DEMOCRACY MATTERS FOR HUMAN RIGHTS

Democracy Matters Local Governance Review

June 2024

Abstract

Consultation response from human rights defenders and community members involved with Making Rights Real

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About Making Rights Real

Making Rights Real is a grassroots charity working with marginalised communities to name and claim their human rights. Founded in 2020, we are the only organisation in Scotland focussed solely on the intersection of community development and human rights. We are rooted in work with the communities we serve, using the PANEL principles of a rights based approach in all our work.

Our work spans across the country, with a focus on supporting working with women and girls' groups and Gypsy Travellers to realise their human rights. You can find out more about MRR on our website – www.makingrightsreal.org.uk.

1.0 Background

1.1 What's this all about?

In the first phase of the Local Governance Review in 2021 the Scottish Government heard from communities about how decision making could be improved in Scotland[1].

The second phase of *Democracy Matters* was launched in September 2023 and ran to March 2024, inviting conversations to imagine a different democratic future where power and resources could be shared, decisions made at a more local level and exploring how communities could be more genuinely involved in decision making about the issues that are important to them. The consultation also asked what practically would be needed to make this work in Scotland.

1.2 The context in Scotland

Whilst there are seemingly strong laws and processes in place in Scotland to enable good community participation, the experience of communities if often that this is applied in a patchy way geographically and is often dependent on how public authorities interpret their community engagement duties, the strength of local community development support and the culture of the public authorities that communities are engaging with.

The decades of austerity and squeeze on public finances means that public authorities often make the argument that there is no money to deliver enhanced services. Financial decision making is impacting on the ability of rights holders and communities to enjoy their human rights, particularly relating to Economic, Social and Cultural Rights (ESCR) (like the right to housing, health, food).

As duty bearers for human rights obligations, public authorities bear the responsibility for progressively realising people's rights, using their "maximum available resources." At a time when the UNCRC (Incorporation) (Scotland) Act 2024 has been passed into Scots law, and with the proposed incorporation of further UN Treaties, with the Human Rights Bill[2], there will be greater accountability mechanisms on public authorities realising human rights in Scotland.

The opportunity to reimagine how local democracy could work in Scotland to realise human rights, presents a chance to rethink structures and processes, including decision making around public finances and including investing more in community development

[1] https://www.gov.scot/policies/improving-public-services/local-governance-review/
[2] https://www.gov.scot/publications/human-rights-bill-scotland-consultation/

and participation. We would argue that strong communities and empowered community development processes could strengthen local decision making, improve public services and progressively realise human rights.

2.0 What We Did

We jointly host a Democracy Matters conversation in partnership with the Scottish Community Development Centre (SCDC) bringing together people we are working alongside who are using a human rights based approach in practice to hold a "big conversation" event called *Democracy Matters for Human Rights*.

We hosted an incredible gathering of 50 human rights defenders in March 2024 who have experience of using human rights in practice in their communities, and who have a particular focus on what is needed to embed human rights into the grassroots democratic deliberations in Scotland, taking into account the ambitious plans for human rights incorporation by the Scottish Government.

The event highlighted examples of communities using human rights in practice and provided an opportunity to share learning and discuss how their experiences of campaigning for improved human rights could be impacted with strengthened democratic processes and structures.

2.1 Why focus on human rights?

When launching the UN Declaration of Human Rights in 1948, Eleanor Roosevelt who was chair of the drafting committee said:

"Where, after all do universal human rights begin? ***In small places, close to home****, so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works…*

Unless these rights have meaning there, they have little meaning anywhere*."*

We believe that for people to articulate their experiences of human rights, they must be able to understand their entitlements, which duty bearer is responsible for their rights and name and claim the human rights that matter most to them, in their "small places, close to home."

2.2 A human rights based approach

The PANEL principles[3] are commonly used globally as the basis of using a human rights based approach (HRBA) in practice[4]. The PANEL principles are **participation** of people from marginalised communities; **accountability** of public authorities for human rights' realisation; **non-discrimination** - engaging with minorities and people furthest from the decision making table; **empowering** people to name changes they want to see and influencing **legality** – the power, laws and structures which govern our enjoyment of rights.

2.3 Who was involved?

We brought together 50 participants from grassroots communities we are already working alongside from the following groups:

- Cables Wynd House Residents Group from Edinburgh
- Fa'side Women and Girls Group, East Lothian
- Gypsy Travellers we are working alongside in Perth and Pitlochry
- The cast of the human rights drama *SEVEN* (from Fife, Glasgow and central Scotland)
- Lived experience members of the SNAP Leadership Panel
- Grassroots human rights defenders who participated in the Fearless podcast project
- Wise Women Glasgow

The following groups were not able to attend on the day:

- Fife deaf group
- Stellar Quines young quines
- Broke not Broken women's group in Kinross
- North Highland Women's Wellbeing Hub from Wick
- International human rights defenders based at University of Dundee through Scottish Government HRD Programme.

[3] https://www.scottishhumanrights.com/projects-and-programmes/human-rights-based-approach/
[4] https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach

3.0 Event Programme and Methodology[5]

The event programme began with locating the significance of *Democracy Matters* with the ongoing human rights based work being undertaken by each group. Thereby presenting the proposition of new powers for communities to maximise opportunities for their human rights to be recognised and acted upon.

The methods selected to support conversations at the event were consistent with HRBA materials, tools and frameworks. We purposely framed the event showcasing how communities are already using human rights in practice. This was the first time the groups we are working alongside had come together in an event, therefore the opportunity to highlight their human rights achievements was central to building the connectedness of human rights defenders; creating space for interaction and developing relationships was key to the success of our event.

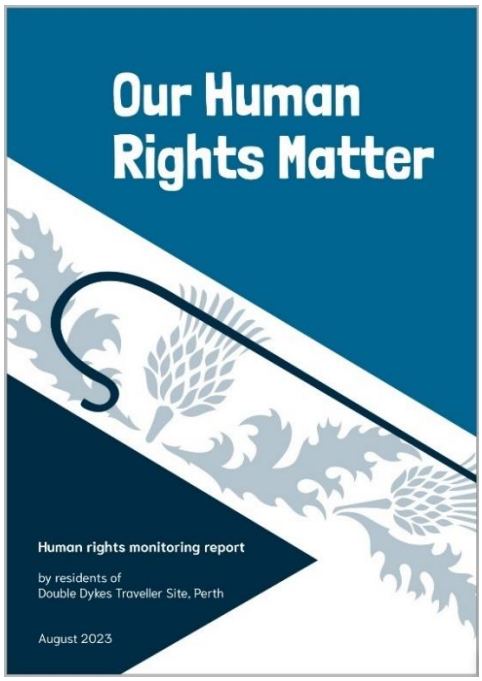
3.1 SEVEN: A human rights play

Members of the Making Rights Real *SEVEN*[6] cast performed snippets from the human rights play *SEVEN* highlighting the global fight for human rights, in particular CEDAW[7] and the rights of women and girls.

[5] We have reported on our methodology to highlight how a human rights based approach can be used in practice in consultation events, and to demonstrate human rights in action.
[6] The SEVEN cast are from central Scotland and all are experiencing different human rights concerns, including rights for disabled people, rights to an adequate standard of living, rights to live free of racial discrimination and women's rights. See more about their work here: https://makingrightsreal.org.uk/seven-the-documentary-play/
[7] https://www.ohchr.org/en/treaty-bodies/cedaw

3.2 Our Human Rights Matter, Double Dykes, Perth[8]

Gypsy Travellers in Perth and Kinross are experiencing significant human rights issues and spoke about their groundbreaking report *Our Human Rights Matter: A Human Rights Monitoring Report by residents of Double Dykes, Perth* that sets out their concerns.



Residents are concerned about:

Children's Rights including the right to safety, social development, and play (UNCRC Article, 3, 27 and 31)[9]

Rights to Accommodation (ICESCR Article 11)[10]

Rights to Participation (UDHR Article 21 and ICESCR Article 25)[11]

Rights to Live Free from Discrimination (UDHR Article 1).[12]

3.3 Tinker Experiments and human rights concerns at Bobbin Mill, Pitlochry

Gypsy Travellers in Pitlochry are experiencing multiple violations of their human rights and are campaigning for an apology and redress from the Scottish Government for the forcible settling of Gypsy Travellers, known as the Tinker Experiments.

Human rights defenders spoke about the Tinker Experiments and the long-standing impact of racial discrimination against Gypsy Travellers which is ongoing and breaching a wide range of people's human rights.

[8] https://makingrightsreal.org.uk/travellers-rights-our-rights-matters/
[9] https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child
[10] https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights
[11] https://www.un.org/en/about-us/universal-declaration-of-human-rights
[12] https://www.un.org/en/about-us/universal-declaration-of-human-rights

There is widespread evidence of forced settlement of Gypsy Travellers by the State into 'Tinker Experiment'[13] [14] [15] [16] [17] sites in Scotland. Despite direct campaigning by the rights holders most impacted and significant media interest on this issue, there has been little action by the State towards an apology, nor redress for the Tinker Experiments or the intergenerational trauma and ongoing human rights breaches experienced by the victims involved.

3.4 Cost of Living Crisis: Fa'side, East Lothian

Nationally award-winning[18] Fa'side Women and Girls Group spoke about their research into the Right to an Adequate Standard of Living[19] in East Lothian.

Their report, working alongside Making Rights Real and the Scottish Women's Budget Group, *The Cost of Living Crisis: I think about it all the time!*[20] focuses on the impact of the cost of living crisis for women and girls and how gender based budgeting can be used by public authorities to show how they are using "maximum available resources" to progressively realise rights.

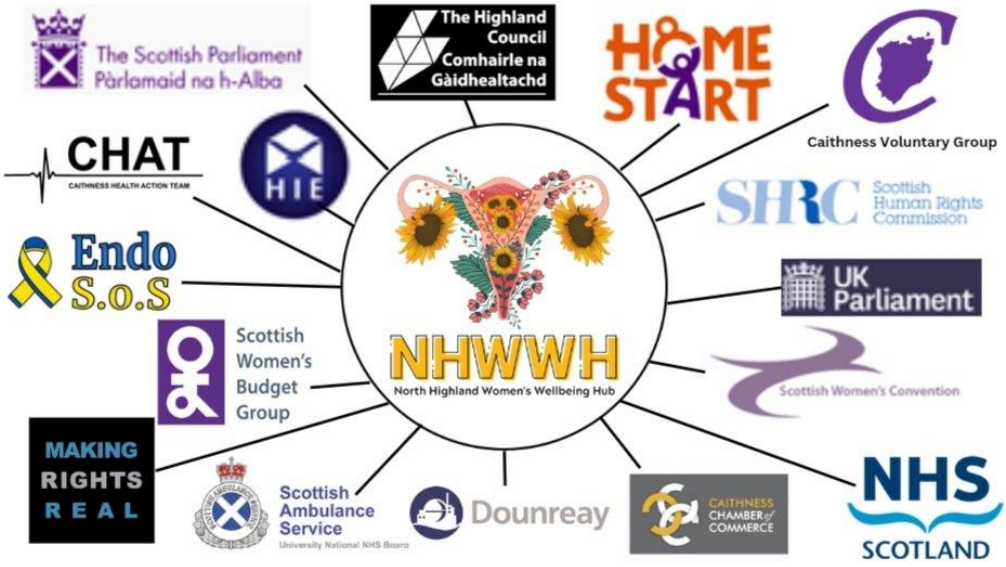
[13] https://www.thenational.scot/news/24031536.cultural-genocide-scotlands-gypsy-traveller-community/
[14] https://bylines.scot/lifestyle/history/the-tinker-experiment/
[15] https://www.bbc.co.uk/programmes/m001p77p
[16] https://www.heraldscotland.com/news/18117533.scandal-tinker-experiment-demands-apology-scotlands-treatment-gypsy-travellers/
[17] https://blog.historicenvironment.scot/2023/06/persecution-of-gypsy-travellers-in-scotland/
[18] https://makingrightsreal.org.uk/faside-women-and-girls-group-has-been-recognised-for-its-inter-generational-approach-to-its-cost-of-living-project/
[19] https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights
[20] https://makingrightsreal.org.uk/gender-based-budgeting/

3.5 Right to Adequate Housing: Banana Flats, Edinburgh

Tenants from Cables Wynd House (commonly known as "the Banana Flats") in Edinburgh spoke about their campaign using human rights to assert their Right to Adequate Housing[21] holding the City of Edinburgh Council to account for poor housing.

Tenants experience inadequate housing with common breakdown of lifts meaning disabled people are effectively housebound[22].

3.6 Right to Healthcare for Women, North Highland



North Highland Women's Wellbeing Hub were unable to attend the event, however their input on their campaign for the Right to Adequate Healthcare featured on Channel 4 News[23] and was highlighted at the event.

[21] https://www.ohchr.org/en/special-procedures/sr-housing/human-right-adequate-housing
[22] https://makingrightsreal.org.uk/edinburgh-tenants-take-their-fight-for-housing-rights-to-edinburgh-city-council/
[23] https://www.channel4.com/news/the-struggle-for-womens-healthcare-in-the-scottish-highlands

3.7 Fearless Human Rights Defender podcasts

Participants were reminded of the *Fearless in the defence of rights*[24] podcast series that some attendees contributed to.

This highlighted the challenges faced by Human Rights Defenders in Scotland and aimed to "out" the difficulties faced by people and communities in speaking truth to power.

3.8 Wise Women, Glasgow

Participants were reminded of the Glasgow Women's Voluntary Network's six month learning programme, organised by Wise Women, Glasgow and delivered by Making Rights Real on human rights and their ambition to use a rights based approach to address concerns about women's safety on public transport in Glasgow as part of CEDAW and ICESCR[25].

[24] https://fearlesspod.scot/
[25] https://makingrightsreal.org.uk/human-rights-theres-a-change-gonna-come/

4.0 Democracy Matters Consultation Responses

The PANEL principles were front and centre of our event, related to the potential opportunities afforded via DM2 and a Local Governance Bill. We framed the questions at our event against these principles and have recorded participants' views in these categories.

Participation: Everyone has the right to take part in decisions that affect their rights.

1. What issues matter most to you?

2. What issues would you want to have more say over? Any issues you don't want to have a say over?

3. What new powers and resources would you / your community need to meaningfully have a say about the issues that affect you?

Non-discrimination: Everyone should live free of discrimination and people who are most marginalised should be central to decision making around rights.

4. Who do you notice, is not round the decision making table locally, and nationally?
5. If your voice is not being heard, what needs to change so you can be involved in decision making about issues that affect you?

Accountability: People should be able to hold duty bearers (public authorities) to account for their rights. And there should be effective remedies when human rights are breached.

6. At which level (national/regional/local) should the powers/responsibilities be held for the big issues?
7. What ideas do you have to ensure decision-making is accountable to communities?

Legality: International human rights will be used to frame policies and practice.

8. What needs to happen to make sure human rights are at the heart of decision making?

Empowerment: Everyone should be able to name and claim their rights. People and communities need to understand their rights and be able to claim them in practice.

9. What support do people need to be able to name and claim their rights?

4.1 Participation

Participation: Everyone has the right to take part in decisions that affect their rights.

1. What issues matter most to you?

2. What issues would you want to have more say over? Any issues you don't want to have a say over?

3. What new powers and resources would you / your community need to meaningfully have a say about the issues that affect you?

4.1.1 Summary: What issues matter most to you?

Issues that matter most to people were mainly centred in their "small places close to home" – the everyday areas of life that are related to the enjoyment of:

- Economic, Social and Cultural Rights, such as the right to housing, healthcare, and the right to an adequate standard of living – the impact of poverty.
- Rights for minority groups, in particular racism and discrimination experienced by Gypsy Travellers were highlighted as of particular importance.
- Rights for disabled people and carers
- Civil and political rights and access to justice, particularly for racialised minorities
- Children's rights and the right to education, particularly for children with ASN
- Women's rights - gender inequality, and misogyny were highlighted as everyday experiences for women and girls.
- Rights of asylum seeking and refugee communities, a lack of dignity and recourse to public services.

Global issues were also highlighted:

- The arms industry in Scotland and nuclear warheads based in Scotland
- Climate change and sustainability
- The economy and reliance on neo-liberal economic policies in favour of the 'circular economy'
- Patriarchy and the inequality experienced by women globally.

There was common concern that there is little accountability for human rights breaches, current structures for community

participation are inadequate, do not share power or resources, and often result in communities feeling that they are not listened to.

4.1.2 Detailed comments: What issues matter most to you?

Issues relating to:

- Accessing healthcare services and navigating the healthcare system for dependents with disabilities *"it took me 63 times to get through to a doctor...my daughter is unwell...her illness is going to get worse."*
- Parking access for people with disabilities following changes to traffic restrictions and parking permits. Associated with this, the costs of parking permits which discriminate against people with disabilities as they need access to their own vehicle *"We are stakeholders not bankrollers."*
- Long term issues relating to poor quality housing – mould, asbestos, broken lifts – years of trying to raise serious problems with the council.
- The effect of poverty on education – schools becoming providers of basic food for children and families (including staff paying for food items themselves) – lack of food causing anxiety at the start of the school day, and free school meals only being for P1-P5 *"Poverty doesn't stop in P6 and P7...the effect of poverty on education is a loop they can't get out of – they replicate their parents' lives."*
- Gender inequality in public finance budgeting and the education system does not focus enough on sports for girls.
- Women's' safety and public transport as a human rights concern. *"Police need to be educated on what women's safety is."*
- Over 200 thermonuclear warheads only 28 miles from Glasgow and regularly convoyed around the country on public, busy roads such as the M8 – public safety issues and no-one will take responsibility for it
- Poverty food and energy costs and a disproportionate impact on women
- Childcare costs

The experience of those facing these issues is that there is a lack of genuine consultation on issues that matter to people in communities. If any consultation does take place it is a 'tick-box' exercise which leave people powerless.

- *"Where is the participation if they just do what they want?"*
- *"You've been elected to represent us not rule us"*
- Consultation methods used are not realistic *"You can't just put a thing [poster] in the foyer and expect people to come – you need to go round the doors."*

Participants described as feeling:

- Not listened to *"8 years of complaining constantly"*
- Discriminated against
- Having had freedom of movement and right to work removed.

- The common themes across these varied stories relating to Economic, Social and Cultural Rights such as healthcare, transport and housing were:
  - people describing their voice as being unheard
  - people being unable to raise serious issues and have them addressed
  - people being unable to find the right people to talk to
  - people experiencing stress from the basic activities in life and from attempting to access public services
  - people feeling neglected.

"Democratic disillusionment, lack of participation due to an utter lack of faith in the system to function properly or for the public benefit."

4.1.3 Summary: What issues would you want to have more say over? Any issues you don't want to have a say over?

All the issues detailed above warranted community input to them.

4.1.4 Summary: What new powers and resources would you / your community need to meaningfully have a say about the issues that affect you?

The consensus was that people needed 'a seat and a voice at the table'.

- The people who are most affected by decisions are not at the table and participants said that they needed to be spoken 'with' and not 'to'.
- There was agreement that they need to be heard and included in a genuine way and not through tick-box participation.
- Independent funding, adequate resources and community development support are required for community groups to participate as equals.
- Resources for collective networking and shared learning are required
- Power for local decision making and accountability clearly defined
- Need new and more structures for deliberative democracy – conversations that matter on issues that matter to communities.

4.1.5 Detailed comments: What new powers and resources would you / your community need to meaningfully have a say about the issues that affect you?

- Having community champions 'at the table' would be a solution – for example they could be called to a transport meeting or education committee meeting to give local insight. There needs to be a culture shift so that people's voices are seen to matter and therefore there is a desire to hear them.
- Furthermore, a system where councillors are less adversarial and concentrate more on listening to people and working together as a team would lead to cross-party problem solving.

What do people see as solutions?

- Community champions who are knowledgeable about local issues and passionate enough to care
- Being involved early in planning processes so that influence can be brought to bear before problems develop.

Resources that would help?

- Professionals being interested and 'on your side'
- Social media
- Community development support that is independent
- Independent funding

4.2 Non-discrimination

Non-discrimination: Everyone should live free of discrimination and people who are most marginalised should be central to decision making around rights.

4. Who do you notice, is not round the decision making table locally, and nationally?

5. If your voice is not being heard, what needs to change so you can be involved in decision making about issues that affect you?

4.2.1 Summary: Who do you notice, is not round the decision making table locally, and nationally?

Minoritised and marginalised groups were often not round the decision making table. These included:

- Gypsy Travellers and other racialised groups
- Disabled people
- Women and girls
- People living in poverty
- Asylum seeking and refugee communities
- People with Additional Support Needs
- Children and young people

Rights holders are often not round the table, *"Involve people whose lives will be impacted by decisions."*

4.2.2 Detailed comments: Who do you notice, is not round the decision making table locally, and nationally?

There were specific concerns raised by Gypsy Traveller participants:

- "There is no Gypsy Traveller (GT) involvement in the decision-making process."
- "It can be hit or miss; you are only involved if you are invited. And if you don't want to go through an agency like MECOPP then you should and have to get involved yourself. Issues with local councillors were mentioned – only one from a particular area was willing to engage."

- "Things come down to funding and how it is prioritised e.g. renovating a housing block will be prioritised over improving a Gypsy Traveller site."
- "Police are a barrier to participation because of their use of language and perceptions of the GT community. They are not taking any notice of anything that is reported but should be considered a hate crime."
- It was suggested that some gatekeepers are being funded by the government to stop progress – MECOPP and PECAF (Perth Carers) were given as examples. These organisations decide who to invite to meetings and participate. *"There is a need to monitor gatekeepers – who's to say they are working effectively, or following human rights principles? This in turn means that an individual or community can be seen and treated as a threat if you're pushing for a positive change."*
- Ignorance is a barrier to participation. There are also issues with definitions e.g. Gypsy Traveller is the defined ethnic minority, but within the community there are different types e.g. fairground travellers. However, there was an overall argument that the community should be defined in relation to the cultures of a community.
- Education authorities are also not doing enough about educational needs for people with autism e.g. one parent not invited to a transition meeting because "travellers take their children out of school at 12".

4.2.3 Summary: If your voice is not being heard, what needs to change so you can be involved in decision making about issues that affect you?

- Active processes and structures in place which encourage listening to community participation of the most marginalised and responsible for taking action on their issues which is accountable
- Measures for better connection among communities/local areas to discuss the issues facing them and how they can collectivise to find and implement solutions e.g. local popular assemblies
- Human rights defenders need to feel safe and able to speak truth to power
- Culture change is required to value community voices and human rights
- Discriminatory behaviour and misogyny must be stamped out

4.2.4 Detailed comments: If your voice is not being heard, what needs to change so you can be involved in decision making about issues that affect you?

- Participants suggested that the systems currently in place are designed to prevent people getting justice e.g. decisions happen behind closed doors in council buildings and representatives aren't allowed into the building or to attend meetings. *"You only start to make progress if you're emailing in complaints and then there is a paper trail. This lack of listening and participation means that there is no faith in authorities, and this feeling is passed from one generation to the next."*
- Safety and human rights – you should be able to feel safe in your own community. But not through empowering people from the community in public bodies or decision-making bodies.
- One participant highlighted the difficulty for women with autism to be listened to and heard and noted that the current system reflected a historical background of patriarchal misogyny.
- An example of why community voice needed to be heard was that community members hold valuable knowledge. One participant described providing information which councillors were unaware of; *"They didn't know how many houses were lying vacant in their areas."*

4.3 Accountability

Accountability: People should be able to hold duty bearers (public authorities) to account for their rights. And there should be effective remedies when human rights are breached.

6. At which level (national/regional/local) should the powers/responsibilities be held for the big issues?

7. What ideas do you have to ensure decision-making is accountable to communities?

4.3.1 Summary: At which level (national/regional/local) should the powers/responsibilities be held for the big issues?

- Devolved decision making at community level with equalities and human rights at the heart
- Decision-making needs to be brought back under local control. The practice of local authorities breaking up services to be managed by ALEOs (Arms Length External

Organisations) means that local authorities are no longer sufficiently accountable and policy making is effectively being done by private companies.
- Communities hold valuable information and they are good at assessing what change needs to happen.
- There needs to be recognition that local issues do not remain local - they link with larger national and global issues. Inclusion and climate issues begin locally and need to be considered together along with the circular economy to ensure future sustainability.

4.3.2 Summary: What ideas do you have to ensure decision-making is accountable to communities?

- Acknowledge who has the power, how they use it and the inequality which comes with not holding power
- Start with "who is not round the table?" And get them there. Decision-making needs to have diversity at its foundation.
- Move away from tick-box consultations to a more ideal scenario of deliberative engagement where there is transparency and equality is the aspiration
- Measure change in indicators set about what matters to people.

4.3.3 Detailed response: What ideas do you have to ensure decision-making is accountable to communities?

- Participants described a current system that was difficult to understand and navigate. Some suggested that it was *"deliberate obscurification"* to make it more difficult for people to engage. They questioned how people were supposed to learn how Councils work? Make it easy for people to understand how their input can make a difference.
- *"It's like a game of chess – provided you know their rules you can work it out..but if nobody teaches you the rules...."*
- One participant used the analogy of the Post Office scandal noting that sometimes individuals think that they have an isolated problem but then learn that others share the same issues. People can be oppressed but communities have the power.
- *"We need to acknowledge the power of speaking together"*

What is the experience of current structures?

- There was agreement that currently there was top-down decision making which did not represent community needs. There is a notion of democracy but it is actually absent. Although people get elected, there are *"just a few activists 'banging on the door'"* but there is a lack of community members being involved or being heard. The result is that it is easy for community members to become disillusioned and choose not to get involved or alternatively be attracted to more extreme views.

How can better engagement happen?

- Using testimonies so that people's stories are heard and are at the root of decision-making is one area to improve. Using media to help to tell people's stories will help a community to be clearer about what they need to do. Some people in particular need an advocate to support their voice to be heard, for example women from certain cultures who do not feel empowered to speak.
- Participants said that communication was key and highlighted that there is a duty on public bodies to foster community relations and a need for MPs to talk to their local communities.

- Decisions are being made by 'people who haven't got a clue?', and is it possible to measure success? This could be done in several ways, for example have you delivered a process, or have you made an impact. But often the measure of success is missed as its not being measured in the right way. Speaking to the right people was noted as being very important – investigate whether people's lives have actually changed as a result. We need more community involvement – contact the people it's meant to be reaching and get them involved at the start.
- What sort of environment is needed? Should be safe, with people feeling included and heard. It is not about fast-tracking someone who needs additional support or help, but building relationships and trust, and tailoring a care plan to an individual. This currently seems to be difficult to achieve. It can be more effective when people in charge of a project or organisation are involved all the way through – this means everyone knows who they are and what they are doing, i.e. need to have interpersonal relationships.
- Another concern was that there can be a fear of raising an issue or asking for change if that change is potentially not acceptable to all. This can lead to conflict between those who want change and those who need change. "You don't

want to be held responsible for something that people don't want." An example given was of a desire for an area to have a cycle lane, but visually impaired community were concerned about their safety depending on where and how this was created. It was suggested that all voices need to be heard so that the solution is for everyone. A positive example was the entrance to a museum in Manchester where all groups had been involved and considered and an entranceway built that worked for everyone.

- Elected decision-makers aren't always at the table. This means it is challenging to know whether issues raised at meetings or to representatives go all the way up to the right officials. Participants said they were never invited to meet with MSPs, they always had to initiate it themselves. Which raises the question who is telling MSPs what the public's view is?
- Conversely it was suggested that while it's easy to point the finger at an elected official, the problem is that the wider system is dysfunctional.
- The attitude of duty bearers can mean than being listened to or asking for change ends up being a fight, rather than a given. Also, are the duty bearers fully participating? They also need to be involved.
- Overall, there was an argument that people need to be in the room, but when they are they are not being listened to. Some groups don't participate in processes due to historic exclusion.
- There should be funding for safe spaces and gatherings to ensure representation.
- Accountability – there needs to be a feedback look so people know what is happening, and there should be resources for this.

4.4 Legality

Legality: International human rights will be used to frame policies and practice.

8. What needs to happen to make sure human rights are at the heart of decision making?

4.4.1 Summary: What needs to happen to make sure human rights are at the heart of decision making?

- The new Human Rights Bill for Scotland should be in place to hold public authorities responsible for human rights
- We must put human rights at the heart of all planning for and delivery of services in Scotland

- We do need to continue to uphold human rights. Regression can come quickly.
- More use of a human rights based approach in practice
- Culture change from public authorities
- Education about human rights is needed and an attitude change needs to take place because *"There's a -natural resistance to human rights at Council level."*
- Strong whistleblowing and support mechanisms for human rights defenders
- Increased powers for the Scottish Human Rights Commission to investigate and take cases to court over human rights breaches.

4.4.2 Detailed responses: What needs to happen to make sure human rights are at the heart of decision making?

- Use a human rights based approach in practice. Specifically:
    - Ask our opinions
    - Listen
    - Create safe environments to speak out
    - Build relationships of trust and interpersonal relationships
    - Giving people meaningful choices
    - Service leaders don't have a way to devolve power – and may work to maintain own control/power
- Some highlighted that certain specialist [named] organisations are used to engage with communities, for example Gypsy Travellers, but these organisations become 'gatekeepers' and create a level of obstruction leaving people still feeling ignored.
- Specific points were made about the rights of Gypsy Travellers and the protection of their culture for future generations. The Leadership Panel for Gypsy Travellers was described as being *"on the verge of collapse"* despite being due to run until 2030.
- Racism in education – there needs to be legality at a national level, as there won't be a remedy to this at a local level. In schools and colleges there can be racism and discrimination in the workforce, so there need to be whistle-blower mechanisms. Processes that starts local, e.g. smaller HR issues should be addressed at a local level. Perhaps there needs to be some form of recourse at every level.
- Cost of living crisis – could participatory budgeting be increased to tackle some of this more effectively? One

argued that a capitalist system doesn't put people first and energy companies need to be dealt with at a national level. Energy for housing needs better regulation.

- Planning and some delivery of services such as libraries and community centres – needs to be dealt with at a local level and also have a rural voice. But people need to be told about what's happening in enough time to allow their voices to be heard.
- There needs to be more planning consultation, as too many things are being rubber stamped. While there need to be national standards and national planning policy, there are tensions and conflict. For example, windfarm planning – one policy says you need wind turbines, so the community's view doesn't get listened to. Therefore, there needs to be a much stronger local involvement, with local people given the chance to have a say, not a tick box consultation.
- Community Council doesn't have any power; local authorities pull the rug from under them and don't help or support that tier of democracy. Local democracy should include human rights at its core.
- Human rights – people in public bodies should have more training in human rights, especially those in higher or director level roles, otherwise how can it cascade down through the organisation? One suggestion was for a 'driving licence' to be a politician i.e. you should have had training in various issues before you take on that role.
- Developers (housing) need to allow for a community's needs. There is a feeling they bend the rules and don't take into account rights issues and are able to find their way around legislation. Whereas what's needed is to be able to take society along with you.
- One suggested the creation of a new body to work with decision-makers and communities, where issues of accountability could be taken. For example, this body could have powers of enquiry to investigate concerns raised.
- Lack of current bodies not operating on a model of continuous improvement. It was viewed as a stagnant system that was always dealing with crisis management rather than being dynamic and progressive. There is a low tolerance for risk, even though they never take a chance on anything that's actually risky! There should be more opportunity for dynamic improvement, to test and fail. As is, the wrong things are done and then do actually cause people harm. Using a rights based approach would assess this against progressive realisation of rights.

- You need to know what outcomes you want to achieve and should be working iteratively towards that. Aim should be for progress, not perfection. People always want utopia, but there is never utopia; but you should always be working towards it. The basic level of good is already known and there, but we should be working towards the best we can.
- Not all about money, but a lot of things are made to seem as if they are all about money. We should know by now that we save money by doing something in the right way. But we are currently disempowering ourselves from doing the right or best thing as they cost us more.
- State actors need to be held to account, but that also means people need to be educated in human rights.
- There is a need for local design, but need to ensure there is not a postcode lottery.

4.5 Empowerment

Empowerment: Everyone should be able to name and claim their rights. People and communities need to understand their rights and be able to claim them in practice.

5.0 What support do people need to be able to name and claim their rights?

5.1.1 Summary: What support do people need to be able to name and claim their rights?

- Information about human rights and how to access justice for human rights breaches
- Practical support in using a human rights based approach
- Resources that are independent of the State for learning, organising and support for collective action
- Access to UN and international accountability mechanisms
- Evaluation/testing support that ensures local implementation meets the national core minimum human rights standards
- Data gap and how to use data for campaigning
- Work with others for hope, belief and energy.

5.1.2 Detailed comments: What support do people need to be able to name and claim their rights?

- There should be funding for safe spaces and gatherings to ensure representation.
- There is a need to ensure that a collective voice is heard. This can come initially through individuals' stories being shared and heard and common needs being identified.

- *"It takes one case to lift us up and make it happen for the better – we can put our shoulder to the wheel and take a great leap forward."*
- There should be a basic principle that everyone knows their rights. Although while it's alright being able to express them, they don't get listened to.
- Need to target the Government to make progress – "You can't win a battle if you don't fight it".
- Organisations [fighting for a community of interest or change] should be working together more, and then decision-makers and the hierarchy of decision-making can't ignore them. Representatives from communities should be working together as some of the policy issues are the same regardless of the demographic e.g. housing issues are the same regardless of whether you are in a flat or a caravan – so why are those issues not being fought for. There are benefits of getting everyone together, but there is also the danger than some try to shift some of the blame onto others.
- Rights should be part of a core curriculum at school, and there should be workshops in communities or workplaces. i.e. education in rights for all groups.
- Communities are being too lenient – there is a need to put more pressure on duty bearers. But the pressure needs to be multigenerational and intercultural. We need support for this.
- Need to have a HR representative for local government that the public can use – like Citizen's Advice i.e. to help with issues with decision-making.

End.
07/07/24