



The Scottish Parliament
Pàrlamaid na h-Alba

**Equalities and Human Rights Committee
Human Rights and the Scottish Parliament inquiry**

Leith Human Rights Focus Group 26 March 2018

Participation and engagement - views on accountability and approachability

- for issues like housing a local authority could be seen as more approachable and accessible than the Parliament - comment about a lack of response from a Minister to a local constituency housing issue.
- There can be a lack of understanding about the appropriate levels of communication for such issues – whether an issue should be raised with a local authority or constituency MSP or a specific organisation.
- This can be linked to a lack of information on what human rights are in practical terms and how they relate to community/local matters like housing.
- It should be easier to find out what your rights are.
- Human Rights organisations like SHRC/EHRC are seen as more approachable/more likely to help than Government bodies or constituency MSPs.
- Local authorities don't always have relevant knowledge of what other organisations are able to deal with human rights issues.
- Equalities and human rights should be further embedded into local services and local authorities. Shouldn't need to be challenged in order to access them.

Brexit

- confusion over whether Human Rights will automatically be retained in UK/Scots law after Brexit.

Advocacy

- Lack of easy to access information on advocacy groups. Human rights compliance in legislation – there was a comment that it is not often mentioned or challenged because of political difficulties.
- Scottish Parliament is seen as more accessible than Westminster for advocacy groups. But Scottish Parliament could do more to help coordinate advocacy groups.

Human Rights in Parliament's work

- One participant comments that Social Security committee engaged well with advocacy groups.
- SP doesn't hear from individuals but focuses on charities of umbrella groups
- Homelessness group a good example of engagement with advocacy group stakeholders.

Human rights in healthcare

- lots of legislation around rights in healthcare.
- Other legislation overrides Human Rights legislation – procurement of health services for example.
- How do organisations who do have the power to assist in human rights use that power when it is in conflict with other rights/legislation (health procurement)?
- In longer term, public sector will pay more if they ignore human rights issues in the short-term (health/social care).

Human rights and Local authorities/community groups

- Lack of empowerment within organisations to implement human rights protections. Local authorities hesitant to use existing powers.
- Issues with joining-up of different HR issues in the public sector bureaucracy – e.g. domestic abuse issues within context of job-seeking. One participant cited a lack of compassion.
- There's an impression that HR services are poorly funded and uneven across the country.
- One participant suggested that local advocacy services could be better organised through central government. Third sector is taking up the slack from public funding.
- Greater consultation with community groups. More online interaction/engagement. But, not all equalities and human rights groups have equal access to internet services.
- One person said that regional MSPs needed to engage more with constituency human rights issues.

Legislation

- Existing human rights legislation not used or understood widely enough.
- Human Rights legislation underused in issues like evictions.
- If organisations were funded and able to bring cases to court, more precedents would be set in case law.
- Suggestion that cases don't make it to court because it will cost local authorities in the long-term – local authorities are not making precedents or admitting mistakes in human rights issues as it may invite more cases/complaints.
- Human Rights initiatives can be well-intentioned but have little funding behind them, for example a target to reduce unsuitable temporary accommodation from 14 – 7 days but the original target was not being met.

- Legal aid difficult to access. Suggestion that law schools should all have surgeries with human rights cases. When free legal advice is made available it tends to be in areas like consumer law, not in human rights.

Housing

- Legislation can't improve issues like private housing access – not letting to people on benefits for example.

Scottish Parliament Committees

- All Committees should consider human rights as part of their work and involve human rights in their inquiries where possible.
- Suggestion that there should be external audits of Committees' human rights work.
- Committees should work collaboratively on human rights issues.

Issues raised

- Right for people with disabilities - building and transport system hamper movement and impact on working and accessing services.
- Mental health issues and rights for people in in-patient psychiatric care.
- Lack of ability to access rights for adults in care. No access to legal aid to pursue rights when violated, so no access to justice. Lack of paid support to assist people in such care.
- Use of restraint and 'seclusion rooms' in psychiatric care facilities. Oversight and accountability of staff and rights of patients.
- Independent advocacy for those with mental health issues and/or incapacity.
- Lack of the voices of women and children who suffer domestic abuse in the discussion of rights
- Issues for people in the BME communities in terms of knowing their rights and how they apply to them.
- Rise in racism in the last few years
- Feeling that the 'usual suspects' spokespeople who Ministers and Parliament always hear from are not representative of the real experience of multi-generational Scots from a BME background.
- Difficulties for people settled in Scotland who came here as refugees, especially if they have disabilities or suffered from torture. Achieving their human rights is very difficult.
- Many in minority ethnic groups have been involved in dozens of community and government networks over the years, they become very disillusioned. Many of the same problems identified and discussed again and again but there is little or no progress in achieving solutions. This is also the experience with those with addictions. Experience was described as "rinse and repeat" and giving false hope.
- Many people, such as those advocating for BME groups get fatigued of the constant treadmill of consultation, which repeats over and over with little change ever being delivered.

- While there is a place for specialist organisations in advocating for the rights of those with protected characteristics, the big problems with this system is that chronic lack of job security and funding has led to many groups who support those in crisis (like domestic violence) failing and not being able to deal with the volume of need. This, in turn, makes the problems worse and leads to more human rights failings.
- Parliamentary committees need to hear directly from people “who speak the language of those with human rights issues, not academics and paid policy officers of major charities.”
- Feeling by those “on the ground” that government and parliament are locked into a continuous debate with a ‘professional third sector/charity industry’, not ordinary people and small community groups, and this has budget implications.
- Many people have to go on a human rights journey, which is a complex and evolving process. And there is no clear support or direction to help them, no legal aid, no clear direction they can get close to them about how to address their rights. Government needs to be more honest about challenges and people need to be realistic about their rights. For example, economic change is a global issue and we need to be realistic about what we can do locally to respond to such challenges.
- Several people questioned how the Scottish Parliament could help address their problems and practically protect their rights. There is a lack of feedback from engagement and several people believed a consistent contact point for engagement with public sector is needed.

Final key points

- Most people don’t know or understand ‘human rights’ and confuse it with equality.
- When engaging with in the publicsector people need positive constructive feedback and consistency in the people and processes they engage with.
- Language used on human rights need to be easy to understand, and use the right tone.
- Human rights need to be achievable and realistic.
- Scotland needs a Human Rights Tribunal
- Properly investigate human rights breaches, especially in regards to people being detained in facilities
- Parliament must draw on the real lived experiences of ordinary people, in their own voice, to deliver human rights. Committees need to hear directly from real people.
- There is confusion between Cross Party Groups in the Parliament and Parliamentary Committees.
- Concern about Brexit and legislation and human rights in Scotland. Language used need to be clear and simple so that knowledge about these issues can be delivered and understood. Simplified language is very important.