



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITIONS COMMITTEE

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Dear Christina,

Inquiry into Human Rights and the Scottish Parliament

Many thanks for your letter, inviting the Public Petitions Committee to provide a response to the Equalities and Human Rights Committee in relation to the Scottish Parliament and Human Rights.

Your letter explains that one of the outcomes your Committee wishes is to establish “the benefits of using human rights as a way of scrutinising matters in your remit, for example, by considering the Scottish Government’s response to the [Universal Periodic Review](#) in relation to committee remits.”

It may be helpful to note that the remit of the Public Petitions Committee can extend to all matters of national policy or practice that are within the powers of the Parliament. The extent to which human rights issues will be considered will depend on the nature of petitions that are lodged with the Parliament.

This means that, in essence, our remit can cover any issue that falls within the powers of the Scottish Parliament. Given such a broad scope, it can be challenging for the Public Petitions Committee to identify human rights issues across a wider subject area than is brought to our attention in specific petitions.

We can, however, point to a number of petitions which have raised human rights issues and offer some information of the ways in which the Public Petitions Committee has tried to take account of these issues in its consideration.

PE1319: Improving youth football in Scotland

This petition calls for action in a number of areas associated with youth football in Scotland, including the registration process for youth footballers.

As part of its consideration of the petition, the Session 4 Public Petitions Committee requested the then Commissioner for Children and Young People to undertake a review of the registration process from a rights perspective. This led to the production of a Child Rights Impact Assessment (CRIA). As noted in the report from the Commissioner, a CRIA “is a process that enables a policy, legislation or practice to be reviewed and its impact on children and young people and their human rights to be assessed.”

The conclusions of this report have been used to inform the ongoing consideration of the petition, including the taking of oral evidence from football authorities and the Scottish Government.

PE1603: Ensuring greater scrutiny, guidance and consultation on armed forces visits to schools in Scotland

This petition raises concerns about visits to schools by representatives of the armed forces and calls for a number of actions, including consent from parents/guardians regarding children’s participation in such visits.

As part of consideration of this petition, the Concluding Observations of the UN Committee on the Rights of the Child (UNCRC) are highlighted in respect of the recruitment of under-18s to the armed forces. These issues were highlighted to the Committee in a response that the Committee requested from the Commissioner for Children and Young People Scotland.

Given that the petition raises issues to do with the rights of children and young people, the Committee also invited the Scottish Youth Parliament to make a written submission on the petition. In response to this request, members of the Scottish Youth Parliament carried out a consultation which elicited a range of views.

You may find it of interest to note that both the Commissioner and the Scottish Youth Parliament, while highlighting the findings and recommendations of the UNCRC raised an additional rights issue in respect of the action called for in the petition, drawing the Committee attention to the fact that young people, above a certain age, should be able to give/withdraw their own consent for participation in armed forces visits.

PE1667: Review of mental health and incapacity legislation

This petition calls for a wide review Scottish mental health and incapacity legislation, to take due account of recent developments in international human rights law. The petition raises a number of issues, including the concealment of medication in food or drink given to care homes residents. The petition highlights the UK submission to the Committee on the Convention on the Rights of Persons with Disabilities (CRPD) within those countries which have ratified and hence which agreed to comply with that

international human rights treaty. Among the issues raised are the use of chemical restraint and the abuse of people in residential care.

This petition has been considered by the Public Petitions Committee on only one occasion (at the time of writing) but the need to understand the issues from a human rights perspective was recognised at that first consideration and evidence was sought, and received, from the Scottish Human Rights Commission.

These examples demonstrate some of the ways in which the Public Petitions Committee has sought to take account of human rights issues in its consideration of petitions. You may wish to note that each of these petitions remains under consideration.

Your letter also asked for views on any possible barriers to consideration of human rights issues. One of the potential barriers to effective scrutiny that we have considered is ensuring better linkage between the Public Petitions Committee and subject committees. By this we mean ensuring that the Public Petitions Committee is able to provide information to subject committees about its consideration of human rights issues and that subject committees are able to provide the Public Petitions Committee that would be relevant to our consideration of new and existing petitions. We would welcome any consideration that your Committee might give to how better linkage could be achieved.

I hope this is of assistance in your Committee's deliberations.

Yours sincerely

A handwritten signature in black ink that reads "Johann Lamont". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Johann Lamont MSP
Convener