

Rights Here, Rights Now!

Easy Read on the new Human Rights Bill for Scotland for People with Learning Disabilities

What is the new Human Rights Bill in Scotland?



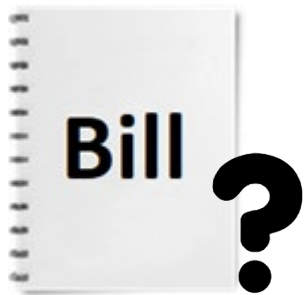
The Scottish Government want to make sure that everyone has equal access to their human rights.



In the year 2018, the Scottish government started an Advisory Group to look at how people's human rights could be better protected by the law.



It was decided that the best way to do this is to introduce a new Human Rights Bill.



A bill is a document which contains a set of laws around a certain issue.



After it the bill is passed into law, it will be against the law for people and organisations to not follow what it says.



The Scottish Government want to make sure that organisations and people should have to protect people's human rights as part of the law.



This bill will say what people and organisations have to do to make sure they are protecting everyone's human rights.



These laws will have to be followed by people working for the Scottish Government and people who are working for publicly funded organisations.

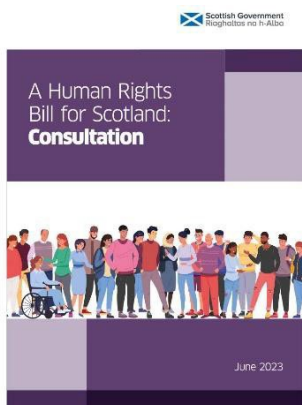


These laws will also have to be followed by people working in the private sector who have a duty to protect people's human rights.



The Human Rights Bill in Scotland will only change the law in areas that the Scottish Government controls, it will not affect laws which are controlled by the UK Government.

The Human Rights Bill Consultation



The Scottish Government has laid out their plans for the Human Rights Bill in a consultation paper which was put out in June this year.



A consultation is a paper which is put out to find out what people think of something.



This Consultation was put out so that different groups and organisations can tell the Scottish Government what they think of the plans for the Human Rights Bill and say if they think they should be changed.



This includes people who have experienced human rights abuses or are a risk of human rights abuses.

Why does the Human Rights Bill matter for people with learning disabilities?



This new bill is really important for people with learning disabilities.

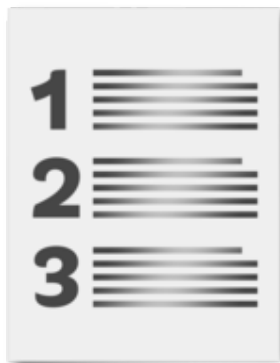


This is because people with learning disabilities are one of the groups in Scotland who are most likely to have their human rights abused or taken away.



This means that it is really important for people with learning disabilities to reply to the consultation.

How are people Learning Disabilities in Scotland less likely to have their human rights protected?



Some of the different ways in which people with learning disabilities in Scotland are not given their human rights are listed below.

Early Death



Some people with learning disabilities in Scotland are more likely to die earlier than other people who do not have a learning disability.



Some people with Learning Disabilities in Scotland often die of illnesses which could have been stopped if people knew about them.

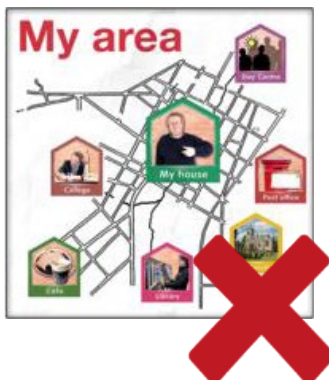
Personal Freedom



Some people with learning disabilities are not free to choose where they live and what they can do at home.



Some people with learning disabilities are kept in hospital for a very long time even though they are not sick.



There are also some people with learning disabilities in Scotland who are forced to stay in an area or environment which they did not choose.

Decision Making



It is common for people with learning disabilities to be prevented from making decisions or choices about their own life.



Many people with learning disabilities have been told that by law, someone else has to make important decisions and choices for them.



During the Covid-19 pandemic, many people with learning disabilities were moved from one place to another without being asked first.

Torture and Cruel Treatment



Many people with learning disabilities are treated in a way which could be described as torture.



Some people are injured when medical staff are trying to restrain them.



Many people with learning disabilities in hospitals are locked up on their own without any contact with others.



Some people with learning disabilities who are in hospitals are given drugs which affect the way their brain works.



These drugs are made to treat people with mental illnesses and not learning disabilities.

Treaties in the Human Rights Bill



The Scottish Government wants to protect people's human rights by writing the main rights from four different United Nations treaties into the Human Rights Bill.

These treaties are:



ICESCR

- The International Covenant on Economic, Social and Cultural Rights or ICESCR for short.



CEDAW

- The Convention on the Elimination of all Forms of Discrimination against Women, or CEDAW for short.



CERD

- The Convention on the Elimination of all Forms of Racial Discrimination, or CERD for short.



CRPD

- The Convention on the Rights of Persons with Disabilities, or CRPD for short.



The bill will use the wording of the most important rights in all 4 treaties.



But, in the Scottish Governments plans, one of these treaties is treated as being much more important than the others.



This treaty is ICESCR.



ICESCR is given much more power than the other treaties because it is the only one which it will be against the law not to follow.



To understand this better, it might help to think of each treaty as being like a car.



Putting these treaties into law is like putting fuel into a car.



Just as fuelling a car would give it the power to get going, putting a treaty into law would allow it to get going.



All of these treaties will get enough fuel from the new human rights bill to make people need think about them when making decisions which may affect someone's human rights.



But, the extra power given to ICESCR would be like a car receiving much more fuel than the rest, with it being the only treaty in the bill that people have to follow.

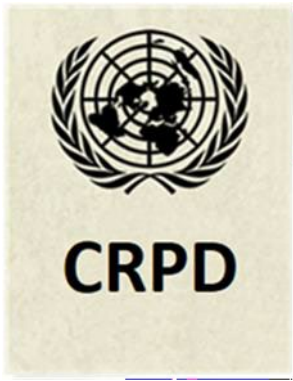


In the Scottish Government's plans, people will be breaking the law if they do not follow ICESCR



If the four treaties are seen as cars, ICESCR would race far ahead, leaving the three others far behind.

Why is CRPD important?



The CRPD is a United Nations human rights treaty.



The treaty was written to make sure that disabled people have their human rights protected.



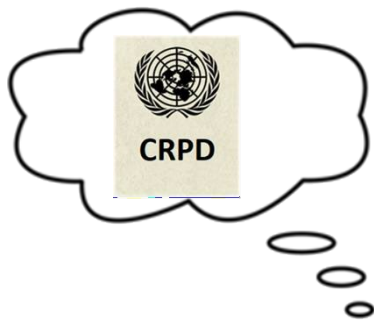
This means that this is really important because the CRPD will help to directly protect the rights of people with learning disabilities.



The United Kingdom has signed the CRPD, but this does not mean that they legally have to follow it.



With the Human Rights Bill, the CRPD will be written into law in Scotland.



But, in the plans for this Human Rights bill, people and organisations will only have to think about the CRPD rights when they are making decisions which might affect people's human rights.



People will not legally have to follow the rights in the CRPD.

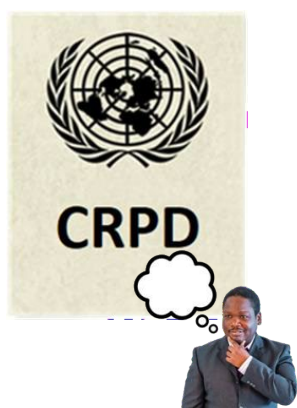


This is bad because it means the rights of people with learning disabilities will still not be fully protected under the Human Rights Bill

How should the plans for the Human Rights Bill be changed?



The CRPD needs to be given the same power as ICESCR in the Human Rights Bill.



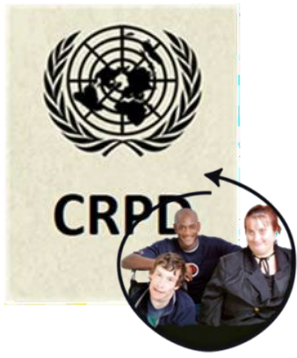
This means that people and organisations should have to follow the CRPD when they are making decisions which may affect people's human rights.



It should be against the law to not follow the main rights of the CRPD.



It should be made clear that there is no situation where it is acceptable to take disabled people's rights away from them.



Doing this will make sure that people with learning disabilities will not be left behind and that their rights will be protected by the Human Rights Bill.

How can you help make sure people with learning disabilities can get their Human Rights in law?



To help you make your views heard you can write a letter and send to the Scottish Government.

We have created a template letter to help you.



It is up to you if you want to use this.



You can change anything in the letter you don't agree with or add anything else you want to say.



You may need to ask someone you trust to support you with adding your views and or sending this to the Scottish Government.

You can get the template letter [here](#).



You can send the letter to the Scottish Government by email or by post.





Email to

HumanRightsOffice@gov.scot



Post to

Human Rights Strategy and
Legislation Unit Directorate for
Equality, Inclusion and Human Rights
Scottish Government
Area 3H North
Victoria Quay
Edinburgh
EH6 6QQ