

Equalities Participation Network – 31 August 2023

Present: Myshele Haywood (GREC), Ru Carroll (Four Pillars), Roslynn Fowler (Aberdeen Action on Disability), Linzi Harrow (ACC Equalities), Baldeep McGarry (ACC Equalities), Maria Jose Pavez (GREC), Mary Rasmussen (Guide Dogs), Bertha Yakuba (African Women's Group).

Apologies: Carol Hannaford, Zuzana Jatelova, Fay Morrison.

Scottish Human Rights Bill Consultation

The Scottish Government is seeking opinions on a proposed Scottish Human Rights Bill. The consultation is open until 5 October.

As a starter, everyone discussed how they define **the concept of 'rights.'** Key ideas here included: equality, fairness, dignity, understanding, respect, quality of life, kindness, and universality (rights should apply to everyone).

There was concern around practicalities – how are rights communicated/enforced? Rights are pointless if nobody knows about them, or if they're not enforced.

Maria Jose then gave a brief presentation about the proposed Scottish Human Rights Bill, which will incorporate several international treaties the UK is currently signed up to, including those focused on **economic, social and cultural rights** (ICESCR), and the **rights of women** (CEDAW), **disabled people** (UNCRPD) and **ethnic minorities** (ICERD).

Consultation Questions

The consultation includes more than 40 questions, many of which are highly technical. Instead of asking everyone to read the extremely long consultation document, Myshele and Maria Jose put together six questions they considered most relevant for EPN folk. We managed to discuss five of these.

1) What are your views on the types of international law to be included? (ICESCR – economic, social and cultural rights, CEDAW – women, UNCRPD – disabled people, ICERD – race).

Key points:

- The more protections the better.
- The more specific characteristics/groups that are mentioned/named, the better.
- The law needs to be as air tight as possible – the gaps are where people lose their rights.
- The law needs to be communicated clearly to people, so they're aware of their rights, and where to get help. There needs to be a very clear vision.
- Technicalities are beyond the remit of a group like EPN, but the overall idea of the Scottish Human Rights Bill is sound.
- It will be good to have another layer of protection for rights (in addition to UN/EU/UK) – being closer (geographically and legally) means it will be easier to enforce, in theory.

- Important to consider gaps where current laws don't cover everything.
 - Every human being deserves rights – especially given the current rhetoric in the media and in politics – lots of racism and prejudice.
 - It's troubling that LGBT+ people are not mentioned (this will be covered in question 3).
 - The key word is HUMAN – emphasising 'everything for everyone,' not only those in protected groups – but recognising that they often have less access to rights.
 - Important to take an intersectional approach – many people cover multiple categories.
 - Important to make rights equal in practice.
 - Some groups have a lot of passion to fight for their rights – but not all groups can do this, and they should not be left out.
 - Ensuring some rights puts a lot of strain on governments – need to ensure there are resources available to fulfil promises.
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2) Should there be a right to a healthy environment? What should this cover? Should it be included under the same duties as economic, social and cultural rights, or be separate?

Key points:

- Thinking about environment in different ways – for example spaces where disabled people can move safely. There's a lot of issues with shared surfaces, pavement parking, rubbish in the streets, etc.
 - Space needs to be organised logically and equitably, with a sense of ownership and shared purpose over the space. If the council doesn't care about the space, why should residents? At the same time, there are very few resources to allow communities to improve or maintain their spaces, the council does not want to let go of control.
 - Environment includes air and water pollution, land being poisoned by chemicals, reliance on fossil fuels, etc. But these problems are easy to solve with political will and funding – it's not a lack of technology.
 - Environmental issues have an impact on physical and mental health, especially for people in marginalised groups.
 - Environment is different from economic, social and cultural rights – should be listed separately to emphasise its importance, otherwise it gets watered down.
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3) An equality provision is included in the bill, to ensure everyone has access to rights. How should groups protected by the equality provision be defined? Should LGBTI and older people be named specifically?

Key points:

- As above, the more specific characteristics/groups that are mentioned/named, the better.
 - LGBTI+ people and older people should definitely be named.
 - There should be a provision to consider groups to add in the future as social conditions change.
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4) Should public institutions be required to report on their actions and plans around human rights? What sort of body should be in charge of oversight for this?

Yes. The group did not have time to discuss the second part of the question.

5) What is the best way to make sure that everyone has all the information, advice and advocacy support that they need?

Key points:

- Advice and advocacy is key to ensuring people have information relevant to their circumstances – generic information can be confusing and misleading, people often have questions.
 - Currently it can be very difficult to find anyone who can advise or stand up for people having problems – there are some people and groups doing this but capacity needs to be increased a lot.
 - Citizens' Advice is supposed to fill this role but they are inadequate, difficult to access, limited in their scope, and impossible to access for people who struggle with English.
 - Private advice/advocacy is far too expensive – very few affordable options. Excludes people on low incomes, who are also likely to have more problems.
 - RGU Law Clinic is a very good model – giving law students real world experience and making advice more accessible.
 - There needs to be better connections between the third sector and solicitors. Possibly a key access person in each city to act as liaison?
 - Information needs to be accessible – not just online – in clear language.
 - Everyone should know about their rights – including people who moved to Scotland as adults – migrants often have no idea about their rights, especially at work.
 - Public engagement to communicate information needs to go where people are.
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Apart from agreeing that more funding is required, we did not have time to consider this question: How can the Scottish Government and partners build capacity across the public sector to ensure the rights in the Bill are delivered?

The EPN material will be included in GREC's consultation response, which will be circulated to EPN members in due course.

Date of next meeting: Thursday 28 September, 4:00-5:00pm

Topic: Budget Consultation