

## Commission Meeting Minutes

Date: 4 November 2024

Time: 10:40 - 15:40

### Present:

Angela O'Hagan (Chair) AOH

Jim Farish (Commissioner) JF

Claire Methven O'Brien (Commissioner) CMO

Shelley Gray (Commissioner) SG

### In Attendance:

Jan Savage (Executive Director) JS

Tiia Kontro (Minute Secretary) TK

Sheilanne Rose (Observing tech assistance only)  
SR

Cathy Asante (Legal Officer, Human Rights Based  
Approach) CA, items 9.5-9.13. only

Oonagh Brown (Policy and Participation Officer)  
OB, item 7 only

Eleanor Deeming (Legal Officer) EDJ, items 8.5 -  
9.8. only

Eilidh Dickson (Policy and International Officer)  
ELD, item 10 only

Luis Felipe Yanes (Legal Policy Development Officer) LFY, items 9.14. - 9.16. only

**Apologies:**

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

**List of Acronyms:**

ARC - Audit and Risk Committee

ESCR - Economic, Social and Cultural Rights

ICESCR - International Covenant on Economic, Social and Cultural Rights

OLR - Order for Lifelong Restriction

## 1. Welcome / Declarations of Interest

- 1.1. JF noted his conflict of interest in relation to OLR and it was agreed that JF would not attend agenda item number.

## 2. Minutes of Previous Meeting

- 2.1. The minutes of the meeting held on 2 September 2024 were approved with minor changes.

## 3. Matters Arising

### 3.1. Action Log Review

- 3.2. It was noted that Decision Log has now been replaced with Core Brief and Sign Off Trackers. Action regarding Decision Log will be closed.
- 3.3. The Commission has been provided copies of the definitive version of the Code of Governance. Once final accessibility checks are completed, the Code of Governance will be published on the Commission's website.

**Action: Code of Governance to be published on the Commission's website.**

- 3.4. The Commission Stakeholder Engagement is an ongoing programme which was discussed in detail at the last Commission Strategy session. Increased mapping of stakeholder engagement is detailed in project plans.

## 4. Corporate Services Update

- 4.1. JS provided a short verbal update on matters relating to Corporate Services in DL's absence. The following points were noted.

- 4.2. It was noted that draft budget will be shared, as per appropriate process, with ARC.
- 4.3. Internal Audit will continue as one of the priority areas of work for DL. It was noted that cyber security audit is scheduled to start in the first week of December after being delayed briefly due to staff illness.
- 4.4. Implementation of Governance Review recommendations continue as scheduled.

## 5. Executive Director's Update

- 5.1. JS shared a verbal update as the Executive Director. The following points of discussion were noted.
- 5.2. The Commissioner Landscape Review was discussed. It was noted that a new Committee of the Parliament will be established to conduct the review. AOH noted that a joint statement from all the Officeholders has been issued ahead of the debate to present a united front and in support of the Shared Services Agreement.

**Action: Final statement from the Officeholders will be circulated with the Commissioners as well as a link to view the debate online.**

- 5.3. Commission agreed that it is imperative for it to continue demonstrating impact through the work completed.
- 5.4. People and Culture - JS noted that staff stress levels are increasing. Commission will be continuing to progress with the People and Culture project's next steps to alleviate the strain on staff wellbeing.
- 5.5. The Commission discussed the Commonwealth games that are due to be held in Glasgow 2026. It was noted that JS has requested staff to prepare a draft update on work the

Commission completed during the last Commonwealth games held in Scotland. Once update from staff has been received, JS will prepare a briefing for the Commission which will be circulated for further discussion at a later meeting.

**Action: JS to prepare a briefing with regards to the Commonwealth games 2026 and any work that was completed by the Commission for the previous games.**

## 6. Chair Update

- 6.1. AOH provided the Commission a brief verbal update on external speaking events where she had represented the Commission.
- 6.2. It was noted that the Core Brief will provide a regular update for the Commission on any upcoming engagements.

## 7. Participation Strategy

- 7.1. OB joined the meeting to present the paper on the new Participation Strategy. The following points were noted.
- 7.2. OB noted that a need for the Commission to change the direction of its participation work was identified in an Independent Review on the Commission's previous Lived Experience Leadership Group. The requirement for the Commission to develop a Participation Strategy was also noted in the most recent Governance Review.
- 7.3. OB shared the draft Participation Strategy with the Commission and noted that the aim is for the Commission to have a long-term goal of having cohesive and embedded approach to participation which underpins all the Commission's work and helps inform future work and enquiries.
- 7.4. OB proposed a whole Commission approach to participation resourcing as well as some dedicated resources for payment

for participation, both for co-design and co-delivering spotlights and to develop empowerment programme using the existing staff team more broadly to mitigate some of the cost involved.

- 7.5. The Commission discussed the proposals and agreed that the policy in general is a well thought out and robust policy.
- 7.6. SG raised a question on whether training for Commissioners would be included in the plan to assist with their part of the Participation Strategy. OB confirmed that Commissioners will be included in part of the training which is currently planned for early 2025.
- 7.7.
- 7.8. COB noted that the current staff resources are very stretched and proposed reconsidering the ambition of some of the activities as this may stretch current resources too much in the medium term.
- 7.9. The Commission discussed the proposition of power sharing and how it would work in practice. Commission noted more concerns about staff capacity in supporting the deliverables and agreed that further clarification should be provided on both the cost and the time implication to both OB and the wider team.
- 7.10. The Commission thanked OB for all the work involved in drafting the policy and acknowledged linking it to the wider Strategic Plan and Governance Review. It was noted that this gives the Commission a positive direction to work towards.

## 8. Policy

### 8.1. Strengthening the Human Rights Legal Framework in Scotland - a position paper

- 8.2. JS introduced the position paper to the Commission. It was noted that the paper aims to present a comprehensive statement designed to inform the Commission's position on varying stakeholder engagement activities. It was noted that the aim is to develop a series of short briefings for Commission discussion and approval on each of the key specific policy areas which will further inform the Commission's advocacy programme to strengthen the human rights legal framework in Scotland over the remainder of the 2024-28 Strategic Plan cycle.
- 8.3. The Commission discussed the proposals as detailed in the paper. CMO raised questions on the expansiveness of the paper and noted that the Commission already has a plan in the form of Strategic Plan and Operational Plan which covers related topics.
- 8.4. AOH reaffirmed that the Operational Plan commits the Commission to activity around the proposed Human Rights Incorporation Bill and the activities proposed in the paper are intended to maximise the technical and policy advice that already exists, and to ensure this material reaches a wider audience, consistent with our mandate on promoting awareness of human rights.
- 8.5. AOH also confirmed the Chair's intention to engage with duty bearers and public bodies proactively to build better awareness of human rights obligations for public bodies and of the SHRC.
- 8.6. The Commission did not reach an agreement on the implementation of the position paper and further clarifications were requested on the Commission's position on mainstreaming and tracker tool and the framing of some of the other actions proposed.
- 8.7. Assisted Dying for Terminally Ill Adults (Scotland) Bill**

- 8.8. EDJ joined the meeting to introduce a paper for discussion on the Assisted Dying for Terminally Ill Adults (Scotland) Bill.
- 8.9. It was noted that the Commission had been invited to give evidence to the parliamentary committee and that EDJ will be attending as a representative of the Commission.
- 8.10. The Commission thanked EDJ and the wider team for the work and noted that the evidence prepared is fair and clear. The written evidence has been shared on the Commission's website.

## 9. Spotlight Project Progress Updates

### 9.1. Access to Justice - Verbal Update

- 9.2. EDJ provided a short, verbal update on the progress on the Access to Justice Spotlight Project.
- 9.3. It was noted that accessible version of prison rules has been drafted and will be reviewed by EDJ before publishing.
- 9.4. The Commission has also launched the advocacy and advice map which has been well received by individuals and stakeholder organisations alike. Further organisations have contacted the Commission to be included in the map and publishing of the map has led to new meetings and opportunities for the Commission to engage with a wide range of stakeholders.

### 9.5. Places of Detention - Policy Development and Advocacy Plan - paper

- 9.6. CA joined the meeting to present the paper on Places of Detention - Policy Development and Advocacy Plan together with EDJ. The paper had previously been seen by the



Commission and the version tabled at the meeting included amendments previously requested by the Commission.

- 9.7. JF excused himself from the meeting due to conflicts of interest in relation to the OLR discussion.
- 9.8. It was noted that initial scoping has been completed by the Commission's Legal Fellow and reviewed by EDJ and CA. During the scoping exercise it has become clear that significant human rights concerns are found in the process and that the Commission considers these should be highlighted in the public domain. A further, more detailed paper detailing the human rights concerns is currently being drafted and will be presented to the Commission for discussion in 2025.

**Action: A paper outlining possible actions in relation to OLRs will be presented to the Commission early 2025.**

#### **9.9. Deinstitutionalisation - verbal update**

- 9.10. JF rejoined the meeting.
- 9.11. CA provided a brief summary on the process of the Deinstitutionalisation spotlight project to the Commission. It was noted that current plan is to hold a launch event for stakeholders in January 2025.
- 9.12. The Commission has previously provided detailed comments on the report which are now being implemented and the plan is to move the report to design phase mid-December 2025.
- 9.13. Final version of the report is due to be presented to the Commission by 4th December 2024.

#### **9.14. ESCR Highlands and Islands - verbal update**

- 9.15. LFY joined the meeting to provide a short verbal update on the ESCR Highlands and Islands spotlight project.
- 9.16. It was noted that final version of the report has been shared with the Commission and feedback received from some Commissioners and AOH has been incorporated. The launch of the report is scheduled for 27 November 2024 and the report has been shared with organisations and MSPs who participated in the project.

## 10. Human Rights Monitoring

### 10.1. State of the Nation Report

- 10.2. ELD joined the meeting to share the State of the Nation report.
- 10.3. The Commission requested the report include more detail on the impact of rights failures on individual people to improve general understanding of the rights in focus discussed including composite stories in the report as more 'human stories' are a more impactful way of highlighting human rights link to everyone's lives.
- 10.4. Commissioner comments were to be summarised by the Chair and issued for inclusion in an amended version of the report. The report launch is via email to MSPs by Friday 6 December 2024 ahead of Human Rights Day debates and press release on 10 December.

### 10.5. International Treaty Monitoring - Approach for ICESCR Parallel Report - paper

- 10.6. ELD talked the Commission through the paper on ICECSR Parallel Report approach paper. It was noted that the Commission is due to host an online event on 12 November 2024 and that the event signup is currently at capacity.

- 10.7. A further discussion has been scheduled for Commission Strategy Day on 2 December 2024 with COB and JF having been asked previously by the Chair to help inform the agenda for this development session.

## 11. AOB

- 11.1. The Commission discussed potential media training for Commissioners and the Chair.
- 11.2. The Commission will meet next on 2 December 2024 for a Strategy Session, including a focus on International Treaty Monitoring, and internal working practices.