

Fife Centre for Equalities Response to the Human Rights and the Scottish Parliament Enquiry: January – March 2018

Thank you for convening this enquiry on Human Right and the themes of Participation and engagement; Parliamentary procedure and process and Accountability. [Fife Centre for Equalities](#) is a charity built from the ground up on the principles of the Equality Act 2010 and the points highlighted below come from our experience of supporting mainstreaming and through working with groups across the protected characteristics.

Participation and engagement

How the Scottish Parliament can empower people to make them more aware of their rights under domestic and international human rights law and to help build a strong human rights culture in Scotland?

- In this respect, a recurring concern we have encountered is that a strong culture of human rights cannot be built without the ability of putting human rights in practical use at a daily level. Some rights are highly situational and do not let themselves 'everyday usage' (e.g. right to a fair trial, or freedom from torture) and thus do not let themselves to be learnt in practice. Other rights (e.g. freedom from degrading treatment) require to be further translated to be seen in practice – e.g. Dignity in Care, Safe Spaces, including Whistle-Blowing policies. The degree to which those are implemented depending on the environment, and even in public sector of education, work, or housing policy and practice. Thus the culture of human rights does not cut across equality groups.
- In our experience, from supporting individuals facing discrimination, the Equality Act 2010 is practical and relevant tool helping to fight for rights both individuals and practitioners, however there is a lack of conventional understanding in how this interfaces with the Human Rights Act 1998 and gives rises to frustration for those trying to exercise, for example 'Freedom from degrading treatment'. This points out to a more systemic approach to empowerment than awareness / education campaigns, such as embedding the human rights into education.

Parliamentary procedure and process

Are there further steps the Scottish Parliament could take to ensure that people's human rights are being taken into consideration when the Scottish Government and public authorities are creating policies?

- Following the recent polemic around the use of racist language by MPs (<https://www.thescottishsun.co.uk/news/scottish-news/2210851/equalities->

[worker-speaks-of-shock-at-labour-mp-hugh-gaffneys-language/](#)), a clear step would be to require parliamentarians to take a course in Equality in Human Rights as part of their being sworn in to serve in government – as a pre-requisite rather than as an optional measure.

- A possible step would be for the Scottish Parliament could take a systematic human rights scrutiny for the current business of committees, however there is a possibility that, similarly to EQIAs this scrutiny can become and/or is perceived as bureaucratic and formulaic.

Accountability

Could the Scottish Parliament do more to ensure that international human laws, for example, the United Nations Convention on the Rights of the Child (UNCRC) and other international human rights obligations are being followed in Scotland?

- As per the exercise done above, of situating the different remits of parliaments and commissions, having a clear structure for scrutiny and enforcement, as well as a explicitly describe 'menu of remedies' for addressing issues would allows both individuals and civil society organisations that are unclear how to excise their rights to be able to do so.
- The Scottish Parliament could legislate to supporting a culture of whistle blowing; zero tolerance on victimisation. Another possible initiative would be extend a development programme for Human Rights 'Rapporteurs', that would be appointed for Scotland. By this, we mean there is a strong need to break away from single-issue / 'silo'-ing of human rights whereby an equality group may make more gains than another. Rapporteurs working across equality groups would be conduct more measured scrutiny, by being more aware of the potentially divisive elements of rights work.

We hope this is of assistance to the enquiry and would be happy to provide further information if required.

Kind regards,

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