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Pàrlamaid na h-Alba

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Standards, Procedures and Public Appointments Committee

Comataidh Inbhean, Dòighean-obrach is Cur-an-dreuchd Poblach

Standing Order Rule changes - Equalities and Human Rights Committee remit



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Standards, Procedures and Public Appointments Committee

The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

- (a) the practice and procedures of the Parliament in relation to its business;
- (ab) a proposal for a Bill relating to the arrangements for financial assistance to non-Government political parties represented in the Parliament;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members; and
- (d) matters relating to public appointments in Scotland;
- (e) matters relating to the regulation of lobbying; and
- (f) matters relating to Scottish general elections falling within the responsibility of the Cabinet Secretary for Government Business and Constitutional Relations.



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Introduction

1. The remits of certain committees, known as 'mandatory committees', are set out in Standing Orders. They cannot be changed unless Standing Orders is changed.
2. The Standards, Procedures and Public Appointments (SPPA) Committee is responsible for recommending that changes are made to Standing Orders. If the Parliament agrees these changes, they come into force.
3. The Equalities and Human Rights Committee is a mandatory committee. Its Convener wrote to the SPPA Committee to request that its remit is changed in Standing Orders. The letter can be found at Annexe B of this report.

Background

4. The remit of the Equalities and Human Rights Committee is set out in Standing Orders Rule 6.9. as follows—

” Rule 6.9 Equalities

There shall be a committee, the remit of which is 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).

5. Standing Orders (Rule 6.1.5A) allow Parliament, on a motion of the Parliamentary Bureau, to add any matter to the remit of a mandatory committee.
6. For this parliamentary session (2016-21), "human rights" has been an "additional matter" added to the remit of the Equalities Committee under Rule 6.1.5A. The human rights aspect of the remit is now "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.
7. This is not a permanent addition however. Next parliamentary session, the Equalities and Human Rights Committee will revert to being the Equalities Committee – unless "human rights" is added as an additional matter once again.
8. The Equalities and Human Rights Committee asked the SPPA Committee to consider whether Rule 6.9 should be amended to permanently extend its remit to include human rights. It referred to a report it had published on human rights in Scotland in November 2018, [Getting Rights Right](#). The report made a total of 40 recommendations, including permanently extending the remit of the Committee to include human rights.

SPPA Committee Consideration

9. The SPPA Committee first considered the Equalities and Human Rights Committee's request at its meeting on 10 October 2019. It agreed to consult the Justice Committee and the Parliamentary Bureau before reaching a decision.
10. The Justice Committee did not raise any concerns. The Bureau made some general comments but did not raise any objections to the change being made. The response from the Parliamentary Bureau is attached at Annexe C.
11. The SPPA Committee agreed at a meeting on 19 March 2020 to report to Parliament recommending that the Equalities and Human Rights Committee's remit be permanently changed.

Recommendation

12. The Committee recommends to the Parliament the proposed rule changes set out at Annexe A.

Annexe A: Standing Order Rule changes

The proposed new text is highlighted in red and is underlined in Rule 6.9 below.

Rule 6.9 Equalities and Human Rights

1. There shall be a committee, the remit of which is to consider and report on the following (and any additional matter added under Rule 6.1.5A):

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.

2. In these Rules

(a) "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; and

(b) "human rights" includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.

Annexe B: Letter from the Equalities and Human Rights Committee

6 September 2019

Dear Convener,

Inquiry into Human Rights and the Scottish Parliament

As the Committee responsible for the practice and procedures of the Scottish Parliament in relation to its business, I am writing to ask the Standards Procedures and Public Appointments (SPPA) Committee to amend Standing Orders in relation to human rights.

The Equalities Committee (formerly known as “the Equal Opportunities Committee”) is a mandatory committee established under Standing Order Rule 6.9. In 2016, ‘human rights’ was added to our remit as an additional matter under Rule 6.1.5A.¹ The Committee then became known as the Equalities and Human Rights Committee. Previously, responsibility for human rights rested with the Justice Committee

The addition of human rights to our remit gave us a locus to look strategically at human rights and as such we decided to undertake an inquiry into Human Rights and the Scottish Parliament. At the same time, the independent Commission for Parliamentary Reform was established. The Commission received calls from several civil society organisations and the Scottish Human Rights Commission for the Parliament to have a strengthened role in the promotion and protection of human rights in Scotland. In response to these concerns, the Commission recognised that in the time available it could not do justice to the important issues raised about the Parliament becoming an effective human rights guarantor, and so the Commission recommended:

“[Recommendation 30] We refer the proposals raised with us on the Parliament’s role as a human rights guarantor to the Equalities and Human Rights Committee to inform its inquiry work on this matter. We recognise the importance of the proposals made to us and consider that some of our other recommendations may also promote the delivery of a stronger human rights role for the Scottish Parliament.”

The Committee published its report [Getting Rights Right](#) on 26 November 2018. The report made a total of 40 recommendations. Some of these recommendations were directed towards the Scottish Government, for example around the provision of human rights information accompanying legislation and in relation to the monitoring of human rights developments in the European Union. Most recommendations were however focused on strengthening the Parliament’s approach to human rights and on developing a robust framework that would work to hold the Scottish Government to account for implementation of its international human rights obligations.

To implement Recommendation 21 a change would be required to Standing Orders. The recommendation asks the Parliament to:

- ” amend Standing Orders to make the Equalities and Human Rights Committee a mandatory Committee of the Parliament, replacing the former mandatory Equalities Committee.²

An Equalities and Human Rights Committee would have a key role in helping to deliver many of Report's recommendations over the coming years. Human rights is a cross-cutting issue that, as you can see from our Report ³, is closely linked with the equalities remit. It is also important to note that some of the implementation work will span across Parliamentary sessions and will require a sustained focus within the Parliament to embed a culture of human rights. Also of note is the preparedness of the Parliament to respond to human rights issues which might arise as the UK withdraws from the EU and its readiness to respond to a proposed Bill, which will set out a new framework for Human Rights in Scotland. ⁴

I would of course be delighted to provide any further information you might need to assist your consideration of the Equalities and Human Rights Committee's request, including attending the SPPA Committee to give evidence.

Yours sincerely,

Ruth Maguire

Convener

Equalities and Human Rights Committee

Annexe C: Letter from the Parliamentary Bureau

9 January 2020

Dear Bill,

Thank you for your letter seeking the Parliamentary Bureau's views on the proposal of the Equalities and Human Rights Committee to change its remit in Standing Orders.

The Bureau considered this request at its meeting on 7 January 2020. The Bureau is broadly supportive of the request but would offer a few observations that the SPPA Committee may wish to take into account.

The Bureau noted the potential interest of the Justice Committee in this matter and considered it important that the Committee's views be considered. I understand that the views of the Justice Committee have in fact already been sought and that they are content with the proposal.

The Bureau also noted that the proposed change would not alter the expectation that all committees have regard to human rights matters that fall within their remits.

Finally, Business Managers were content that this proposal would not alter the Bureau's own role in recommending designations of lead committees and that restated it would continue to take a range of matters into account when making such recommendations to the Parliament.

Yours sincerely



Rt Hon Ken Macintosh MSP
Presiding Officer

Annexe D: Extract from minutes

17th Meeting, 2019 (Session 5) Thursday 10 October 2019

Standing Order rule changes (in private): The Committee considered a note by the Clerk.

9th Meeting, 2020 (Session 5) Thursday 19 March 2020

Standing Order Rule changes (in private): The Committee agreed Standing Order Rule changes.

2nd Meeting, 2021 (Session 5) Thursday 28 January 2021

Standing Order Rule changes (in private): The Committee considered a draft report on the rules relating to committees and agreed to return to it at a future meeting.

5th Meeting 2021 (Session 5), Thursday 25 February 2021

Standing Order Rule Changes (in private): The Committee agreed a draft report and draft Standing Order Rule Changes in relation to committees.

- 1 [Standing Orders of The Scottish Parliament](#), Chapter 6 Committees, Rule 6.9 Equalities and Rule 6.1 Establishment of committees, Rule 6.1.5A
- 2 [Getting Rights Right: Human Rights and the Scottish Parliament](#) , published 26 November 2018, paras 214 and 215.
- 3 Getting Rights Right: Human Rights and the Scottish Parliament, published 26 November 2018, paras 192 and 206
- 4 First Minister's Advisory Group on Human Rights Leadership, published 10 December 2018: <https://humanrightsleadership.scot/wp-content/uploads/2018/12/First-Ministers-Advisory-Group-on-Human-Rights-Leadership-Final-report-for-publication.pdf>

