



EQUALITIES AND HUMAN RIGHTS COMMITTEE

Human Rights and the Scottish Parliament – Response from People First (Scotland)

An issue which impacts on all of the questions and on the human rights held by people with intellectual impairment is not the extent of rights in law or even the awareness of these rights in law by people themselves. The main problem has been the fact that people have their rights withheld, usually with legal authority. For people with learning disabilities (intellectual impairment), there are a number of provisions in law, especially under the Mental Health (Care and Treatment) Act (Scotland) 2003, the Criminal Procedures (Scotland) Act 1995 and the Adults with Incapacity (Scotland) Act 2000 all of which allow withdrawal or withholding of rights on the grounds of the intellectual impairment itself and nothing more. Until such time as the systems (Mental Health Tribunals, Judiciary, Psychiatric practitioners and others) recognise people with intellectual impairments as citizens with full human rights, there needs to be support for alternative structures to challenge these oppressive regimes. Specifically: a) more funding for independent advocacy to encourage and support individuals to challenge systems when their rights are being removed or withheld and b) support, funding and recognition for disabled persons' organisations which can challenge the policy machinery as unfair and discriminatory laws continue to be used and misused to prevent people accessing the rights that other citizens have.

Participation and engagement

How the Scottish Parliament can empower people to make them more aware of their rights under domestic and international human rights law and to help build a strong human rights culture in Scotland?

One of the ways in which the Scottish Parliament can empower people is by making more information about human rights available to people in a format that suits them. One of the suggestions by our members was to increase campaigns that use the media such as television and radio to share information about human rights.

Crucially, information should include what human rights mean for people in their day to day lives so that people can identify when and how their human rights are being upheld or not.

It is also important that information is shared about the rights contained in international treaties such as the United Nations Convention on the Rights of Persons with Disabilities, as well as what actions the Scottish Government has committed to, to ensure people are informed about the entirety of their rights.

Additionally, the Scottish Parliament should reach out to user-led organisations and support them to share the information among their membership, or at the very least consult with these organisations directly about how to best go about this.

Parliamentary procedure and process

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



The Scottish Parliament should develop a culture of genuine consultation when policies are being considered and drafted. This means that people with lived experience of the issues should be consulted at the very start of every process and not once policies have already been drafted.

Representation of people with lived experience on committees, working groups and other decision-making forums also ensure that the people affected by policies can have genuine input.

The Scottish Parliament, in partnership with user-led organisations and people with lived experience, should develop tools to monitor and assess the impact policies are having on human rights.

The Scottish Parliament should continue to fund Disabled Persons Organisations to continue delivering the work that they do in order to strengthen and promote a human rights culture in Scotland.

Accountability

What more could the Scottish Parliament do to ensure that international treaties, for example, the United Nations Convention on the Rights of the Child (UNCRC) and other international human rights obligations are being followed in Scotland?

International treaties, like the UNCRC, should be incorporated into domestic law as this is the only way to ensure that international human rights obligations are being followed in Scotland.

Currently, there is no tool for disabled people to measure how well the Scottish Government is doing in delivering the recommendations from the United Nations Convention on the Rights of Persons with Disabilities, and to hold the Government accountable. Tools and mechanisms that can be easily accessed and understood by people with intellectual impairments for assessing impact can help this. However, tools should be developed in partnership with people with lived experience.

Continued funding for disabled-persons organisations to support the voice of people with lived experience is vital and this should be viewed as a priority.