

State of the Rule of Law in Europe in 2022

Reports from National
Human Rights Institutions

Scotland



Scotland

Scottish Human Rights Commission

Independence and effectiveness of the NHRI

International accreditation status and SCA recommendations

The Scottish Human Rights Commission was last re-accredited with A-status in June 2021 (1).

The SCA acknowledged that the NHRI interprets its human rights mandate broadly and encouraged the NHRI to continue to do so in a liberal and purposive manner to promote a progressive definition of human rights, which includes all rights set out in international, regional and domestic instruments, including economic, social and cultural rights. The SCA recommended that the NHRI advocate for appropriate amendments to its enabling law to include a more expansive definition of human rights and to extend to acts and omissions of private entities. It also took the view that the NHRI should be enabling to conduct unannounced and unaccompanied visits to places of detention as part of its protection mandate, including in cooperation with other relevant bodies as a member of the National Prevent Mechanism under the OPCAT.

Additionally, the SCA was of the view that the selection and appointment processes for the Chair and members of the Commissioner, as provided for in the enabling law, were not sufficiently broad and transparent. In particular, they do not require the advertisement of vacancies, establish clear and uniform criteria, ensure that such criteria are uniformly used to assess the merit of all eligible applicants, promote broad participation in the processes. Acknowledging that, in practice, the processes are open and transparent and that the NHRI has sought to address this recommendation through dialogue with the relevant authority, the SCA encouraged the NHRI to continue to advocate for amendments to its enabling law to ensure the formalization of a process that would meet the above requirements.

Finally, the SCA encouraged the NHRI to continue to advocate for additional funding to ensure that it can effectively carry out the full breadth of its mandate.

References

- (1) <https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/EN-SCA-Report-June-2021.pdf>