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Equalities and Human Rights Committee Comataidh Co-ionannachd agus Còraichean Daonna

Equalities and Human Rights Committee Annual Report 2019-20



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Equalities and Human Rights Committee

To consider and report on matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament (and any additional matter added under Rule 6.1.5A). In these Rules, “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions. Human rights, including Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/Equalities-Human-Rights-Committee.aspx>



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Scottish Conservative
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Introduction

1. This report covers the work of the Equalities and Human Rights Committee during the Parliamentary year 12 May 2019 to 11 May 2020. During the Parliamentary year the Committee met 24 times. Two of these meetings were wholly in private, two in public and 20 were a mixture of public and private.

Membership changes

2. Previous members of the Committee during the reporting year:
 - Gail Ross (SNP) (30 March 2017– 5 September 2019)
 - Oliver Mundell (Con) (17 May 2018 – 25 February 2020)
 - Annie Wells (Con) (8 June 2016 – 25 February 2020)

Inquiries and Reports

Race Equality, Employment and Skills inquiry

3. On 21 November 2019, the Committee held an informal breakfast meeting with a range of minority ethnic communities' organisations on Race Equality in Scotland. Groups such as Sikh Sanjog and Score Scotland told us of the difficulties they faced.
4. This was complemented by two oral evidence sessions on [21](#) and [28](#) November 2019. The purpose of these meetings was to hear from larger representative community organisations, academics and the Scottish Government on how the Scottish Government's race equality strategy is being delivered through the [Race Equality Action Plan](#). Organisations included—
 - BEMIS
 - Coalition for Racial Equality and Rights
 - CEMVO Scotland
 - Equality and Human Rights Commission
 - Academics from University of Edinburgh and Heriot-Watt University.
5. The sessions drew out several key themes relating to race and equality. One such theme was that employment is key to addressing the issues of housing, education, health, encouraging participation in public life and poverty. Also key to progress was the need for public bodies to be held accountable for their organisations' progress on race.
6. In light of this, the Committee agreed to hold an inquiry into [Race Equality, Employment and Skills](#), to establish what is being done in Scotland to make sure that people from minority ethnic communities have the same employment opportunities as everyone else.



Race Equality Inquiry

What is being done in Scotland to make sure that people from minority ethnic communities have the same employment opportunities as everyone else?

Share your views with the Committee by 17 April

Source: Scottish Parliament

7. On 14 February 2020 the Committee launched a call for views on [citizen space](#) and on 2 March 2020 issued a letter to all public authorities asking them to set out what action they are taking to increase employment of minority ethnic people; what data they have collected to support this, and what further action they have taken to reach their objective. The Committee will look to identify areas for improvement and critically where there are examples of best practice. The initial deadline for responses was 31 March 2020.
8. At its meeting on 12 March, the Committee agreed a comprehensive engagement programme with a wide range of stakeholders. Unfortunately, due to the COVID-19 pandemic, the Committee has had to pause its engagement work. The Committee is however conscious of the range of groups keen to engage with it and has therefore extended the deadline for people and organisations to provide submissions up to 30 June 2020. The Committee will review its approach to engagement in the new Parliamentary year.

COVID-19 inquiry

9. On 8 April 2020, the Committee agreed to hold an [inquiry](#) into the Impact of the COVID-19 pandemic on Equalities and Human Rights.
10. On 27 April, the Committee launched an open-ended [call for views](#). This enables the Committee to remain flexible in response to the current crisis. There has been strong engagement on [twitter](#) with the first tweet generating 26,000 impressions and 847,000 engagements with many stakeholders indicating they will provide a submission.
11. The inquiry is seeking views on what groups and individuals are disproportionately impacted by COVID-19; what the Scottish Government and other public bodies, including regulatory and oversight bodies, need to do to as a matter of urgency and what the longer-term impacts might be; and to ensure that measures taken in relation to the pandemic minimise negative effects on equalities and human rights.

12. The Committee recognises its leadership role in mainstreaming equalities and human rights across all Parliamentary committees. This is acknowledged as particularly important in this fast-paced environment where actions could lead to unintended consequences. As such, the Convener was appointed as reporter on the work of the [Covid-19 Committee](#) on 30 April 2020 and Alex Cole-Hamilton as deputy if the Convener is unable to attend.

Legislation

Children (Equal Protection from Assault) (Scotland) Bill

13. The Children (Equal Protection from Assault) (Scotland) Bill is a Members Bill, promoted by John Finnie MSP. The Bill's purpose was to end the physical punishment of children by parents or those with caring responsibility for a child. It sought to do this by removing the defence of 'reasonable chastisement'.
14. The Committee published its Stage 1 [report](#) on the Children (Equal Protection from Assault) (Scotland) Bill on 28 May 2019. The majority of the Committee supported the general principles of the Bill.
15. Following amendment at Stage 2 on 20 June 2019, the Bill progressed to Stage 3 on 3 October 2019. The Bill became law on 7 November 2019.

Female Genital Mutilation (Protection and Guidance) (Scotland) Bill

16. The Female Genital Mutilation (Protection and Guidance) (Scotland) Bill was introduced in the Parliament on 29 May 2019. The purpose of the Bill was to strengthen existing protections through the introduction of protection orders and statutory guidance. The Bill forms part of the ongoing work on the Scottish Government's [action plan](#) to prevent and eradicate FGM.
17. The Committee launched a [call for views](#) on 14 June until 20 August 2019 and received [14 written submissions](#) from a range of external organisations.
18. In addition to the call for views, the Committee undertook four external visits at [InfoSource](#), [The Ruby Project](#), [Women's Support Project](#) and [Multi-Cultural Family Base](#). During these visits, the Committee learned about the women and children affected by FGM and heard that many men were unaware of the legal position on FGM, how it affects women both physically and psychologically and that it has no religious foundation.
19. The Committee worked with organisations to gather the views of their service users. A toolkit and questions for discussion were created and sent to a selection of organisations who work with individuals from affected communities. [Responses](#) were received from two organisations: one gathered the views of 10 women originally from Somalia, Ethiopia and Yemen. The second heard the views of five men.
20. The Committee also worked alongside a group from Saheliya's 'Champions Project'. Over four workshops a group of women, supported by Saheliya and the Scottish Parliaments Committee Engagement Unit and Outreach Service, explored the Bill, shared their personal experiences and priorities and key messages about

the Bill. Individual and collective [digital stories](#) were created and this helped shape the context for the recommendations in the stage 1 report.

21. The Committee published its report on the [Female Genital Mutilation \(Protection and Guidance\) \(Scotland\) Bill](#) on 5 December 2019. The Stage 1 debate was held on 18 December 2019. The Committee completed [Stage 2](#) on 23 January 2020. [Stage 3](#) proceedings took place on 19 March and the Bill became law on 24 April 2020.

Civil Partnership (Scotland) Bill

22. The [Civil Partnership \(Scotland\) Bill](#) was introduced by the Cabinet Secretary for Social Security and Older People on 30 September 2019. The purpose of the Bill is to allow different sex couples to enter into a civil partnership, providing them with similar rights and responsibilities to marriage. The Bill follows a UK Supreme court ruling which found that the difference in treatment between same sex and different sex couples was incompatible with the European Convention on Human Rights.
23. As lead Committee appointed to consider the general principles of the Bill, the Committee took written and oral evidence from a range of stakeholders including human rights and family law experts, LGBT groups, faith, belief and women's groups and professional bodies such as the National Records of Scotland.
24. To hear more from individuals the Committee carried out online engagement. This included using the 'Your Priorities' platform to capture views through text audio and video comments. The platform was shared widely on social media by several stakeholder groups, and promoted advertising was used on Facebook to reach those who would not normally engage with the Scottish Parliament.
25. The Committee received 45 comments detailing personal testimonies on the need for Bill. These included providing legal and financial protection for the family of a terminally ill woman and providing an alternative for many who objected to marriage for social, cultural or emotional reasons such as previous experience of domestic abuse.
26. The Committee unanimously supported the general principles of the Bill. The [Stage 1 Report](#) on the Civil Partnership (Scotland) Bill was published on 31 March 2020. Continuation of Stage 1 will take place in the next Parliamentary year.



Source: Scottish Parliament

Subordinate Legislation

27. During the Parliamentary year, the Committee considered one affirmative Scottish Statutory Instrument: the Historical Sexual Offences (Disregarded Convictions and Official Records) (Scotland) Regulations 2019. The objective of this instrument is to prescribe how convictions that are to be 'disregarded' in terms of the 2018 Act are removed from official records and identify those bodies who are to be treated as relevant record keepers. We recommended approval of the instrument on [12 September 2019](#).

Draft Budget Scrutiny 2020 – 21

28. As well as drawing on financial information gathered from its legislative and inquiry work during the year, the Committee undertook an inquiry into third sector funding to deliver national equalities and human rights priorities and outcomes. This recognised the third sector's vital role in achieving [national outcomes](#).
29. The Committee's call for views ran from 14 June to 23 August 2019 and received 41 submissions. Two round table discussion community events were also held. One with [Glasgow's third sector](#) and the other with [Stirling, Falkirk and Clackmannanshire's Third Sector Interfaces](#). Approximately 60 representatives participated and shared their views.
30. Oral evidence was heard on [26 September 2019](#) and [3 October 2019](#). Sharing their experience were regulatory, audit and third sector organisations, as well as groups representing equalities and human rights views. Also, public bodies covering health, social care and local government.
31. The Committee published its report, [Looking ahead to the Scottish Government's Draft Budget 2020-21: Valuing the Third Sector](#), on 7 November 2019. In addition, the Committee [wrote to the Minister for Older People and Equalities](#) on 7 November 2019, reflecting on a range of other financial matters gathered throughout the parliamentary year. The Minister for Older People and Equalities responded with a [letter](#) and a [report](#) on 6 February 2020 to the Committee's letter and report.
32. As a result of the Committee's scrutiny of the budget, and recognising the value of the third sector in supporting equalities and human rights, the Scottish Government increased its equality and human rights budget to £30.2m, its highest ever level.

Petitions

33. Petition [PE1372](#): by Friends of the Earth Scotland, in relation to access to justice on environmental matters. The petition urges the Scottish Government to clearly demonstrate how access to the Scottish courts is compliant with the Aarhus convention on 'Access to Justice in Environmental Matters'. The petition was referred to the previous Equal Opportunities Committee and the Committee has been keeping a watching brief on matters that might resolve aspects of the petition. On 14 November 2019 the Committee agreed to await the outcome of the recent Scottish Government consultation on Environmental Principles and Governance in Scotland and to write to the Scottish Civil Justice Council for further information.
34. The Committee had [one petition](#) referred to it during this reporting year, Petition [PE1695](#): by Ben and Evelyn Mundell, on access to justice in Scotland. The petition asks the Scottish Government to act to ensure that access to justice, including access to legal advice from appropriately trained lawyers and financial support through legal aid, is available to enable people in Scotland to pursue cases where they consider a human rights breach has occurred. The Committee considered the petition at its meeting on [12 March](#) and agreed to await the Scottish Government's response to its consultation on Legal Aid Reform in Scotland before giving further consideration.

One-off sessions

Evidence session with SHRC and EHRC

35. One-off sessions with the Scottish Human Rights Commission and Equality and Human Rights Commission are held regularly. This allows the Committee to hear about the commissions' work programmes, ensure the Committee is not duplicating work, priorities are complementary and able to maintain a relationship with the two commissions as a 'critical friend'. The Committee met with the Commissions on [16 May 2019](#) and considered the work of both commissions during the last year and a look ahead to their future work priorities.

Evidence session with Engender

36. The Committee held an evidence session on [13 June 2019](#) to discuss Engender's shadow report to the UN Committee on the Convention on the Elimination of Discrimination Against Women (CEDAW) and to hear about key issues affecting women in Scotland and its view of Scotland's progress on related concluding observations.
37. This was a valuable session where the Committee heard about a number of areas where more progress is required by the Scottish Government. Engender specifically highlighted: action on violence against women and girls; on women's underrepresentation in elected office in local and central government; equality in employment, education, healthcare, and social security; and women and social care.
38. The Committee wrote to the Minister for Older people and Equalities on [28 June 2019](#), for an update on what progress the Scottish Government is making to improve the quality of data being collected by public authorities under the Public Sector Equality Duty and how it is encouraging public authorities (including the Scottish Government) to use this disaggregated data to exercise their functions to transform women and girls lived experiences. The Minister responded on [12 October 2019](#).

Equalities, human rights and engagement

Equalities

39. Equalities is a central component not only of the Committee's remit but also in its approach to scrutiny. The Committee has always focussed on improving the accessibility of both its and the Parliament's work to a variety of audiences to make it more open, accessible and representative.
40. This year the Committee has actively encouraged organisations to consider the diversity of the witnesses that they send to give evidence. It has accommodated a greater diversity of witnesses through the option of video links and have provided an electronic note taker to accommodate a deaf witness during its Budget Scrutiny.
41. These initiatives have contributed to the Committee's continued increase in the number of female witnesses, making up 61%.
42. As highlighted throughout this report, the Committee has undertaken several innovative engagement activities and external visits and created opportunities for those that have been involved with its work to see how their views are considered.
43. The Committee has been keen to empower the voices of those least heard in political and parliamentary discourse. This has been especially true for women from BAME backgrounds.
44. As noted, the Committee has heard directly from these women by pioneering 'digital stories' in its engagement on FGM, allowing the most vulnerable to tell their stories in a safe and powerful way.
45. The Committee continues to grow its Twitter account, to reach those who use social media. It currently has 3081 followers.
46. The use of 'Your Priorities' for online engagement also enabled many members of the public, who would not normally engage with the Parliament through formal processes, to share their story in a quick, easy and accessible way.

Change to Committee Remit

47. Following up the recommendation from the Committee's report on human rights and the Scottish Parliament, [Getting Rights Right](#), the Convener wrote to the Standards, Procedures and Public Appointments Committee on [6 September 2019](#) to ask it to amend Standing Orders to permanently extend the remit of the Committee to include human rights. The SPPA Committee is currently considering this request and will report to the Parliament. A final decision to amend Standing Orders would need to be taken by the Parliament.

Human Rights Workshop

48. A need for increased expertise in taking a human rights based approach to scrutinising legislation and policies was identified in the Committee's [Getting Rights Right](#) report. Continuation of this work is considered important by the Committee to ensure greater accountability through consistency of monitoring of the Scottish Government's human rights responsibilities.
49. Working with the Scottish Human Rights Commission, the Committee has been running human rights workshops for members of committees. Two workshops ran during January 2020, with four Members and 10 parliamentary staff, who support committees, attending. Unfortunately, the COVID-19 crisis has impacted on the workshops delivery timetable.
50. Positive feedback was received from those attending, with one attendee saying "It was good to get an understanding of how human rights affect every area of policy. It was particularly good to get an active example of how human rights can be put at the centre of a public policy and development initiative!". It is hoped going forward these workshops will help committees to identify opportunities to advance human rights within their remit.
51. Several informal meetings have also been held between Scottish Government officials, Scottish Parliamentary staff and staff from the Scottish Human Rights Commission to progress the Committee's other recommendations as set out in the report, including setting up a human rights database and legislative and policy human rights impact assessments.
52. The Committee hopes to progress its workshops and other recommendations in the coming Parliamentary year.

Summary Infographic



Committee meetings



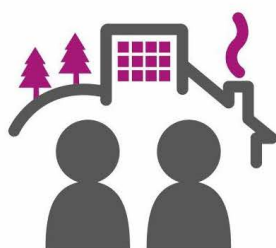
Reports published



Inquiries held



Bills scrutinised



6 Fact finding visits



Engagement activities

