



The Scottish Parliament  
Pàrlamaid na h-Alba

## **SOCIAL SECURITY COMMITTEE**

By email:

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Dear Christina

Thank you for your letter of 26 January 2018 regarding your Committee's Inquiry into Human Rights and the Scottish Parliament.

The Social Security Committee has not purposely applied a human rights lens to its scrutiny work. However, in taking evidence the Social Security Bill and the Child Poverty Bill, the Committee has heard from a range of organisations with knowledge, experience and expertise on Human Rights. I have outlined below some of the points made in evidence which are relevant to your inquiry.

### **Social Security Bill**

Stakeholders welcomed the fact that the Social Security Bill is underpinned by a set of principles including:

"social security is itself a human right and essential to the realisation of other human rights".

However, concern was raised about the legal status of the principles. For example, the Scottish Human Rights Commission suggested that the principle be amended to link it to international human rights law:

"Social security, as protected by Article 9 of the International Covenant on Economic, Social and Cultural Rights, is itself a human right and is essential to the realisation of other rights." <sup>i</sup>

At Stage 2, the Committee agreed amendment 57 to clarify the legal status of the principles.<sup>ii</sup>

The Committee also heard evidence on a legal right to advocacy as a way of securing a human rights approach. Many of these submissions were from advocacy groups, and the submission by Dumfries and Galloway Advisory Service is representative:

"We believe that social security is a human right and an adequate amount of social security will help people to achieve other rights. We believe the Bill must include a legal right for anyone accessing social security to be able to access independent advocacy."<sup>iii</sup>

At Stage 2, the Committee agreed amendment 9 to provide a legal right to advocacy to people with a "mental disorder" (as defined by the Mental Health (Care and Treatment) (Scotland) Act 2003) accessing the Social Security System.<sup>iv</sup>

### **Child Poverty Bill**

A number of respondents to the Committee's inquiry said that child poverty is a human rights issue.

In conclusion, it would be helpful for committees to have standard resources, for example toolkits, to support their scrutiny of the impact on human rights of Scottish Government policies.

As I am relatively new to the role of Committee Convener, I was not in position when the Child Poverty Bill was discussed or when the Committee heard evidence on the Social Security Bill.

Yours sincerely,



**CLARE ADAMSON MSP**

**CONVENER**

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<sup>i</sup> <https://digitalpublications.parliament.scot/Committees/Report/SC/2017/5/22/Stage-One-Report-on-the-Child-Poverty--Scotland--Bill> Para 173.

<sup>ii</sup> <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11344&mode=pdf> Col 17.

<sup>iii</sup> <https://digitalpublications.parliament.scot/Committees/Report/SC/2017/5/22/Stage-One-Report-on-the-Child-Poverty--Scotland--Bill> Para 57.

<sup>iv</sup> <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11344&mode=pdf> Col 23.