

John Swinney MSP
First Minister of Scotland
St Andrew's House
Regent Road
Edinburgh EH1 3DG

Via email only: firstminister@gov.scot

15 May 2024

Dear First Minister,

Protecting Human Rights in Scotland

The Scottish Human Rights Commission is pleased to write to you on your appointment as First Minister of Scotland. We further note the appointments of Shirley-Anne Somerville MSP as Cabinet Secretary for Social Justice and Kaukab Stewart MSP as Minister for Equalities. We aim to maintain positive working relationships with all of you, as well as other ministerial colleagues and their teams, towards achieving effective respect for the human rights of all in Scotland.

As you know, the Scottish Human Rights Commission is Scotland's National Human Rights Institution (NHRI). As such we are Scotland's human rights watchdog, with a mandate to monitor how everyone's rights are respected, protected, and fulfilled according to applicable international human rights instruments and treaties.

The Commission's Strategic Plan 2024-2028 commits us to:

- Delivering our mandate to support the Scottish Parliament to apply human rights scrutiny to its work on proposed legislation and policy;
- Monitoring the human rights position in Scotland through an annual state of the nation report to Parliament and through United Nations and Council of Europe processes;

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- Focusing on four key priority areas:
 1. The impact of poverty on human rights in Scotland;
 2. Human rights in places of detention;
 3. Access to justice; and
 4. The rights of specially-protected groups.

Our Strategic Plan also commits the Commission to engaging with the legislative process for your Government's Human Rights Bill. We would appreciate an early update on the status of Bill, whose introduction was foreseen during this Parliamentary session. Notwithstanding constitutional challenges, the Bill is widely viewed as promising to extend effective access to remedy for human rights breaches in Scotland, and stakeholders, particularly in civil society, have invested considerable resources in supporting its progress. Urgent clarification on the Government's proposals and timetable would therefore be welcome.

Relatedly, the Commission would take this opportunity to highlight that, in our assessment, and whether via a Human Rights Bill or another route, the statutory mandate of the Commission must now be strengthened. Gaps in our current mandate preclude our supporting individuals, raising legal proceedings and undertaking investigations – all of which undermine the Commission's ability to strengthen effective human rights accountability in Scotland. We recently communicated our specific concerns in this area to the Parliament's Finance and Public Administration Committee: [Response 908691 to Scotland's Commissioner Landscape: A strategic approach - Scottish Parliament - Citizen Space](#).

Without access to justice and effective remedies where abuses occur, human rights can remain mere aspiration. As Scotland's NHRI, the Commission's purpose is to help ensure that such rights are enjoyed in reality and that constructive lessons are learned where things go wrong.

Accordingly, we would welcome an early discussion with you and your team on these important matters. We invite you to please contact the


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Commission's Executive Director to arrange this:
jan.savage@scottishhumanrights.com.

We share a copy of this letter with the offices of the Cabinet Secretary
and the Minister to support these discussions.

Yours sincerely



Jim Farish, Shelley Gray, Claire Methven O'Brien
Members of the Scottish Human Rights Commission

cc: Cabinet Secretary for Social Justice by email

cc: Minister for Equalities by email