotland/acts2006/asp_2006001en_1) provides statutory basis for the SHRC.
	Independence	<p>Scottish Commission for Human Rights Act 2006 was created in accordance with the United Nations Principles relating to the Status of National Institutions (The Paris Principles), which require National Human Rights Institutions to be given legislative competence to promote and protect human rights and must be independent.</p> <p>Schedule 1 (2) The Commission- (a) is not a servant or agent of the Crown and (b) has no status, immunity or privilege of the Crown.</p> <p>(3) (1) The Commission, in the exercise of its functions, is not to be a subject to the direction or control of- (a) any member of the Parliament (b) any member of the Scottish Executive, or (c) the Parliamentary corporation.</p> <p>4 (1) A person is disqualified from appointment, and from holding office, as a member of the Commission if that person is— (a) a member of the House of Commons, (b) a member of the Scottish Parliament, or (c) a member of the European Parliament.</p> <p>(2) A person is also disqualified from such appointment if that person has, in the relevant period, held any of the offices set out in subparagraph (1)(a) to (c).</p> <p>(3) The relevant period is— (a) in relation to the appointment of a member to chair the Commission, the year preceding the date of nomination, (b) in relation to the appointment of any other member of the Commission, the year preceding the proposed date of appointment.</p>
	Financial Independence	<p>Scottish Commission for Human Rights Act 2006 Schedule 1 (14)(1) 1) The Parliamentary corporation is to pay—</p> <p>(a) the remuneration and allowances of each member of the Commission, and</p> <p>(b) any expenses incurred by the Commission in the exercise of its functions, so far as those expenses are not met out of sums received and applied by it under section 3(3).</p> <p>The Scottish Human Rights Commission is designated as a direct funded body under the annual Budget Act in Scotland.</p>

Scottish Human Rights Commission (SHRC)

Membership	Composition of body	<p>Scottish Commission for Human Rights Act 2006 Schedule 1, (1)(1) The Commission consists of the following members (a) a member appointed to chair the Commission, and (b) not more than 4 other members.</p> <p>As of 2018, the Commission has a full-time chair, and three part-time Commissioners. The Commission is supported by 11 staff.</p>
	Appointment	<p>Scottish Commission for Human Rights Act 2006 Schedule 1 (1)(2) The member appointed to chair the Commission is to be an individual appointed by Her Majesty on the nomination of the Scottish Parliament. (3) The other members are to be individuals appointed by the Parliamentary corporation a cross party organisation (1st Annual Report NPM 2009-10 p46).</p>
	Expertise	<p>The commissioners have extensive expertise in human rights and matters of social justice (SHRC website).</p>
Visiting Mandate	Places of deprivation of liberty to be visited	<p>Scottish Commission for Human Rights 2006 §11 (1) For the purposes of an inquiry, the Commission may- (a) enter any place of detention for the purpose of exercising any power under paragraph (b) or (c), (2) In this section, "place of detention" means any premises, vehicle or other place in or at which an individual is or may be detained by, or with the authority or consent of, a Scottish public authority.</p>
	Frequency of visits	<p>SHRC will conduct inquiries as need arises (1st Annual Report NPM 2009-10 p46). Visits are carried out within the Human Rights framework. The SHRC can also require the public authority to supply documentary and oral evidence. SHRC does not carry out regular visits, though this is required under OPCAT (1st Annual Report NPM 2009-10 p47), but the broad scope of power to enter any place of detention is useful, as it make up for where other organisations cannot enter.</p> <p>See the Scottish Commission for Human Rights Act http://www.legislation.gov.uk/asp/2006/16/section/11 Section 11 1) (a)- can enter any place of detention, and 2)- detention "any premises vehicle or other place in or at which an individual is or may be detained by, or with the authority or consent of, a Scottish public authority).</p>

Scottish Human Rights Commission (SHRC)

	<p>Types of visits</p>	<p>Scottish Commission for Human Rights Act 2006 §8 (4) Before taking any step in the conduct of an inquiry, the Commission must</p> <p>(b) give notice of (i) the proposed inquiry (ii) its terms of reference, and (iii) the summary of procedure, to each relevant Scottish public authority and</p> <p>(c) publicise- (i) the proposed inquiry, (ii) its terms of reference, and (iii) the summary of procedure, in such manner as it considers appropriate to bring them to the attention of any other persons likely to be affected by the inquiry/</p> <p>(5) An inquiry is to be conducted in public except to the extent that the Commission considers it necessary or expedient that any part of the inquiry should be conducted in private.</p> <p>(6) Otherwise, the procedure to be followed in the conduct of an inquiry is to be such as the Commission may determine.</p>
		<p>§11 (1) For the purposes of an inquiry, the Commission may- (a) enter any place of detention for the purpose of exercising any power under paragraph (b) or (c), (b) inspect the place of detention.</p> <p>Schedule 3 (3)(1) Where any person intentionally obstructs the Commission or an authorised person acting in the exercise of a power under section 11(1), the Commission may report the matter to the Court of Session</p> <p>(2) On such a report, the Court may, after hearing any evidence or representations on the matter, (either or both) - (a) make such order for enforcement as it sees fit, (b) deal with the matter as if it were a contempt of the Court.</p> <p>Thus the SHRC may conduct inquiries into the policies or practices of public authorities in Scotland, either those working to deliver a particular service, or public authorities of a particular description, i.e. those working on certain issues or a particular description.</p>
	<p>Private interviews</p>	<p>§11 (1) For the purposes of an inquiry, the Commission may- (a) enter any place of detention for the purpose of exercising any power under paragraph (b) or (c), (b) inspect the place of detention (c) conduct interview in private with any person detained there, with that person's consent. (4) For the purposes of subsection (1)(c), an interview is in private if it is outwith the hearing of any person involved in the management or control of the place of detention or working at the place of detention.</p>

Scottish Human Rights Commission (SHRC)

	<p>Access to information</p>	<p>Scottish Commission for Human Rights Act 2006 §10 (1) For the purposes of an inquiry, the Commission may require any person specified in subsection (2) to- (a) give oral evidence, (b) produce documents, or (c) otherwise provide information, relevant to the subject matter of the inquiry.</p> <p>In relation to oral evidence the Commission may require that evidence is given under oath (Paragraph 3 of Schedule 2). Paragraph 4 of Schedule 2 provides that any person who refuses or fails, or is likely to do so, without reasonable excuse, to comply with any requirements to provide evidence or information, take an oath, answer any question, or who deliberately alters, suppresses, conceals or destroys any document which the person is required to produce can be reported to the Court of Session. On such a report, the Court may, after hearing any evidence or representations on the matter, (either or both)— (a) make such order for enforcement as it sees fit, (b) deal with the matter as if it were a contempt of the Court.</p>
	<p>Publication of findings after visits</p>	<p>Scottish Commission for Human Rights Act 2006 §3(1) For the purpose of its general duty, the Commission may- (a) publish or otherwise disseminate information or ideas §16(1) The Commission must arrange for the publication of reports laid by it before the Parliament (2) The Commission may publish other reports on matters relevant to its general duty.</p> <p>§12 provides that the Commission must lay a report before Parliament at the end of any inquiry.</p>
	<p>Coordination of visits</p>	<p>Scottish Commission for Human Rights 2006 §5 (1) The Commission may, in the exercise of any of its functions - (a) consult, (b) act jointly with, (c) co-operate with, or (d) assist, any other person (2) The</p>
		<p>Commission must seek to ensure, so far as practicable, that any activity undertaken by it under this Act does not duplicate unnecessarily any activity undertaken by any other person under any other enactment.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Other Aspects of Mandate</p>	<p>Recommendations and suggestions for amendments to legislation</p>	<p>Scottish Commission for Human Rights Act 2006 §4(1): For the purpose of its general duty, the Commission may review and recommend changes to- (a) any area of the law of Scotland, or (b) any policies or practices of any Scottish public authorities. (2) The Commission must consult the Scottish Law Commission before undertaking a review of any area of the law under subsection (1)(a).</p> <p>§12(2) provides that following an inquiry the Commission must report to Parliament any recommendations the Commission is making in light of the findings of the inquiry.</p> <p>Scottish Human Rights Commission Strategic Plan 2016-2020 (http://www.parliament.scot/SPCB/Jan-Jun2016/SPCB(2016)Paper_021_-_Annex_D.pdf): The Commission will provide human rights analysis of relevant issues being considered by the Scottish Parliament and Scottish Government. We will also raise human rights issues that we think should be on their agenda. This means responding to relevant consultations on changes to law and</p>

Scottish Human Rights Commission (SHRC)

	<p>policy. We will also continue to brief and provide evidence to Scottish Parliament Committees on relevant human rights issues.</p>
<p>Preventive activities</p>	<p>Scottish Commission for Human Rights Act 2006 §2(1) The Commission's general duty is, through the exercise of its functions under this Act, to promote human rights and, in particular to encourage best practice in relation to human rights. §9 (6) of Scottish Commission for Human Rights Act 2006 refers specifically to the OPCAT. Encourages the adoption of a human rights based ethos in public authorities.</p> <p>Initial work by the Commission improved The State Hospital (1st Annual Report NPM 2009-10 p47).</p> <p>Scottish Human Rights Commission Strategic Plan 2016-2020: From 2015, onward the Commission has provided advice to prison inspectors from Her Majesty's Inspectorate of Prisons for Scotland (HMIPS). Additionally, the commission holds public authorities to account for implementation of the Convention on issues such as adult social care provision, the impact of welfare benefit changes on disabled people, measures to address negative attitudes towards disabled people and disability hate crime.</p> <p>SHRC website: The Commission supports and coordinates Scotland's National Action Plan for Human Rights (SNAP) which was launched in 2013. SNAP brings together civil society, Scottish Government and public bodies into a collaborative programme of action to build a stronger human rights culture in Scotland.</p>

Scottish Human Rights Commission (SHRC)

Standards	Legal standards applied	<p>No specified information found. However Scottish Commission for Human Rights 2006 §2 states that the Commission’s general duty is, through the exercise of its functions under this Act, to promote human rights and, in particular, to encourage best practice in relation to human rights. ‘(2) In this Act, “human rights” means—</p> <p>(a) the Convention rights within the meaning of section 1 of the Human Rights Act 1998 (c. 42), and</p> <p>(b) other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom.’</p> <p>Protects rights as per ECHR and HRA 1998 and Scotland Act 1998</p>
Reports	Annual reports	<p>Scottish Commission for Human Rights 2006 §15 (1) The Commission must lay before the Parliament annually a general report on the exercise of its function during the year to which the report relates.</p>