

10th October 2019.

Ruth Maguire MSP
Convener,
Equalities and Human Rights Committee
The Scottish Parliament,
Edinburgh, EH99 1SP
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Dear Ruth,

Budget Scrutiny Inquiry: Human Rights and Equalities

Thank you very much for the opportunity to deliver oral evidence to the Committee on 3rd October 2019, and for enabling me to exercise my Article 10 right under the ECHR. Inclusive communication was very helpfully put in place. I found the session very useful both from the questions posed by the Committee and the common concerns of those of sharing their experiences of the challenges facing Third Sector organisations in Scotland. To further assist I want to offer some additional information and analysis on the matters raised.

Human Rights and Equalities – we think there is an evidenced need to seek clarity on what equality work and impacts and, separately, what human rights work and impacts are funded through the Scottish budget. We think the two strands of work are confused and this limits the gain to the public from the spend from the public purse. For example, from the experience of those affected by deafness, human rights are particularly useful in making Scotland fairer when everyone is being treated equally badly such as in the underfunding of health and social care services. Our main concern is the split between language and communication support across the spectrum of deafness. Since the BSL (Scotland) Act 2015 there has been an emphasis on language rather than “BSL plus” which would include the barriers faced by all deaf people across the spectrum of deafness in terms of communication support which is counterintuitive to the essential cross cutting theme of inclusive communication in the Disability Action Plan.

Economic and Social Issues – remedies to make Scotland more equal and be human rights respecting rely on economic and social solutions to achieve the declared aims. Yes, ideally more deaf people would be

employed “across mainstream” but they need the language and communication support to make that happen and we are not there yet. For example, we need more language and communication professionals; more inclusive venues to ensure those with hearing loss can participate equally in work, training, education, cultural and leisure opportunities; and more support to develop economically driven solutions. There needs to be a more enterprising way of developing the skills of deaf people and supporting employers and civic society to meet the needs of those deaf people – the “Comms Pound”.

UK Benefits-Access to Work¹ – increase take up of this benefit is essential to pay for people to engage in the economy. The wider benefits are also significant as if a deaf person is employed and their ‘Access to Work’ benefit includes the provision of language and communication support. Scotland would be better off if 355,000 deafened people could access Access to Work.

Conflict of interest? - The increasing responsibility on Third Sector organisations as they deliver contracts for government and the public sector puts them in the position of ‘human rights ‘duty bearers’ as well as human rights defenders². Both roles need to be better understood and compliance arrangements put in place which respect human rights law.

Third Sector Organisations/ALEOS/Non-governmental organisation (NGOs) – These terms are not readily understood. Human rights have always been a criterion for awarding charitable status³ and from that income should be generated to achieve that purpose. For example, actively enabling charities to be a critical friend of government, to operate differently and come up with projects which deliver on human rights. It is useful to note that the UN process is very clear about the role of NGOs in the international human rights treaty review process as well as being local human rights defenders. Key to credibility and operation is that quote: ‘The major portion of the organization's funds should be derived from contributions from national affiliates, individual

¹ For more information see the UK Government website at <https://www.gov.uk/government/publications/access-to-work-factsheet/access-to-work-factsheet-for-customers>

² See UN website at <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>

³ ‘The advancement of human rights, conflict resolution or reconciliation’ is one of the charitable purposes recognised in section 7(2) of the Charities and Trustee Investment (Scotland) Act 2005. IN addition, other purposes are clearly about prevent abuses of human rights such as ‘the prevention or relief of poverty’ and to promote human rights such as ‘the advancement of education, the advancement of religion and the advancement of health.’ See OSCR website <https://www.oscr.org.uk/about-charities/glossary-of-terms>

members, or other non-governmental components.’⁴ A culture which values ‘independence from government’ needs to be restored in Scotland rather than treating funding for Third Sector/ALEOS/NGOs as a way to deliver public services differently (and cheaper?! – is this evidenced?).

deafscotland agrees with the Committee’s aspiration that “We want people across Scotland to understand their rights and to know how to exercise them; we want public bodies taking decisions to advance human rights; and we want Parliament to be the guarantor of those rights.” However, we know something needs to change to make that happen and the Scottish Budget is a powerful tool too in the process.

deafscotland wishes you well in your deliberations on integrating compliance with human rights as well as equalities into decisions on funding from the Scottish Budget. We believe that explicitly incorporating human rights into the design and delivery of services and projects will better achieve the aims and outcomes that the Scottish Government and the Scottish Parliament want from decisions on how the Scottish Budget is spent.

Yours sincerely

Janis McDonald,
CEO

⁴ See UN website on the application process for ECOSOC status at <http://csonet.org/?menu=83>