



The Scottish Parliament  
Pàrlamaid na h-Alba

**Equalities and Human Rights Committee  
Human Rights and the Scottish Parliament inquiry**

**Human Rights focus groups at Clydebank, 11 May 2018**

*Access to justice*

- A particular issue was systemic barriers to accessing justice to realise human rights. An example given was individuals who could not afford to pursue a case, as legal aid was not accessible.
- It was suggested that victims of human rights' wrongs should have the public body in question pay the victims' costs until the case reaches court as a way for more people to access justice against public bodies.
- Some offenders had used the Scottish Welfare Fund to get assistance to take their cases to appeal.
- It was felt the whole complaints system was out of date.

*Vulnerable groups face greater barriers to realising their human rights*

- Vulnerable people had a continuous battle to access benefits, accommodation and needed a lot of assistance to access services.
- There appeared to be a lot of inconsistency with the way people are treated or receive assistance. It relied on people knowing their way round the system i.e. "the system is set up to fail people".
- Changes to the social security system meant a lot of people with literacy problems or mental health issues were slipping through the cracks.
- There was concern that those who had been involuntary detained under the Mental Health Act had no human rights as they were being subjected to treatment against their will. It was claimed 78 people a year die in Scottish institutions and that the United Nations (UN) said forced treatment is illegal. Members were urged to read the UN's comments on how the mental health process should be changed in the UK. It was pointed out that mental health in Scotland hadn't been scrutinised under a human rights lens.
- On patient care, it was felt there were problems with the integrity of patient care. Dealing with care issues was skewed towards the staff rather than being patient centred, for example, in relation to the collection of statistics on falls, it

was believed the NHS ignored the UN Definition by recording only standing falls, when many falls were from chairs.

### *Equality and discrimination*

- It was felt black, minority, and ethnic (BME) people were treated differently, particularly when trying to gain employment, such as, in the field of education, health, or the police. This had led to under-representation in the professions. Also, BME groups were under-represented in the Scottish Parliament, specifically, black people. Addressing equality and discrimination could only be achieved when BME groups were adequately represented and could change peoples' views.
- Collection of statistics on the protected characteristics had to be more systematic.
- Progress on addressing equality issues was not being made quick enough.
- It was felt asylum seekers with No Recourse to Public Funds had a lack of human rights.
- Young people who had achieved the required qualification to take subjects at a higher level were not getting to choose those subjects, which impacted on their future prospects.
- Right for young people to have their voices heard in decision making processes.
- Lack of access to travel passes affected all areas of peoples' lives. This particularly impacted on people on low incomes, for example young people trying to travel to interviews to prove they were applying for jobs in order to maintain their benefits.

### *Third sector*

- Government and local authorities need to take greater responsibility to support the third sector as it was stretched providing advocacy work.
- Too many organisations could fragment voices and funds.

### *The Scottish Parliament*

- There was a need for greater clarity around whether Bills being passed by the Scottish Parliament were compliant with human rights obligations and actually advancing human rights.
- It was felt there was a lack of transparency and accountability generally.
- Every MSP should be trained in human rights

## **What brought you here today, what are your key messages?**

- local problems with council, not being consulted, either as individuals or groups. On an individual basis, one participant was not consulted about the removal of a stair lift. On a group basis, feeling of not being consulted about self-directed support and delivery at local level. Suggests that Parliament should lay down the law more and hold local authorities to account.
- there isn't enough money for local services. This means that people are stuck in their own homes facing social isolation. People often hear about services via word of mouth, the council is not as good at providing information about the service.
- how will EHRiC embed HR across the parliament? Main concern was the lack of accessible information provided by councils and MSPs, for example. Everything should be available in an Easy Read format, with pictures. There needs to be inclusive communication, not just for disabled people, but also family friendly. Live parliamentary broadcasts could/should have subtitles so that deaf people can participate.

## **How could parliament better engage?**

- allow more flexibility so that people can speak to any MSP.
- time bar rules on access to justice lifted (eg it usually a year for a human rights claim).
- Frustrated that MSPs do not get involved with individual cases
- have roadshows
- communication is a big deal and lots of people still miss out. People don't expect to have BSL interpreters etc.
- inquiry on 'inclusive communication', by the Education Committee?

## **How do we ensure that the Scottish Government's good intentions on human rights filter down?**

- any policy is only as good as individual councils. Some councils are official led, rather than by councillors. But, officials are not elected, so this is not a good thing. Money is no longer ring-fenced, which means money doesn't always go where it is needed. Councillors should vote freely, rather than along party lines.
- council cuts should have an EQIA. The EHRiC should push that more. Can COSLA tell councils what to do?
- democratic health boards

## **How do we raise awareness that everyone has rights? Do we need to improve access to independent advice?**

- need advocacy.
- Human rights needs to be embedded into everything, including social media.
- older people may not use social media, but they do have radio and they do read newspapers. There are ways to get the message across.
- Increased collaboration from organisations.

## **Key messages**

- total inclusion must be embedded
- better communication
- access to justice
- accessibility sub group at the parliament