

Human Rights and the Scottish Parliament

Inquiry by the Equalities and Human Rights Committee

Submission from Chest Heart & Stroke Scotland

Background

Chest Heart and Stroke Scotland represents the significant proportion of Scotland's population - around one in ten - who are affected by stroke, or by heart or lung disease. These are frequently diseases of inequality, with key risk factors such as poverty, air quality, obesity, inactivity, smoking and drinking all more prevalent in less affluent areas where there are correspondingly higher rates of these long-term conditions and reduced life expectancy.

Awareness and exercise of human rights is a critical part of empowering people and enabling them to firstly reduce their risks of poor health, or be treated with dignity and respect if they are unwell. Chest Heart & Stroke Scotland is a signatory to the new Scottish Declaration on Human Rights, with the following statement:

"Human Rights matter because they remind us that we all have basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. They can never be taken away, although they can be restricted and violated. They remind us at Chest Heart & Stroke Scotland that when we carry out the work we do we are working with people and their lives - not just a condition, not a policy, not a statistic, not just a problem to be solved. They matter because they protect us from the worst that we can do to one another - and highlight the joy and positive impact we can have. Human Rights illuminate the respect and humanity we can show each other."

We welcome this opportunity to contribute to the Committee's Inquiry into Human Rights, whilst we are ourselves in the process of incorporating a human rights approach throughout our organisation, from service delivery through to campaigning.

Participation and engagement: *Can the Scottish Parliament empower people to make them more aware of their rights under domestic and international human rights law and to build a strong human rights culture in Scotland?*

Empowering people to understand and use their human rights is key to building a human rights culture in Scotland. There is a complex landscape of legislation, governance and scrutiny in place across Scottish, UK and international levels, however people of course remain at the centre of human rights and it is important that the inherent simplicity of human rights is not lost when translating the rhetoric to the public.

Awareness of what human rights are and how they impact on individuals is low, as evidenced by recent research for the Scottish Human Rights Commission which found that while 42% of people over 16 in Scotland are supportive of rights, the majority remain either conflicted, opposed or disengaged and have low detailed knowledge of rights¹.

The Scottish National Action Plan for human rights (SNAP) is driving forward the culture change that is required, and includes a welcome focus on health and social care issues, including disability, rights, social care, dementia and mental health. By making it meaningful to everyone, scrutiny of whether human rights are being met would begin at an individual level and filter up, rather than being reliant on the top-down systems in place.

Scottish Parliament has an important practical and enabling role in supporting this culture change, which is led at present by the Scottish Commission on Human Rights, through SNAP. Fuller engagement of citizens in the procedures and processes of Parliament would make these more meaningful, allowing Parliament to benefit from lived experience, and for people to have greater involvement in influencing legislation and policy making. Committees for example should routinely engage with citizens on the issues under consideration.

Parliament cannot do this in isolation; organisations such as Chest Heart & Stroke Scotland have an important role to play in providing a bridge between the legislature and the people it represents. Through the Cross Party Groups which we support we always ensure that meetings include the lived experience of people affected by long-term health conditions. The recent Inquiry by the Cross Party Group on Heart Disease & Stroke into Atrial Fibrillation put people at the centre, with membership of an Advisory Panel, round-table forums, and a patient survey. Chest Heart & Stroke Scotland continues to support this self-advocacy through our Voices programme

¹ http://www.scottishhumanrights.com/media/1754/building_a_human_rights_culture_scotland.pdf

which supports and enables people to become confident representatives within formal decision-making forums, for example as patient representatives on Health Boards.

Parliamentary procedure and process: *What further steps can the Scottish Parliament take to ensure that people's human rights are being taken into consideration when the Scottish Government and public authorities are creating policies?*

Chest Heart & Stroke Scotland commends the role of the Equalities and Human Rights Committee, however believes that there is an oversight role for all Parliamentary Committees in ensuring human rights are mainstreamed across national policy making.

The expertise and capacity of MSPs in taking a human rights based approach to scrutinising legislation and policies needs to be further developed, to ensure consistent and rigorous monitoring of the Scottish Government's responsibilities. This may need to be reinforced by increased resources to allow for expert analysis to be available on the human rights aspect of issues under scrutiny.

For example, the right to health is a core human right, and so the Committee on Health and Sport's work should take a human rights based approach in all its work. However the Committee's response to this inquiry on human rights is evidence itself of the need for it to develop greater understanding and expertise on human rights. The response highlights that there is a 'general absence of awareness of the rights and how they could or perhaps should apply'. In addition to its legislative scrutiny the Health and Sport Committee undertakes a significant number of inquiries in a range of issues but perhaps does not routinely consider those from a human rights perspective. A more systematic process should be adopted, built on a greater understanding of both 'why' and 'how'.

The adoption of a Rapporteur system across all Parliamentary committees which would lead to key human rights expertise being embedded within each Committee, as advocated by the Scottish Human Rights Commission², would help address this.

As described above, the participation and engagement of people with lived experience of the issues being addressed will make Parliamentary procedure and process around human rights more meaningful.

² <http://www.scottishhumanrights.com/media/1694/shrc-parliament-review-commission-apr-2017.doc>

Accountability: Could the Scottish Parliament do more to ensure that international human rights 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?

Chest Heart & Stroke Scotland supports the Scottish Human Rights Council's views that the Scottish Parliament can play a significant role in progressing the realisation of human rights by overseeing Scotland's obligations in line with international human rights bodies like the UN's Universal Periodic Review (UPR) and Treaty Bodies. In particular, the Scottish Parliament's Committees' role could extend to:

- Scrutinising reports from the Scottish Government to UN treaties bodies on the implementation of human rights
- Directly engaging with treaty bodies by sending relevant reports, and relevant representatives to hearings.
- Monitor the Scottish Government's response to the concluding observations of UN treaty bodies and follow up recommendations
- Engage with the regular review process by the UN Human Rights Council of Scotland's council with human rights obligations.

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