

Submission from Aberdeenshire Alcohol and Drugs Partnership

May I share some observations that would enhance parliament's practices re equality and human rights?

Disenfranchisement. Currently in Scotland about 7-10% of the population suffer from a dependency on alcohol. People in recovery from alcohol will avoid areas, people or events that could provide temptation and lead to relapse. This is a real problem for people recovering from problematic alcohol use because of the ubiquity and omnipresence of alcohol, alcohol advertising and use of alcohol in social situations. As a result, people can become disenfranchised from civic events that involve alcohol. I'd encourage the parliament to remove alcohol from parliamentary receptions to avoid such unfair disenfranchisement. It would be wonderful if the parliament were to adopt a community inspired initiative 'Alcohol free spaces' (<https://en-gb.facebook.com/alcoholfreescotland/>) helping to positively identify community spaces which are alcohol free.

Also, there is a perception that parliamentarians enjoy subsidised bars within the parliament. Again, the parliament might want to reflect on whether this perception is conducive to changing Scotland's relationship with alcohol. Given the size of Scotland's alcohol problems, the signal value of subsidised bars in parliament is not conducive to human right issues of dignity, fairness, equality, respect and independence.

Participation and engagement. Exclusion from society can be a cause of substance use and substance use can be a cause of exclusion. The majority of drug users break no law other than the misuse of drugs act. Yet, we continue to view personal possession of drugs as evidence of an offence rather than evidence that this might be a vulnerable person in need of support. Such attitudes contribute to exclusion rather than tackling it. The right to life and freedom from discrimination regards this right should be our primary concern. I'd encourage the parliament to view addictions through a health rather than criminal justice lens.

UNCRC: The recent programme for government made a commitment to "undertake a comprehensive audit on the most practical and effective way to further embed the principles of the UN Convention on the Rights of the Child into policy and legislation, including the option of full incorporation into domestic law" (p81). This is to be welcomed if a result is the explicit linkage between Art. 3 and Alcohol Licensing legislation.

"Art 3: In all actions concerning children, whether undertaken by public or private, courts of law or administrative authorities, the best interests of the child shall be a primary consideration."

We find that in practice the statutory licensing objective "protecting children and young people from harm" tends to be something to be noted by licensing boards as opposed to a primary consideration. Despite several iterations to modernise the licensing Scotland 2005 act, there appears to have been a reluctance to make the interests of the child a primary consideration. Incorporating UNCRC into Scottish domestic law would have positive implications for:

- Thresholds for GIRFEC intervention
- Alcohol marketing
- Extending proxy supply provisions beyond public spaces
- Labelling of alcohol
- Funding of services specifically for children affected by substance misuse
- Removing state sanctioned cultural normalisation of alcohol in our communities (e.g. s104A (2)b of the Licensing (Scotland) Act 2015 exempts controls on the supply of alcohol to children for the purposes of religious worship.)

Commercial Interests: There is a well-recognised conflict between the alcohol industry and public health interests (due to the fact that the industry is reliant for their future prosperity on behaviours that are harmful to population health) and a growing recognition of the tactics unhealthy industries use to undermine public health policies. The parliament should consider the wisdom of allowing access to these industries to lobby in parliament without an appropriate level of balance, otherwise it could be seen that vulnerable or marginalised interests have been discriminated against.

Regards,

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