

Citizen Participation and Public Petitions Committee
Wednesday 29 October 2025
16th Meeting, 2025 (Session 6)

PE1999: Fully implement the UN Convention on the Rights of Persons with Disabilities

Introduction

Petitioner William Hunter Watson

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to ensure the UN Convention on the Rights of Persons with Disabilities (UNCRPD) is fully implemented in Scotland.

Webpage <https://petitions.parliament.scot/petitions/PE1999>

1. [The Committee last considered this petition at its meeting on 20 December 2023.](#) At that meeting, the Committee agreed to write to the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Minister for Social Care, Mental Wellbeing and Sport, Barry Gale and the Petitioner which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 8 February 2023.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 53 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
October 2025

Annexe A: Summary of petition

PE1999: Fully implement the UN Convention on the Rights of Persons with Disabilities

Petitioner

William Hunter Watson

Date Lodged

5 January 2023

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to ensure the UN Convention on the Rights of Persons with Disabilities (UNCRPD) is fully implemented in Scotland.

Previous action

I have been campaigning for over twenty years in an attempt to ensure that people in Scotland could not be treated for a mental disorder without their consent. In that time, I have submitted three petitions to the Public Petitions Committee: PE867 in 2005, PE01459 in 2013 and PE01667 in 2017. I also have had two meetings with my MSP, Audrey Nicoll and produced papers which have been sent to various people including a Policy Manager of the Scottish Government's Mental Health Unit.

Background information

Treatment for mental disorders without consent should not be permitted. The Code of Practice for the Adults With Incapacity (Scotland) Act 2000 states that "The use of covert medication is permissible..." Further, the "Health and Social Care Standards" refer to "chemical restraint", something that commonly involves the giving of antipsychotics to elderly people with dementia even though this involves a clear increased risk of stroke and a small increased risk of death.

Covert medication and chemical restraint are incompatible with the UNCRPD, something that the Scottish Ministers must observe and implement. Parliament should pay particular attention to Articles 4,12,14,17 and 25 while debating proposals for change to mental health and incapacity law. It should not accept those recommendations in the Final Report of the Scottish Mental Health Law Review which are incompatible with the UNCRPD. It should not accept that it is acceptable to use force, detention or covert medication in the treatment of patients with disabilities.

Annexe B: Extract from Official Report of last consideration of PE1999 on 20 December 2023

The Convener: That brings us to PE1999, lodged by William Hunter Watson, which calls on the Scottish Parliament to urge the Scottish Government to ensure that the United Nations Convention on the Rights of Persons with Disabilities is fully implemented in Scotland.

We last considered the petition on 22 March, when we agreed to write to the Scottish Government to ask when its response to the Scottish mental health law review would be published. The Scottish Government's response outlines its high-level priorities for inclusion in its reform programme. They include reforming the Adults with Incapacity (Scotland) Act 2000 to reflect the requirements of the UNCRPD more clearly.

The Scottish Government will also consult further on options to address deprivation of liberty in circumstances in which people do not have the capacity to make decisions about their care and treatment. The priorities also include supporting decision making, reforming the Mental Health (Care and Treatment) (Scotland) Act 2003, human rights enablement, enhancing the rights and role of carers, reducing coercion across the system and strengthening accountability and scrutiny in the system.

Do members have any comments or suggestions?

Fergus Ewing: The petitioner has been remarkably persistent in having campaigned on issues relating to mental health, particularly on treatment without consent, for 20 years, as I understand it. The issues are by no means straightforward.

There is a case for keeping the petition open. The reason is that, although we have a lengthy response from the Scottish Government in annex C of paper CPPP/S6/23/19/8, which goes into the high-level priorities for inclusion in a reform programme, if one looks at the various components of that—there are seven—every one is at an extremely early stage. The words used are “work towards”, “consider opportunities” and “early priority”—that kind of language. That is no criticism, because all the issues are complicated, but the petitioner is entitled to get a bit more than that, and the issues that he raises are important.

We should write to the Scottish Government to seek an updated view on the petition in light of its response to the Scottish mental health law review, and to ask when its consultation on the adults with incapacity law reform will take place and how the petitioner can engage with that.

The Government accepts that the law in relation to adults with incapacity needs attention. It uses the phrase “addressing long-standing gaps”, so it admits that there is a problem. The petitioner is entitled to know when it will deal with the problem, what the timescale is and how he and others can engage with the process.

The Convener: Thank you, Mr Ewing. That is apposite. Are members content for us to continue the petition and to seek clarification from the Scottish Government on the points that Mr Ewing identified?

Members *indicated agreement.*

Annexe C: Written submissions

Minister for Social Care, Mental Wellbeing and Sport written submission, 29 January 2024

PE1999/F: Fully implement the UN Convention on the Rights of Persons with Disabilities

Thank you for your letter dated 21 December 2023 seeking an updated view on the contents of Mr Watson's petition which calls on the Scottish Parliament to urge the Scottish Government to ensure the UN Convention on the Rights of Persons with Disabilities (UNCRPD) is fully implemented in Scotland.

Mental Health and Capacity Reform Programme

In June 2023, the Scottish Government published our response to the Scottish Mental Health Law Review (SMHLR), which set out initial views on the proposals. The final report set out significant recommendations for change to the scope and purpose of the law. The report also made recommendations for how rights can be better protected in practice and how we can strengthen scrutiny and regulations of mental health services to ensure compliance with human rights standards.

After careful consideration of the recommendations, we agreed that more can be done to enhance and protect the human rights of people with mental illness and adults who lack capacity.

In the June response we also committed to establishing a new Mental Health and Capacity Reform Programme. This long-term programme of reform will look at how we can ensure that our mental health and capacity legislation better reflects international human rights and standards. Alongside efforts to strengthen the law, the programme will prioritise action to support decision-making and improve the way that human rights are put into practice across mental health services. It will aim to bring changes that give people greater control over their own lives, care and treatment.

Our proposed vision for change, which will direct our work under the Programme, is that our mental health system upholds human rights and enables people to live well, with choice and control over their own lives as well as any care, treatment, or wider assistance that they might need.

The aim of the proposed Programme already aligns with many other Scottish Government commitments and cross-cutting policy developments. These will help us to achieve the aims of the review more broadly by working to ensure a co-ordinated approach to implementation.

Adults with Incapacity Law Reform

Following the recommendations of the SMHLR, and building on engagement with stakeholders over the law few years, we are prioritising work to consider possible

reform to the Adults with Incapacity (Scotland) Act 2000. This may involve a public consultation in due course.

The process for engaging with any Scottish Government consultation is most commonly online through the Scottish Government consultation hub. Further guidance can be found on the Scottish Government's website - [Consultations in the Scottish Government: guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/publications/consultations/guidance/).

Human Rights Bill

The Scottish Government will introduce the Human Right Bill in the Scottish Parliament this year. The development and introduction of the Bill is just one staging post in our journey towards making Scotland a progressive leader in the promotion and protection of human rights.

If passed by the Scottish Parliament, it will give domestic effect to a range of internationally recognised human rights, within the limits of devolved competence, including the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

Through incorporation of UNCRPD we will raise awareness of disability rights by making them more visible, and support cultural change to secure real transformational change for disabled people across Scotland. Our ambition is to create a clear, accessible and workable framework that works effectively within the limits of devolved competence.

In developing this legislation, we are mindful of Scotland's unique constitutional context and how the Bill will interact with other pieces of legislation in practice, such as but not only including, mental health law.

MAREE TODD MSP

Barry Gale written submission, 12 March 2024

PE1999/G: Fully implement the UN Convention on the Rights of Persons with Disabilities

I am responding to the submission by the Minister for Social Care, Mental Wellbeing and Sport dated 29 January 2024.

The Minister outlines the Government's broad **vision** for change. However, whether anything does change depends on the **details** of how this vision will be implemented. To date, these details are absent from the Government's proposals.

For example, the promised "action to support decision-making" is vague and ambiguous. It is not an inability to make decisions which prevents the vast majority of involuntary patients from exercising choice and control. It is the professionals' statutory right to over-rule those decisions if they deem the person to "need" treatment.

The Government's response suggests that shifting the balance of power, to give people "choice and control" over their lives, can be effected through existing "commitments and cross-cutting policy developments," without law reform. This is misguided. Rights are enforced by tribunals and courts, which apply law not policy. Unless the law is changed to put people unequivocally in control of decision-making about their own lives then practice will continue largely as it is at present.

In particular the Government does not state whether and how it will change the criteria for compulsory treatment under the Mental Health Act and for the making of Guardianship and Intervention Orders under the Adults with Incapacity Act.

The Scott Review proposed that an Autonomous Decision Making Test (ADMT) should apply uniformly across mental health and incapacity legislation, in place of Capacity and Significantly Impaired Decision Making Ability (SIDMA) Tests. No details have been provided of how this test will work in practice. The SIDMA test was criticised by the Scott Review for being undefined in legislation. In practice it is implemented as a test of 'insight,' commonly interpreted as acceptance of diagnosis and adherence with medication. This is contrary to the letter of the law and also to the Government's own statutory guidance. If the ADMT is likewise undefined, will practice be any different? I suggest not.

Forensic patients are excluded by law from making their own decisions about treatment. The Scott Review cautiously recommended that this anomaly be reviewed by the Scottish Government. As forensic patients are detained on average many years beyond civil patients, the case for reform is urgent. Yet there is no mention of it in the Government's proposals.

Incorporation of the UNCRPD into Scots Law through the Human Rights Bill is a necessary step forward. But it will not automatically over-rule existing law and practice. The burden will be on the vulnerable people who are subject to the provisions of existing laws to prove that they are incompatible with the CRPD.

Like myself, the Petitioner is impatient to see change. Progress is glacial. It is 17 months since the recommendations of the Scott Review were published (September 2022). Before that we had the Deaths in Mental Health Detention Review (March 2022), the Barron Review (February 2021) and the Rome Review (December 2019). Earlier still we had the Consultation on Reform of the Adults with Incapacity Act (April 2018). We are still waiting for the Government's detailed responses to all of these reviews. The Government is now advising that the programme of reform will stretch over the next 10 years, and that further consultations will follow. It appears that the Government is dragging its heels. What we need is less engagement and more urgency, more action, more detail.

Petitioner written submission, 12 February 2024

PE1999/H: Fully implement the UN Convention on the Rights of Persons with Disabilities

It is my belief that in her submission PE1999/F, the Minister for Social Care, Mental Wellbeing and Sport made statements which were designed to mislead. In particular,

the Minister stated that the Government was committed to establishing a new Mental Health and Capacity Reform Programme which would ensure that Scotland's mental health and capacity legislation better reflects international human rights and standards.

The Minister failed to indicate that among the aims of this reform programme would be one to end the giving of sedatives to elderly care home residents in order to make them easier to look after. I cannot believe that Scotland's mental health law can be compatible with international human rights if it permits potentially harmful drugs to be given to care home residents for the convenience of staff. It is my hope that the Scottish Parliament will act to end this human rights abuse.

Scottish Government written submission, 16 October 2025

PE1999/I: Fully implement the UN Convention on the Rights of Persons with Disabilities

Thank you for your email dated 1 October 2025 requesting an update on Mr Watson's petition which calls on the Scottish Parliament to urge the Scottish Government to fully implement the UN Convention on the Rights of Persons with Disabilities (UNCPRD).

Mental Health Law Review

The Scottish Mental Health Law Review, published in September 2022, set out over 200 recommendations for change in our mental health and capacity legislation. We have carefully considered Lord Scott's recommendations and agree more can be done to enhance and protect the human rights of people with mental illness and adults who lack capacity.

As part of our commitment to modernising our mental health and capacity legislation to better reflect international human rights standards, we established the Mental Health and Capacity Reform Programme of which we have now progressed or completed the majority of the actions and milestones set out in the initial delivery plan.

The scale of the transformation needed in order to realise our vision to enable people to live well with choice and control over their own lives, care and treatment requires a staged approach to reform. This is the right thing to do as we need to recognise the challenges of delivering further change at a time when there is significant change across the health and social care sector.

As part of that staged approach, work is underway to bring forward an Adults with Incapacity Bill in the next Parliament. Our approach is rooted in co-design, reflecting strong feedback from the 2024 consultation that reform must be shaped by the voices of those with lived and professional experience.

To ensure this, the Minister for Social Care and Mental Wellbeing has established and now chairs a Ministerial Oversight Group, which meets quarterly to guide and scrutinise the work of the Adults with Incapacity Expert Working Group. The Expert Working Group continues to meet on a monthly basis and is taking forward the

detailed development work required to modernise the legislation.

Human Rights Bill

The Scottish Government will bring forward a new Human Rights Bill in the next Parliamentary session (subject to the outcome of the 2026 Scottish Parliament election). To support further development of the Bill, in July we published a [Discussion Paper](#) on our proposals. This consolidates the extensive work undertaken to date and supports further engagement on policy proposals.

A new Human Rights Bill would aim to further advance a human rights culture in Scotland by giving domestic legal effect to a range of internationally recognised human rights, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

The Bill is intended to improve how law, policy and frontline services are developed and delivered by placing the human rights of everyone, including disabled people, at the heart of decision-making. Incorporation of these rights will improve outcomes for disabled people in their everyday lives and help to ensure people are treated with fairness and dignity in areas like health and housing.

Under our proposals, for the first time in Scotland's domestic legal framework, public authorities would be required to comply with the rights in ICESCR and consider the rights in UNCRPD when delivering services and making decisions. We are also proposing that public authorities must consider how to deliver the ICESCR rights in a non-discriminatory way for disabled people.

The Bill also aims to support rights holders, including disabled people, to access remedy where their rights are not upheld, and establish a multi-institutional model of human rights accountability in Scotland.

In developing this legislation we are mindful of Scotland's devolved powers and how the Bill could interact with the Human Rights Act, the Equality Act and other pieces of legislation. We are using the time we have now to test and refine proposals to ensure they are as robust as possible and can be implemented effectively within devolved competence.

Disability Equality

The Disability Equality Plan was published in June 2026 and developed in partnership with Disabled People's Organisations (DPOs). It sets out actions to advance inclusion and equality and includes investment of £3 million, with £1.5 million allocated to a new Fund improving access to support and services for disabled people.

The Plan represents a significant step toward realising the UNCRPD in practice, with investment and governance structures designed to uphold disabled people's rights in everyday life. A disability competence learning programme for Scottish Government staff, and strengthened governance, including an annual Cabinet Takeover will ensure disabled people are central to decision-making.

Alongside this, we continue to support DPOs and other organisations that support disabled people through the Equality, inclusion and Human Rights Fund, the Disability Equality Plan, the Access to Elected Office Fund and the Scottish Access Panel Network.

These efforts reflect our commitment to embedding the UNCRPD in policy, legislation and practice across Scotland.

Directorate for Equality, Inclusion and Human Rights