

SCOTTISH COMMISSION FOR HUMAN RIGHTS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2: General duty to promote human rights

9. Subsection (1) stipulates that the general duty of the Commission is to promote human rights, and particularly to encourage best practice in relation to human rights. This duty is clarified in subsection 3 as being to promote awareness and understanding of, and respect for, human rights.
10. Subsection (2) defines the phrase “human rights” in two parts. “Convention rights” means all Articles and Protocols of the European Convention on Human Rights listed in section 1 of the Human Rights Act 1998. This includes the right to life and the prohibition of torture, slavery and forced labour, amongst other rights. “Other human rights” are (non-Convention) human rights contained in any international instrument (e.g. an instrument enacted by the United Nations, the Council of Europe or the European Union) which have been ratified by the UK.
11. Subsection (4) stipulates that the Commission’s priority is the Convention rights and human rights of those groups in society whose human rights are not, in the Commission’s opinion, otherwise being sufficiently promoted. Convention rights are important because, as a result of the Human Rights Act 1998 and the Scotland Act 1998, they are directly enforceable through the domestic courts.