

# **SCOTTISH COMMISSION FOR HUMAN RIGHTS ACT 2006**

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## **EXPLANATORY NOTES**

### **SUMMARY AND BACKGROUND TO THE ACT**

3. The Act establishes a Scottish Commission for Human Rights (SCHR) (and provides for a Chair of the Commission and up to 4 other members). The Commission will be independent, with the ability to choose which issues are investigated and reported upon. The Commission shall be accountable to the Scottish Parliament and will submit annual reports summarising the actions and inquiries undertaken in the previous year. The Commission must also periodically submit strategic plans to the Parliament.
4. The Commission's general duty, as set out in section 2, is to promote human rights and, in particular, to encourage best practice in relation to human rights. The Act gives the Commission certain other specific functions (see sections 3, 4, 8 and 14) in support of the general duty. These include: monitoring law, policy and practice; providing information, advice, guidance, and education; carrying out inquiries; and intervening in civil court proceedings.
5. The Commission will be able to conduct inquiries into general human rights issues, but will not be able to investigate, support or rule on individual cases. The Commission will have the ability to require information in support of inquiries and a right of entry to places of detention in certain cases.
6. The Commission may deal only with human rights issues relating to devolved matters. However, this remit includes the full range of human rights instruments to which the UK is signatory.
7. The SCHR will liaise with the proposed Commission for Equality and Human Rights (CEHR) for Great Britain. The CEHR begins operating in October 2007 and will not be able to act on human rights in relation to matters that are devolved to the Scottish Parliament, unless it has the consent of the Commission.