

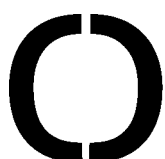


Consultation August/September 2002

# Human Rights in Scotland

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## **Introduction**

In August 2002 the Scottish Civic Forum agreed with the Human Rights and European Co-ordination Branch of the Scottish Executive to run a consultation on Human Rights in Scotland. A paper was drafted and agreed which firstly gave a general introduction to the subject, then set out questions for response. The questions fell into two categories; to gauge the level of understanding of the issues and context, and to prompt suggestions on the possible remit of a Scottish Human Rights Commission.

At the start of August 2002 Scottish Civic Forum sent the consultation paper out through its networks of members, other civic organisations and interested individuals, on email and by post. After one month it was agreed to extend the response deadline to the end of September 2002, to further increase responses. By the deadline, 32 responses had been received from a range of civic organisations and interested individuals. A list of those who responded follows:

## Respondents

<b>Name</b>	<b>Organisation</b>
Jenny Adams	
Anonymous (wished not to be identified)	
Alan Bailey	
Ronald Beasley	
Martin Black	Edinburgh Community Centre Development
Johanna Carrie	
R G Clark	
Cllr George De Gernier	Dundee City Council
Annabel Fairweather	Quakers in Scotland
Geoff Findlay	Salvation Army
Tim Hopkins	Equality Network
Milind Kolhatkar	
E Scott Macfarlane	
S Mackay	
Elizabeth Marshall	
Rosemarie McIlwhan	Scottish Human Rights Centre
Daphne McNabb	
Andrew Morton	Helsinki Citizens Assembly
Andrew Mount	
G M Potter	Kaimhill Community Centre
Charles Reid	United Nations Association Edinburgh
rjwmce@talk21.com	
Kate Robinson	
Rolf Schmidt	
Joan Scott	
Rev Dr David Sinclair	Church and Nation Committee
F Spaven	
Jan Thompson	Alcohol Counselling Service
Sarita Tilford	Elder Council
David Turner	
Neill Walker	EICWS
Paul Walton	

**NB** Some of the above responded from organisations which are either members or colleagues of the Civic Forum, but asked that their views be taken as personal and not as representative of their organisation.

## Question 1. What, if anything, does the term 'Human Rights' mean to you?

- Right to live in peace freedom, safety regardless of faith, gender, race, age or disability
- Human rights means to me, a person's right to have a good quality of life, not to be prevented by any system or person in achieving ones full potential
- A minimum standard for the fair treatment of individuals by their governments
- Human rights are fundamental rights we have by virtue of our humanity. These include freedom, respect and equality among other rights. Human rights are also defined in international law. They can be divided into civil, political, economic, social and cultural right but it is universally agreed that these rights are indivisible i.e. we must have all of them not just some
- Human Rights relates to a person's education, health and employment
- The term "Human Rights" to me describes a set of social, economic, cultural and biological factors that are absolute requirements for the sustenance of human life without undue suffering, and that should be freely available to all
- Human Rights means equality, and equal opportunities, looking after the dignity and welfare of individuals, families, communities
- To me, Human Rights mean what is contained in the United Nations Declaration of Human Rights
- I feel this means an individual's rights within the law on matters that affect his/her everyday life
- The term "Human Rights" (with capitals) means very little to me
- Fundamental principles such as freedom, fairness, dignity and protection against discrimination
- The right for each person to have a voice, an opinion, choice and liberty
- Human Rights to me are clean water, adequate food, good housing and warmth. I do not understand the current usage of "Human Rights"
- Freedom, dignity, moral responsibility etc. (This is such a huge topic that to talk about it in the context of a questionnaire is like tickling a hippopotamus) 'human rights' means expectations often informed by myth rather than reality
- 'Human Rights' means primarily the civil and political rights listed in classic documents such as the UN Charter of Human Rights and the European Convention on Human Rights (ECHR) which emanated from the Council of Europe half a century ago. (We) lay particular emphasis on the link between human rights and democratisation, seeing the fundamental freedoms as both a protection against abuse and a precondition of political participation

- 'Human Rights' mean to me the inalienable rights each of us has by virtue of our being human. They are universal, necessary, and an integral element of what makes us humans. Some of these 'basic' human rights are: the right to life, to a livelihood, to a family, to freedom of thought, belief and expression, to freedom from inhumane and degrading treatment
- It relates to all those considerations, protections, benefits, assurances, securities, treatments to which any individual is entitled on the basis of his/her being a human being, living in the shared community which consists of similar human beings. Such human rights will cover the whole range of rights – from the rights of the individual, rights of children/older people, the rights of families, and the rights of society – in terms of the whole of society, or of distinctive groups of people in society – the young, the elderly, the disabled, minority groups of various kinds
- To me, 'Human Rights' is a term which has become widely used at a legal, institutional, and individual level to refer to a set of 'rights', applicable specifically to 'humans', such as those 'rights' set out in 'The Universal Declaration of Human Rights'. In some contexts, the issue of 'Human Rights' is considered to be interdependent with the 'rights' of 'non-human' species and of the 'rights' of 'non-human' systems of life. Further, in some contexts, it is acknowledged that there is a fundamental interdependence between a culture of 'Human Rights' and one of 'Human Responsibilities', e.g., in The InterAction Council's 'Universal Declaration of Human Responsibilities'. I would be inclined to encourage a discussion of 'Human Rights' in a context which acknowledges their interdependence with 'non-human rights', and which acknowledges the fundamental interdependence between 'Human Rights' and 'Human Responsibilities'
- My first response is that it concerns the right to basic necessities for survival - clean water, enough food, shelter, freedom from 'accidentally' being killed in wars - these are more problematic in third world countries than here; and as a world community we do not seem to manage to grant everyone these rights. More reflection leads to rights that relate to civil liberties - to be educated, to have basic health care, to freedom of speech, freedom from persecution or discrimination on the grounds of race, religion, gender or sexual orientation. These rights, and more, affect all our lives
- Universal and indivisible rights, as laid down in the UN Declaration of Human Rights
- A way of recognising the space I may expect to enjoy – and of coming to recognise and respect the space of others
- Fundamental rights that are claimable by every living person, and which each of us has a responsibility to promote and uphold
- For me "Human Rights" covers the right of individuals to autonomy, freedom of choice and freedom from coercion; in a democratic society; while preserving the rights of others to enjoy similar freedoms
- Protection of inalienable personal rights
- It means DIGNITY

## **Question 2. Have you heard about the European Convention on Human Rights or the Human Rights Act? If so, where did you hear about them?**

- Yes to both questions. Mainly in the press and on TV
- Yes I have heard the convention and the human rights act
- Yes, through various news media
- Yes, I have heard of the European Convention on Human Rights, I heard about it at Adult Basic Education (Deaf)
- I have heard a lot about the European Convention, mostly through the media but also in discussion with other individuals and from Human Rights organisations
- Yes, mainly on the news, TV and on internet
- Yes, I have heard of both, from Amnesty International and Charter 88
- I have heard this expression in various news bulletins or newspaper articles
- I have heard about the European Convention on Human Rights, through press reports of cases taken by individuals to the European Court, but not about UK Acts until your statement
- Yes, through media coverage and in my capacity as a local authority councillor
- Yes. General literature and research
- Yes, from newspaper and TV reporting of legal cases
- Yes – in the media
- I have heard of both; media generated and with 'media spin'
- The main sources of our information about the Human Rights Act were the media. Being already familiar with the ECHR, we welcomed this very belated incorporation of it into the domestic law of the United Kingdom (with a nice head start in Scotland)
- Yes, I've heard of the ECHR and the HR Act in the mass media as well as an anti-racism and anti-poverty activist
- Yes, I've heard of both: generally, from mention on the radio or TV or in the press. But I've never set myself to learn more about these in detail
- Yes. I have heard of them through my general interest in rights and responsibilities

- Heard about these in newspapers and on the news (TV) but have to admit I am very vague about what is stated in these sources
- Yes. Through Amnesty International UK, through news stories concerning cases being brought to the European Court of Human Rights, over many years, and more recent stories concerning cases in Scottish courts under the Human Rights Act
- Yes, through newspapers, through the Scottish Human Rights Centre and through Amnesty International
- I have heard of the European Convention on Human Rights and the Human Rights Act through current affairs media coverage especially re cases taken to Court under the Act
- In journals, press reports, European Court cases, court reports

### **Question 3. Where would you go to find out information about Human Rights in Scotland?**

- Search the web
- Until today I would not know where to go for information, I will now contact SCF if I need information
- The internet
- It would be difficult for me as a Deaf man who uses sign language to ask for more information about Human Rights. I would maybe ask my tutor at Adult Basic Education because they could give me the information in sign language
- The internet
- Internet, library
- I would find out about Human Rights by contacting the Scottish Human Rights Centre in Glasgow
- I would go to the local Council as a first step
- Probably to my solicitor or the Highland Council's Legal Department
- Information on Human Rights legislation is held by officers within the Council (particularly the Legal Section and Equality Action Team). I am also aware of publications by the Home Office and Scottish Executive, but the proposed Scottish Human Rights Commission would be a useful resource of up-to-date information as the legislation has an impact in practice
- I'm not sure, but I would start with the Citizens Advice Bureau
- My solicitor and possibly a letter to the Scottish Office
- A lawyer...it might be a long trail
- A major problem is the dearth of information about human rights in Scotland; few people know where to obtain it. This in itself is an argument for a Scottish Human Rights Commission. As a last resort for information, some might approach Amnesty International; but this rather suggests that human rights are seen as a problem facing other countries and not this one
- To the Scottish Human Rights Centre, one of the equalities commissions, the Scottish Parliament, or a university social sciences or law department
- Either in the local library, or – in my present circumstances – through classes dealing with the Scottish Parliamentary affairs which I attend as part of the CA(I)RE project, being run in the Eric Liddell Centre, Holy Corner
- I would go to a Scottish Human Rights Commission, or, A Scottish Human Rights Commissioner, if they existed. Otherwise, I would seek to research information through established bodies

- I would go to Citizens Advice Bureau, Amnesty International, possibly also the Web or even my MSP, on some issues my union (EIS). I have done none of these
- Amnesty International UK/Scottish office, Scottish Parliament and MSPs, Lawyers
- Personally I'd gather and collate the information available amongst NGO's
- Depends what kind of information. I might in some cases go to CAB, a lawyer, but for facts and an objective appraisal the Scottish Human Rights Centre would be my source
- I would probably go to a library with internet access to find out information about Human Rights in Scotland
- The Scotland Act

#### **Question 4. How do you think Human Rights issues are perceived in Scottish society? What image do they have?**

- Human right issues are looked on as important by those who may benefit and as an inconvenience/interference by those who have been forced to change. They are often looked at in a fairly self-centred way (i.e. will it benefit me rather than will it benefit society as a whole)
- I think lots of people are not too sure what their rights are, many people may have good cases to bring to a commission but are not aware of their rights and who they should talk to
- Human Rights legislation is often perceived as unnecessary because most aspects seem already covered by the existing justice system in Scotland. Human rights are also made to look ridiculous by the media focusing on excesses: for example lawyers misusing human rights legislation to get criminals off the hook
- The perception of human rights in Scottish society varies. An increasing number of people are aware of the existence of the Human Rights Act or ECHR but do not know what it is, therefore if they want something they say it is their human right to have it. Others have more understanding of what the legislation is and can use it to get what they want. However many people still have a negative perception of human rights (which is often perpetuated by the media) in that it is a “criminal’s or chancer’s charter” or it is only for those who are discriminated against. There is a lot of work still to be done to ensure real understanding of human rights in Scotland and the implications for citizens. In SHRC’s experience once someone knows about their rights they feel more positive towards human rights in general and can often think of ways in which they can use those rights to help themselves or others. As we say in our outreach work “You don’t have rights until you know about them.”
- I think Scottish people don’t think Human Rights are important
- I think Scotland, whilst its record is not perfect, has a relatively strong tradition of supporting human rights in both principle and practice. The term “Human Rights” will for many have a political flavour, and might be a slightly alien term for some. However, the idea that people should be treated decently and with respect (which is essentially the same thing as Human Rights) is very much part of Scottish culture and has been for generations
- I think we assume we are okay but I don’t think we are – I think there’s a lot of room for improvement
- I consider that Human Rights issues are not widely understood and are seen only to be helping offenders and giving more work to the legal profession, by Scottish society
- Seen by most people as something that affects other people
- I think human rights issues are perceived clearly in Scotland, based on normal, inbuilt legislation. That being so, it is not yet clear to me why a Human Rights Commission is necessary

- I believe that human rights has been given a somewhat negative image because of a number of high profile cases which suggested that the new legislation could be used as a “loophole” by criminals to secure early release or have convictions quashed. More needs to be done to emphasise that human rights involve a balance of rights and responsibilities and to demonstrate the importance of human rights to the community at large, for example in terms of fair employment conditions and access to healthcare and education
- I’m sure a good percentage of people have heard of Human Rights, but I think the general perception is that “it doesn’t concern me”. Human Rights issues have a “remote” image in that Human Rights issues tend to be about other people in other countries
- I do not think that Human Rights are “perceived” by Scottish society. I doubt if the man on the Glasgow omnibus could give you a definition
- That depends
- I believe human rights are perceived as something that 'affects others' or in 'Calvinistic' terms
- Human rights are perceived in Scotland and throughout the United Kingdom in a profoundly split way. It could be said that we are insistent on our rights but irritated by the rights of others. The press, particularly but not exclusively the tabloid, encourages and aggravates this mentality, not least by carping at aspects of human rights legislation which 'lets these dreadful people off' or by focusing on trivia
- Broadly in two opposing ways: (a) Human Rights are seen by some as something which Scotland positively promotes and protects [the Scotland Act enshrined ECHR rights in Scots law before the HR Act did the same for England and Wales; Scotland’s repeal of Section 28 upheld lesbian, gay, bisexual and transgender people’s human rights north of the border; and, after all, we’re all Jock Tamson’s bairns]; (b) Others see human rights as either political correctness gone mad or loopholes which clever lawyers use to get criminals ‘off the hook’
- As being very important though often/most often taken for granted. With the general (perception) that they are of more importance to certain sections of society who are excluded – e.g. unemployed, homeless, refugees etc - or victims of social discrimination. They are often taken for granted: their profile depends upon our particular circumstances
- Perhaps there is insufficient awareness in Scotland of a need to balance 'Human Rights' with 'Human Responsibilities', and, of the interdependence between 'Human Rights' and of 'non-human rights'
- I cannot possibly state views for ‘Scottish Society’. I have not even taken the time to formulate my own view clearly. Perhaps other people are quite like me in taking many rights for granted, until something goes wrong and I think that a right is not being granted

- For some people, human rights are seen as vital, and many people campaign to ensure people's rights are maintained, both in Scotland and across the world. That can be direct Human Rights campaigning (e.g. Amnesty International), or wider rights to food, justice, education etc through other development related campaigning (e.g. Christian Aid, Oxfam, WDM etc). For some others, human rights issues raise conflicts when it comes to dealing with prisoners or people convicted of or charged with crimes
- Somewhat coloured by the media presentation and some times that misses rights – without a balancing of positions/possibilities
- I think there is a general sense of their importance but people get seriously concerned mostly over particular experiences and issues involving them as individuals, families and communities. A good many of these might not fall within the terms of the Act – questions of housing need and poor housing, low income and debt, a degraded environment, vandalism and racism and crime
- For thinking people Human Rights issues are important in ALL societies and should have a positive image. However it is possible that many people have not given much thought to these issues, nor how relevant they might be to their own lives, in Scottish or other societies
- A top layer over traditional rights

## Question 5. In your opinion, what are the key Human Rights issues in Scottish society today?

- Health – right to same standard of health care throughout the whole of Scotland – no post code prescribing. Education – right to life long learning with support (financial) to enable all who want to be involved to be able to participate. Transport – Access affordable transport, especially public transport, for all regardless of location
- In my area of work with homeless people, I see people being denied the right to having a decent home, prevented from accessing education and employment. Many of our service users are denied the proper health care, we are often told this person is not within our remit. In one case it took two years to get the proper care for this service user, this I feel is a breach of human rights. We sometimes are faced with what I feel is a sectoral human rights issue, when Christian organisations are treated by authorities as being do-gooders and not recognised for their professionalism. When some people in positions of authority display strong anti-Christian views and allow this to cloud their professional judgment
- Prison conditions – slopping out, overcrowding, lack of education/work facilities and rehabilitation
- Lack of independence and accountability within professions such as the police, lawyers
- Discrimination not only in the sense of the current equalities legislation or even the forthcoming amendments but with regard to everyone in society. Equality in Scotland is a long way off
- Asylum & Refugee issues – ID cards, citizenship tests, detention centres, living conditions
- Need for a statutory, independent Human Rights Commission to promote and protect human rights in Scotland
- As a deaf man that the recognition of BSL as a language is an important Human Rights issue
- The single most pressing issue on a national and international scale is the uneven distribution of wealth, resources, information and influence amongst the population. Unfortunately, this inequality is a defining characteristic of a free-market economy. This is why we need the convention
- One of the things I feel strongly about is inclusion and access for people with disabilities and their families
- My key issues arise from discrimination against sections of our population whether it be because of race, poverty, disability, gender or sexual orientation and includes the treatment of asylum seekers. Prison conditions in Scotland and our Penal system, generally, need urgent attention to comply with the Human Rights Act. I also think that there are issues concerning pollution with respect to people's living conditions

- The main issues are that ordinary people are not aware of their rights, particularly when dealing with large companies or government agencies
- It may be that the human rights we take for granted, as in Question 4, are now being eroded in our increasingly amoral "anything goes" society. If so there must be a vast range of key private and public issues needing to be dealt with by a Human Rights Commission. The number one Human Right concerning myself and my wife is the freedom to walk about in a safe, clean and pleasant environment. This is violated as soon as we go out the front door, by the noise, visual affront, pollution and danger of too many vehicles, going too fast, by the poor condition, litter and clutter of many pavements and by the too brief opportunities not only to cross the street but just to walk freely along it. Precedence is given too often to people on wheels rather than people on their feet
- As Convenor of Education in Dundee City Council, I have a particular interest in ensuring that all young people in Scotland have access to education. I also believe that tackling crime and anti-social behaviour is a key area where the human rights of those who are victims of such behaviour should be taken into account along with those of the accused
- I'm not sure I am that clued up on Scottish Human Rights issues, but I do believe every young person has a right to have affordable activities suited to their age available locally. A safe and warm place to socialise with their peers, and a right to further education (College/University) without going into debt
- Access to all, subject to responsible requirement to legal aid I think that that any moral society should hold the Human Rights of those seeking asylum to be a key issue
- Poverty is the key human rights issue
- Key human rights issues in Scotland now are the treatment of asylum seekers, racial discrimination and sectarian discrimination. The nature and extent of human rights abuses in these three contexts need to be clarified in order to be counteracted
- It's difficult to prioritise human rights – is one's right to education 'more important' than one's right to freedom of thought? Some that I think are particularly relevant are: the right to life (a third of Scottish children live in ultimately life-threatening poverty); the right to freedom of thought and belief (Islamophobia); the right to fair trial and to freedom from inhuman and degrading treatment (people seeking sanctuary locked up in Dungavel detention centre)
- 'Key' human rights issues today – those dealing with work, education, health provision (especially mental health provision), care of the elderly, attitudes towards minority groups, sex/gender discrimination

- In my view, among the key 'Human Rights' issues in Scotland today are as follows: the need to balance 'Human Rights' with 'Human Responsibilities'; the interdependence between 'Human Rights' and of 'non-human rights'; rights associated with issues such as asylum; racial discrimination; sectarianism; social and economic deprivation; access to educational opportunity; access to health provision; a 'Human Rights' culture which accurately takes account of the realities of contemporary society in Scotland, particularly in terms of contemporary approaches to human relations, e.g. between men and women
  - Freedom from poverty and all its consequences, especially in childhood - this leads to values in society. One of the Sunday papers stated that the values in Scandinavia include some equality of distribution of income so that all enjoy a high standard of living. If we met this right to more equal affluence I would expect the 'poor' having worse health and dying younger to be a problem of the past. Also the link between poverty and low educational achievement of children would be less of a problem
  - Right to an adequate old age pension (with some responsibility for contributing to it)
  - Right to 'free at point of use' health care (also with responsibility for contributing and for keeping oneself healthy - in part back to freedom from poverty, and education to know what to do)
  - All children having a right to an excellent education which meets their needs (again responsibility to help fund it, but also some interpretations e.g. social inclusion needs to be debated more publicly)
  - Right to roam – access to land is less of a survival issue but is important for quality of life. Balance of power to the access lobbies is important. I would hate to see decisions made which favour the land owners over responsible participants in leisure activities e.g. hill walkers
  - Fair trade rights some influence on Scottish industries but I would not like to see Scotland supporting trade treaties which deprive other people of their livelihoods. WTO action should be seen as part of Scottish Human Rights
  - Refugees and rights of asylum seekers (On what the press tells us, I am ashamed of the way that 'we' treat many asylum seekers)
- Right to warm, safe housing - fuel poverty, homelessness. Rights of asylum seekers to safe refuge, no discrimination - including rights of children of refugees to be fully recognised in UK law. Racism and sectarianism. Age of recruitment/involvement in conflict in UK armed forces - under 18s are children, should not be in the forces. Freedom of information - right to access information concerning the environment, public bodies etc
- Personally I have long believed the establishment of genuine equality male/female is the most significant contribution that can be made to the coming of a new global governance

- A need for public authorities to audit all procedures and check that they are compatible with the Act
- Education in schools about rights, responsibilities and about understanding and managing conflict
- A system of mental health care that delivers a range of treatments and supports of comparable standard throughout Scotland, recognising various levels of need, and how to respond appropriately to these, including crisis provision outwith hospitals as well as admission
- An independent police complaints commission
- Degrading conditions in Scottish prisons
- A range of social, economic and cultural rights outwith the actual terms of the Act
- Key Human Rights issues in Scottish society today will vary from one individual to another
- The suggestion of Government monitoring of mobile phone calls and internet access of ordinary people is of concern; allied to the whole ID card/ centralisation of records held on individual citizens debate
- Age-ism is a very live issue and seems still to be regarded less seriously than sexism or racism in modern society
- The right to personal self-determination is end-of-line (right to die) decisions is an issue which really DOES require attention and has been highlighted by well publicised Court cases recently, e.g. Diane Pretty and "Miss B". Some Continental countries are in advance of the UK on this topic – e.g. Holland, Belgium, Switzerland, and it would be excellent if Scotland (with its own Legal system) could give a lead to the UK on what it is, increasingly a key issue. NB these are purely individual decisions and do not impinge detrimentally on the rights of any one other than the individual making the decision
- Freedom from terrorism/attack
- For a long time I have been conscious of and concerned in the right for each person to have pure air, pure water and pure soil, which means that the individual and the organisations to which he or she belongs have the responsibility to do the least damage possible to the atmosphere, water supplies and agriculturally-used soil
- We are particularly interested in the proposed responsibilities of the HRC in the field of education, a field in which we, ourselves, have several decades of experience. We suggest that the commission be given statutory responsibilities for the provision of both factual information and for general education concerning Human Rights. In this respect 'Human Rights' should embrace the United Nations Declaration on Human Rights, the European Convention on Human Rights, the United Nations 'Rights of the Child' and the relevant European, British and Scottish laws

## Question 6. When a Scottish Human Rights Commission is established, what do you think it should do?

- Develop those particular areas of interest to Scotland (health, education, transport)
- I would think that it needs to have a high profile making sure people are aware of their rights, keep people informed on a regular basis, making it more accessible to the public
- It should try to be a voice of common sense, both balanced and impartial, and it should promote the cause of justice. In a world that is governed by irrational fears, human rights and security will often seem irreconcilable. An obvious example is the recent, U.K. "Anti-Terrorism, Crime and Security Act". The chasm inevitably widens in a situation where human rights are widely claimed, while human responsibilities are easily ignored and forgotten. Hence, I feel that the Commission should place a strong emphasis on human responsibilities, side-by-side and on a par with human rights, as the key to improving the situation
- The aim of a Scottish Human Rights Commission would be: 'the promotion and protection of human rights in Scotland'
- A Scottish Human Rights Commission should guide our society through the initial years and decades following implementation of the European Convention. The Convention has the potential to affect an enormous range of activities. In the near future there will be many test cases, problems, debates and difficult decisions in relation to this. We need a body that can take an overview and ensure that implementation of the convention in Scotland delivers practical benefits to individuals and society, and ensures that the spirit of the original document permeates its delivery
- Educate, monitor and promote people's rights
- The list which you have given of needs which could be met by a Human Rights Commission, in my opinion, is sufficient reason for establishing one in Scotland
- Will need to make all people, particularly the ordinary people, aware of their rights
- It would have to publicise and protect almost all human rights, as in Question 5, and give backing to Local Authorities and any other bodies responsible for them
- I believe that a key role for the Commission should be to establish a genuine "human rights culture" through education, awareness-raising and disseminating good practice guidance. The Commission can help ensure that human rights become embedded in policy and practice

- A Scottish Human Rights Commission should in practice be in touch with all strands and locations of society. This would mean having representatives either travelling the country or based in appropriate locations for easy access by our communities (I'm speaking from the Highlands, where we are often forgotten)
- I have no idea
- I expect that the Commission, if established, would be able to bring pressure, moral pressure, to bear on the worst environmental offenders. Our statutory agencies, who have the force of law behind them, soon to be unable to act emphatically for all sorts of reasons, often connected with the prospect of job losses
- Make certain people very afraid
- Human rights commission should have a desire to ensure human rights info legislation and awareness is introduced to all facets of our living. It should not be a CV addition for Civil servants or their pals
- Tasks of a Human Rights Commission would include: to inform the public of the present facts about human rights; to educate the public about the nature and importance of human rights, to stimulate public reflection and debate on issues around human rights
- A Scottish Human Rights Commission should educate widely and deeply, encouraging a culture of respecting human rights; it should push for human rights to be 'mainstreamed' in government/public authority working; it should advise on human rights – both how to bring cases when rights have been abused and how positively to promote universal equal human rights; it should provide a forum for informed debate on human rights
- Main areas of concern – provision of information, access, reform, to remain aware of individual, group or community concerns
- A Scottish Human Rights Commission, and, A Scottish Human Rights Commissioner, should be established once their remit, ethos, values, and funding have been established. The 5 functions listed in the consultation paper seem reasonable roles for A Scottish Human Rights Commission. Mary Robinson, in her talk at Edinburgh University in June 2002, 'Protecting Human Rights: The Challenges Ahead', gave her strong support to the establishment of A Scottish Human Rights Commissioner (and, of A Scottish Children's Commissioner)
- Promote personal involvement of more people, possibly even make voting at elections mandatory; research which rights are perceived to be in jeopardy. Research sources of advice to ministers and local authorities, then disseminate the advice or the contacts. Support small-scale examples of people taking responsibility for protecting their rights or ensuring that the next generation will enjoy the same rights (right to a clean environment, not everywhere used for landfill - green composting groups this does get a bit off the basic human rights)

- Broad education of children and adults of full range of human rights, encourage respect for human rights. Monitor and advise Scottish Parliament on human rights aspects of any new legislation. Monitor and advise local authorities and other public bodies on human rights aspects of their work. Be able to independently investigate human rights issues - not individual cases, but anything where there is a wider implication
- Once established (it) should take all possible lateral links, recognising the need to develop communication skills which would balance any pressure to want a legal role
- The suggestions made in the Scottish Civic Forum paper are in line with my ideas and hopes. I would also like it to encourage some research into the views of the Scottish people on what the key human rights issues are in Scotland
- When a Scottish Human Rights Commission is established, it should initially meet identifiable needs such as those set out on p2 of the consultation supplement. Moreover, since other European Countries already have Human Rights Commissions, any Scottish Commission should study these and ascertain aspects which might be appropriate for inclusion here. It is also axiomatic that the remit of the Scottish Commission will change/grow/develop over time as fresh issues arise in a changing 21<sup>st</sup> century
- Enforce Human Rights – monitor agencies including employment /education/ health

### **Suggested Duties of a Scottish Human Rights Commission**

- To keep under review the adequacy and effectiveness in Scotland of existing law and practice relating to the protection of human rights.
- To advise the Scottish Executive of legislative and other measures which would need to be taken to protect human rights.
- To examine proposed legislation and to advise the Scottish Parliament whether a Bill is compatible with human rights obligations.
- To make submissions to the Westminster Parliament on reserved matters which would affect the human rights of people living in Scotland.
- To make submissions to the appropriate UK government department in relation to the reports that the UK government is required to submit to international bodies and committees pursuant to human rights treaty obligations.
- To promote understanding and awareness of the importance of human rights throughout Scotland, and to make provisions for appropriate research and educational activities to fulfil this duty.

- To receive complaints from individuals or groups of people, where it is alleged that there has been a breach of their human rights.
- To consult with national or international bodies or agencies having a knowledge of expertise in human rights as it sees fit.
- To provide guidance to public authorities on complying with human rights standards.

**In addition the Commission should have the powers:**

- To give assistance to individuals or groups of people who apply to it for help in relation to proceedings involving law or practice concerning the protection of their human rights.
- To bring proceedings involving law or practice concerning the protection of human rights.
- To facilitate and conduct investigations or inquiries on its own initiative or on the request of others into situations where there may have been a violation of human rights, and to have the power to summon witnesses and obtain any information or documents necessary for assessing these situations.
- To publish its advice and the outcome of its research and investigations.
- To intervene in legal proceedings to bring relevant principles of international law to the attention of the court.
- To conduct alternative methods of dispute resolution where appropriate.
- A Scottish Human Rights Commission should educate people about Human Rights and promote understanding of issues such as communication for Deaf people
- The Commission should have statutory obligations both for public education and for education in schools. We feel that it is particularly important that the Commission be given statutory obligations for Human Rights education in schools. In the absence of a national school curriculum, the Commission's obligations should include the provision of factual information and education regarding the historical evolution of 'rights', the role of 'rights' in contemporary Scottish society, the interaction of 'rights' with the duties of citizenship and the role of 'rights' in other societies throughout the world. The Commission should be obliged to provide teaching materials and resources for teachers and it must be given a significant budget in order to accomplish this. External Foundations and such bodies as UNESCO might be consulted. We feel that as soon as it is appropriate a committee should be set up including members from the Education Department of the Scottish Executive, the Modern Studies Association, IDEAS and university education department. The committee should consider urgently the production of guidelines for teachers, possible changes in school examination syllabi, possible changes in initial teacher training programmes and any similar matters which the Human Rights Commission's education remit may imply

## Question 7. Should Scottish Ministers be doing more to protect the Human Rights of people in Scotland?

- Ministers should do more to protect Human Right of all in Scotland. However, they tend to be influenced by their own political future rather than need
- Yes they should be brought closer to the people and the human rights issues
- Yes
- Yes – further legislation and policies would be beneficial. The establishment of an independent, statutory Human Rights Commission with sufficient staff and resources and a broad remit is vital. Standing up to Westminster and not always granting Sewell motions would also help – this is abdication of their human rights responsibilities. Pushing for greater powers under the Scotland Act or creative interpretation of the existing powers e.g. duty to promote equality and human rights would really progress this issue
- I think Scottish Ministers should be doing more to protect the Human Rights of people in Scotland
- Yes. This is not laying blame at the door of individual ministers; it is simply imperative that no government rests until basic human rights are secured for everybody – not just Scots
- Yes please
- Yes. In education, Scottish Ministers should be putting more resources into schools in disadvantaged areas of Scotland, in order to achieve a more equitable standard of provision across the country. With regard to housing, there is a need to provide, either by the Local Authority or Housing Associations, more reasonably priced accommodation particularly for those who cannot afford to buy
- Will need to make all people, particularly the ordinary people, aware of their rights
- Not unless they are advised (and “held to account”?) by an independent Commission
- I think that the commitment to consult on, then establish, a Scottish Human Rights Commission is evidence that Ministers are serious about human rights, and they will also be accountable to Parliament and the courts for any failure to act in a way which is compatible with the law
- I couldn't honestly say what they are actually doing anyway for people with Human Rights issues in Scotland. But I do believe there is always room for improvement when it comes to these issues, as they have to be continually reviewed and assessed
- Cannot answer this as do not have a definition of “Human Rights” to work with
- Make certain people very afraid

- Scottish ministers should just do more - stop being party clones and start working for the country
- Everyone in Scotland, Ministers, public bodies *and* individual citizens, should be doing more to protect the human rights of people in Scotland
- Scottish Ministers must do more to promote and protect human rights. It is an essential ingredient of a 'civilised society'
- I don't really know enough about what Scottish Ministers may/may not be doing at present
- Yes
- I don't know. I think an attitude of shared responsibility to protect rights is what is needed, but I have no idea of what national priorities are really needed. Many of my views are clear from the examples already given
- Should try and establish Human Rights Commission as a high priority. Should ensure Freedom of Information Act is as open as possible. Should prioritise housing issues
- Yes, by initiating more flexible "consultations" (in a) variety of ways – radio, TV, circular groupings – to empower individuals and to increase the awareness and sensitivity of Ministers. Some commitment to "push matters to all we elderly and frail!!" (Handwriting not clear)
- Yes, particularly in terms of ensuring that education on rights and responsibilities is given a much higher profile in educational curricula and establishments. Also in promoting "joined-up" policies across Departments and providing information on accessing rights
- As the Scottish Parliament becomes more firmly established, and the Human Rights Act "beds down" more firmly in Scottish and European societies, it should automatically follow that Scottish Ministers will do more to protect the Human Rights of people in Scotland. If they are seen to be failing in this, then it must be the duty of the new Scottish Human Rights Commission AND the Scottish people to point out such failures to them; and ensure that they take appropriate action to rectify deficiencies which have been identified
- Yes

## Other Comments (Outside structured questions)

- My overview is that in my area of the city more care is needed to get “human responsibilities” upgraded to make the “rights” at present enjoyed sustainable
- Yes, of course the provision of Rights is important in every political circumstance. However it is perhaps noticeable that those who sometimes shout loudest turn out to be those who give scant attention to the implementation of Rights, i.e. the USA etc
- There is a growing tide of opinion which holds that the problems of our society can be solved by the implementation of further rules, regulations and laws, along with an endless source of finance. On the other hand my belief that these are matters focussing primarily on VALUES – and in this regard a bigger effort has to be made to return primacy to establishing TRUST, clearly in decline, locally, nationally and around the world. So, to put it briefly, yes, I support the valuing and implementation of Human Rights, but of course this itself will not secure the kind of society I would wish to live in
- A further issue of a different sort is the relationship between civil and political rights on the one hand and social and economic rights on the other. Social and economic deprivation is a major form of disenfranchisement in Scotland and in that sense could be said to be a form of deprivation of human rights. Whether one should confine the definition of human rights for the purposes of a Human Rights Commission to civil and political ones or should extend it to include also social and economic ones is a matter of debate, with some stressing their similarity and others their dissimilarity. This debate involves theoretical and tactical issues - of measurability, judiciability, enforceability and so on. A Human Rights Commission should encourage and assist this debate. Within such a debate, access to education would be an important issue.
- Consideration should be given to the appointment of a Human Rights Commissioner, whether as an alternative to a Commission or in addition to it. Related to this is the question of a monitoring or 'watchdog' role
- Nowhere in the questions is the word 'responsibility' which I consider has to be linked with rights
- It is essential to stress the move of the focus away from litigation to a basic understanding of human relationships – open to and accepting of diversity
- Better information needed. Unbiased, including experience and appreciation of “the other”
- Education for children about Human Rights, including explanation of ethnic differences and the development of the practice of Human Rights within schools and community
- Frequent teach-ins – to keep Commission up to date – not only with present law but with taking forward the new laws required

- (The Commission needs) a relationship with the Executive - of mutual trust and respect
- We unreservedly support the creation of a Scottish Human Rights Commission with statutory powers and responsibilities. We suggest that the annual programme of the Commission incorporate targets related to its annual budget – and consistent with ‘a sustainable Scotland’ – whose achievement should be audited. The Commission should present an annual report to our Scottish Parliament which should be debated. One notes that this procedure will permit the Civic Forum to comment on the performance of the Human Rights Commission – should it so wish – to the appropriate Parliamentary Committee
- We note that, whereas the Scottish Human Rights Commission will not be empowered to support individual cases, other ‘Equality Commissions’ are and will be able to do so. We suggest consultation between the various Commissions to ensure that, when necessary, individual cases receive legal support
- We do not feel strongly about the need for further public discussion but should the Civic Forum hold a public meeting we would wish to take part

## **Commentary on Responses**

### **Question 1. What, if anything, does the term ‘Human Rights’ mean to you?**

The responses showed a range of knowledge on the subject of Human Rights. When asked what the term meant to them, answers went from detailed legal breakdown, through broad statements of personal freedoms, to the statement “...(it) means nothing to me”. Nearly all respondents, however, had an opinion on the subject. Throughout the responses, there was a sense that Human Rights was perceived to be about the protection of fundamental personal freedoms and lifestyles.

### **Question 2. Have you heard about the European Convention on Human Rights or the Human Rights Act? If so, where did you hear about them?**

Most respondents had heard of the European Convention on Human Rights and the Human Rights Act, and had gathered their information from a range of sources, although the media was the most common avenue, specifically TV news and newspaper reports. There was also evidence that respondents had gathered information from their own work or research; respondents to this consultation were always more likely to be ‘active’ in this way due to their involvement in civic organisations.

### **Question 3. Where would you go to find out information about Human Rights in Scotland?**

Similarly there were different ideas about where people would go to get more information, but key organisations like Citizen’s Advice Bureau, Amnesty International and Scottish Human Rights Centre cropped up more often than others. There was also evidence that people had an idea of which government departments to approach; local councils, The Scottish Office and MSPs were mentioned.

### **Question 4. How do you think Human Rights issues are perceived in Scottish society? What image do they have?**

Inevitably, this question prompted a wide range of personal beliefs and overviews, but a picture developed of a society perceived to have a strong tradition of upholding fundamental human rights. However, the view was also put across that Scottish people suffered from limited detailed knowledge on the subject. Perhaps people believed that Human Rights affected others but not themselves. What knowledge Scottish people did have was seen to be received, without balance, through a media hungry for scandal; people knew stories about people who had abused the system, but not about the issues themselves or how they were personally affected.

**Question 5. In your opinion, what are the key Human Rights issues in Scottish society today?**

Naturally this question produced a sizeable list of different and specific responses. However, the themes mentioned most often were education, asylum (both 6 times), and poverty and health (both 4). Protection of rights of specific groups in society were mentioned 16 times, ranging from prison conditions to recognition of British Sign Language.

**Question 6. When a Scottish Human Rights Commission is established, what do you think it should do?**

So what should a Human Rights Commission do? Words like “promote”, “publicise”, and “educate” all cropped up again and again. Where in Question 4 it was said that general knowledge in Scotland was poor on Human Rights, here was a call for this problem to be addressed. There were also calls for a legislative role to protect and enforce Human Rights, but not nearly to the same extent as that of education.

**Question 7. Should Scottish Ministers be doing more to protect the Human Rights of people in Scotland?**

This question produced a split response. A number of people said yes, they should be doing more, through education and promotion of the issues or in action like legislation and the prioritisation of the Scottish Human Rights Commission. However, some respondents said they didn't know the answer because it was not clear how much Minister's currently did. These answers did, however, imply a further call to action.

Inevitably there were comments received which did not fit into the format given for responses, and these have been listed separately. Also enclosed as appendices are submissions from the Church of Scotland General Assembly Committee on Church and Nation, and from the Equality Network. The first of these was produced as a paper in it's own right, and not as a response to this consultation. The second paper seemed easier to consider on its own as it did not specifically correspond to the questions, and as it was received after the deadline there was no time to integrate it.

The consultation paper mentioned that public meetings may be held to canvas further opinion on Human Rights in Scotland, should there be enough interest. Most of the submitted responses to this consultation indicated that they would be interested in attending such a meeting.

Scottish Civic Forum  
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