



Consultation Response

Human Rights Bill for Scotland Consultation
Response from the SCLD Human Rights
Lived Experience Board

The Scottish Commission for
Learning Disability
2023



Human Rights Bill for Scotland Consultation Response

From the SCLD Lived Experience
Board



September 2023

Definitions

Bill

A draft of a law



consultation

When the public are asked for their opinions on an idea before any changes are made



consultation response

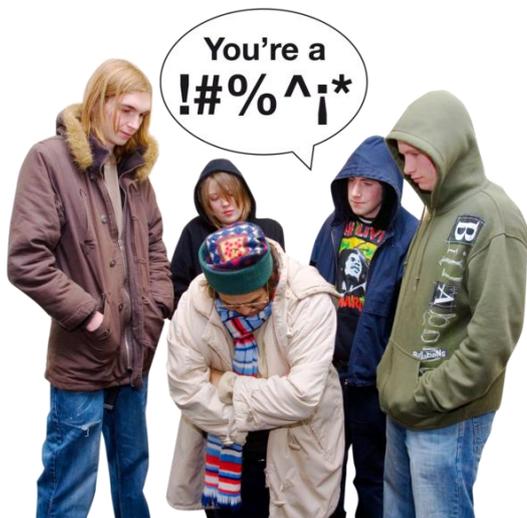
The opinions that the public give on the idea



dignity

People often have different opinions on what dignity is so it can be difficult to agree on an exact definition

One definition might be- dignity is the idea that all humans deserve to be treated with respect and have equal value



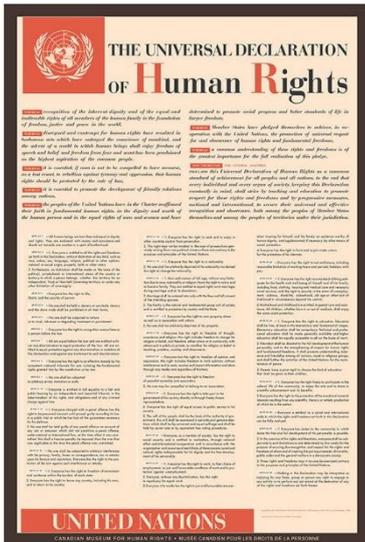
discrimination

Being treated unfairly because of who you are



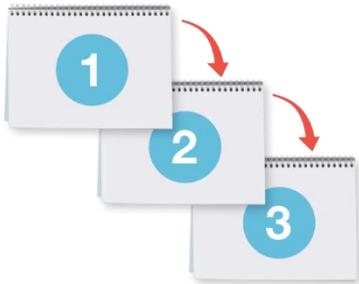
duty bearers

A person or an organisation that has a responsibility to support your rights



human rights

The rights and freedoms that belong to every person in the world



Human Rights Bill for Scotland Process

The way that the Human Rights Bill for Scotland is made



recommendation

A suggestion of the best way to do something or a way to make something better



reconsider

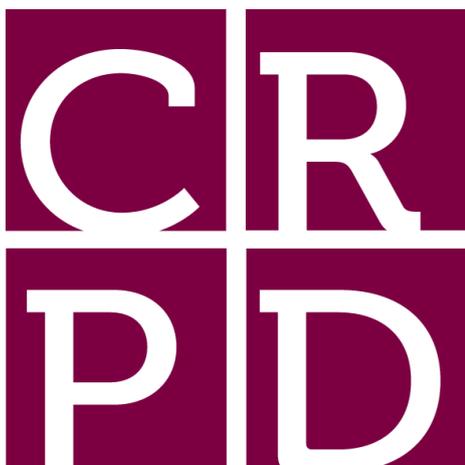
To think again about a decision because there might be a better way



treaty

An agreement between two or more countries

The agreement is law and must be followed



UNCRPD

United Nations Convention of the Rights of Persons with Disabilities

This is an agreement between many countries that talks about the rights of disabled people

It also says what the countries must do to protect these rights

Introduction

This consultation response has been put together using the opinions of the Lived Experience Board and other learning disability groups



The Lived Experience Board investigated what consultation said



Then they spoke to other learning disability groups about the consultation and used their opinions to help write this consultation response





The Lived Experience Board think it is very important that people respond to the Human Rights Bill for Scotland Consultation



It is important that the voices of people with learning disabilities are heard and listened to in decision making processes



The Lived Experience Board believe that it is important to have the voices and opinions of people with learning disabilities included in every stage of the Human Rights Bill for Scotland Bill process



If people with learning disabilities are not included then the Bill cannot work for people with learning disabilities



The Lived Experience Board started in 2022 and is funded by the Scottish Government



The Scottish Government asked the Board to help them make sure people with learning disabilities are included in the Human Rights Bill for Scotland Bill process



There is more information on the work of the Lived Experience Board on the [SCLD website](#)



The UNCRPD says that people with a learning disability have equal rights to everyone else



But many people say this doesn't always happen in real life and lots of people with learning disabilities still do not get all of their human rights



This means they cannot live lives that are free from inequality and discrimination



So it is really important that the new Human Rights Bill for Scotland can make things better for people with learning disabilities

Questions



1. What do you think about it?

Good

Bad

Not sure



The Human Rights Bill for Scotland Consultation has lots of questions



The Lived Experience Board chose to answer 2 questions that they think are very important

These are Question 4 and Question 5 in the consultation



Question 4 **What are your views on the proposed model of incorporation?**

This question is asking what people think about the way the Scottish Government want to include the rights in the UNCRPD

This is important because the UNCRPD says people with learning disabilities must be treated equally and have the same human rights as everyone else

So it is important that these rights are strong in the law



Question 5 **Are there any rights in the equality treaties which you think should be treated differently?**

This question is asking if people think any of the human rights in the Bill should be treated differently from the others

This is important because the human rights of people with learning disabilities are just as important as everyone elses





So it is important that these rights are equal in the law

The Lived Experience Board spent a lot of time investigating and understanding what the consultation said



There were three things in the consultation that the Board are worried about



1. Dignity

The consultation talks about using the idea of dignity as a way to understand human rights and similar rights in the law



The Board think this might mean that the idea of dignity will be used to make legal decisions that impact peoples quality of life



The Board think that although dignity is very important this is worrying because people have different ideas about what dignity is

This means that someone could make a decision about your life that you don't agree with





The Board said that people with learning disabilities should be involved in making the definition of dignity

2. How strong the UNCRPD is in the law



The consultation talks about how strong some human rights will be in the law

The Board looked at what the consultation said about how strong the human rights in the UNCRPD would be in the new Bill

The Board think the UNCRPD is not as strong as other human rights treaties



This is because the rights in the UNCRPD are not strong enough and people will not be forced to follow them

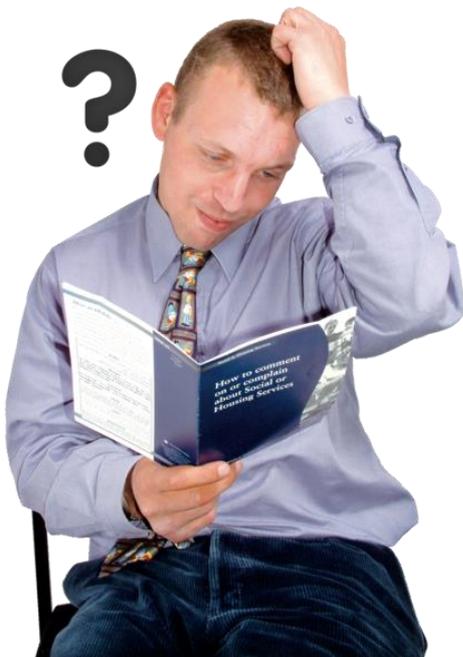


3. Lived Experience Board Recommendations

In 2022 the Lived Experience Board gave the Scottish Government recommendations on what to put in the Human Rights Bill for Scotland

The Board think these recommendations are very important to making sure the Bill supports the human rights of people with learning disabilities

The Board do not think that these recommendations have been properly included in the consultation



The Board feel that this means that the Scottish Government are not serious enough about supporting the human rights of people with learning disabilities



The Lived Experience Board Response to Question 4

The Board does not agree with the way the Scottish Government want to include the UNCRPD in the Human Rights Bill for Scotland

Because they do not think it will be strong enough in the law



The Board does not think the Human Rights Bill for Scotland can support everyone equally if the UNCRPD is not strong enough in the law





The Board agree that dignity is very important but think that people with learning disabilities will not get dignity if their human rights are not properly supported in the law



The Lived Experience Board Response to Question 5

The Board believes that all rights in all the treaties should have equal strength in the law

This would mean that everyone would be equally treated and supported by the law



If the UNCRPD had equal strength in the law duty bearers would have to follow the law and protect the rights of people with learning disabilities



The Board think that people with learning disabilities still don't always get their human rights

They don't think this will change unless the Human Rights Bill for Scotland equally supports the rights in the UNCRPD



Conclusion

The Lived Experience Board thinks it is a good idea to have a new Human Rights Bill for Scotland



But the Board thinks this can only work for people with learning disabilities if all human rights have equal strength in the law

The Lived Experience Board is asking the Scottish Government to reconsider its idea about how UNCRPD rights are included in the Human Rights Bill for Scotland



The Lived Experience Board think it is important that the Scottish Government keep people with learning disabilities involved in the Human Rights Bill for Scotland process



Because it is very important that people with lived experience are involved in making decisions that will impact the lives of people with learning disabilities

People with learning disabilities are the experts on what is best for their own lives





The Lived Experience Board thank the Scottish Government for the opportunity to respond to the Human Rights Bill for Scotland Consultation



If you have any questions about the work of the Lived Experience Board please contact Sarah D'Agrosa

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