

Present: Shelley Gray (Commissioner, Interim Chair, SG)

Jim Farish (Commissioner, JF)

In Attendance: Jan Savage (Executive Director, JS)

David Lees (Head of Commission Secretariat and Business Support, DL)

Tiia Kontro (Business Support, Minute Secretary, TK)

Oonagh Brown (Policy and Participation Officer, OB, Items 6.3.-6.6. only)

Apologies: Claire Methven O'Brien (Commissioner, CMO)

List of Acronyms: CRC Act: United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

CERD: Committee on the Elimination of Racial Discrimination

1. Welcome / Declarations of Interest

- 1.1. SG welcomed members of the Commission and staff.
- 1.2. Apologies were noted from CMO, and it was agreed that SG would continue as the Interim Chair with CMO taking over Interim Chair duties in May 2024.
- 1.3. SG declared an interest in relation to the agenda item 6.2 on Gypsy Traveller Spotlight Project proposal. Some of the individuals involved in the project form the Gypsy Traveller community are existing stakeholders for Corra through which SG has provided advice on project funding. Corra has also recently provided a grant to Making Rights Real, an organisation who works closely with the Gypsy Traveller community. The declaration was noted and recorded in the minutes.

2. Minutes of Previous Meeting

- 2.1. The minutes of the meeting held on 4 March 2024 were approved with no changes.

3. Matters Arising/Action Log

- 3.1. DL provided a status update on the items on the Action Log, with updates noted accordingly in the log.

4. Executive Director's Update

- 4.1. **Chair Recruitment:** JS confirmed that interviews for the Chair position have been concluded by SPCB and it is understood that a preferred candidate has been selected. No formal confirmation will be received until the motion is lodged inviting the nomination of Parliament.
- 4.2. JS will discuss Comms planning for the new chair with SPCB who will be lead on this but will liaise with the Commission's Comms team.
- 4.3. JS noted that completion of Governance Framework document is a priority for the commencement of the new Chair and will inform the core of the Chair induction programme. ARC

have confirmed the availability for an extraordinary meeting to approve the Governance Framework if required.

- 4.4. **Hate Crimes and Public Order Act:** JS provide an update on the Commission's previous work on this Act. It had been decided that as most of the impact of this Act relates to Equalities, consent was given to EHRC to lead on briefing MSPs on the Equality and Human Rights implications of the Act. Therefore, SHRC did not brief on this. The Commission agreed to maintain this position given that the Act has now commenced.
- 4.5. **Victims, Witnesses and Justice Reform Bill:** JS updated that scoping work is ongoing, including dialogue with the Law Society, to inform the Commission's engagement with this Bill at Stage 1.
- 4.6. **Human Rights Bill:** JS noted that the Bill is scheduled to be introduced in May 2024, Stage 1, which will include a debate on the general principles. We anticipate a call for evidence between June and September. The immediate priority for the Commission is to develop a robust financial model for delivering the anticipated new duties and powers. Work on this is progressing with an approach that can provide some flexibility depending on the extent and scope of the new powers, which are not yet fully defined.
- 4.7. The Commission will seek assurance from Internal Audit on the process used to develop the model. The model will support SG's Financial Memorandum that describes the whole cost of implementing the legislation. It was acknowledged that there will be substantial scrutiny at Parliamentary and committee level of the cost of the Bill. JS explained the process for progressing a Bill and noted that detailed amendments to the Bill can occur in Stage 2 and 3.
- 4.8. The Commission discussed the relationship between the Finance and Public Administration Committee Inquiry and the Human Rights Bill work. It was noted that the Commission will monitor the progress of both developments closely.
- 4.9. **The Finance and Public Administration Committee Inquiry on the Commissioner Landscape:** An oral evidence session has been scheduled for Tuesday 30 April 2024. JS noted

that in the absence of a Chair, who would normally attend, the clerk of the committee will confirm if JS and a Commissioner can attend.

Action: To confirm the Commission's attendees at the oral evidence session.

4.10. **People & Culture:** JS updated Commissioners that work on this is progressing through helpful dialogue with the team and that actions will be progressed through development of a people and culture strategy in 2024-25.

4.11. **UNCRC:** Following review of previous work in respect of the Financial Memorandum, including a gap analysis of skills and capacity in the Commission required to deliver the new duties contained in the Act. JS has developed a recruitment plan which the Commission noted.

Action: Progress the proposal for implementation of UNCRC

4.12. **CERD Treaty Monitoring Update:** JS noted that this is the first time the Commission will be engaging in the process. Two civil society organisations will be engaged to carry out participatory consultation events with rights holders and their networks in May. From this they provide a report by June that will inform the Commission's evidence to the CERD Treaty Body. The review with the CERD Committee is scheduled for August 2024. It was noted that there could be value in a Commissioner attending one of these events to support direct listening to, and relationship building with, rights holders from racialised communities.

Action: Commissioner to be invited to attend consultation events.

5. Governance

5.1. **Operational Plan:** JS provided an overview of key points of the status review of the Operational Planning process.

5.2. It was noted that a priority mapping approach has been used to inform the project planning framework, with clarity of role and function for each team in the Commission.

- 5.3. JS commented that this more strategic approach to planning will continue to strengthen cross-team working and allow projects to be managed more effectively. It will also support the scheduling of thematic development sessions alongside Commission meetings as previously discussed.
- 5.4. **Audit and Risk Committee Minutes – December 2023:** Minutes from the meeting of Audit and Risk Committee in December 2023 were formally tabled, for information.

6. Policy/Process

- 6.1. **Status update and sign-off timeline for Prison Spotlight Project 2024-25:** JS noted that this is the first of the Commission spotlight projects to proceed to publication this year. JS shared an update on the timelines for planned reporting and communications activities on the project.
- 6.2. A similar timeline will be applied to other spotlight projects that are underway and updates of each project will be shared with the Commission in due course.
- 6.3. **Gypsy Travellers Spotlight Project Proposal:** OB joined the meeting to present the new Spotlight Project proposal to the Commission.
- 6.4. Commissioners were reminded that an earlier proposal for a spotlight on this community of rights holders had been considered for the 2023-24 work programme but at that time further evidence was required to meet the Commission's evaluation criteria.
- 6.5. OB explained that the 2024-25 proposal has been drafted based on careful consideration of the human rights framework, and evidence gathered from meetings with members from the Gypsy Traveller community. It was also noted that this project aligns with the People objective of the new 2024-28 Strategic Plan.
- 6.6. The proposal focuses on the denial of the rights to cultural identity of Scotland's Gypsy Travellers, as articulated within the community through reference to the 'Tinker Experiment,' and its impact, both past and present.

- 6.7. The Commission recognised the progress made by OB on this project in the short period of time and the establishment of Trust with the Gypsy Traveller community and commended the work to date.
- 6.8. The Commission discussed the proposal and the importance and benefit of wider stakeholder engagement. The Commission formally approved the new Spotlight Project.

Action: Project to commence in May 2024 with publication anticipated in Summer of 2025.

7. NPM Scotland

- 7.1. JF provided a brief overview and update on the NPM Subgroup meeting in March 2024. It was noted that the briefing session with NPM is still to be scheduled.
- 7.2. JS noted that she would be attending the NPM UK conference in Cardiff on the 24/25 April to represent the Commission.

Action: A briefing session with NPM Secretariat to be scheduled.

8. AOB

The next Commission meeting will take place on Monday 13 May 2024.