

Scottish Mental Health Law Review

Minute of the Economic Social and Cultural rights group

11 August 2020

Present

Colin McKay, Graham Morgan, Chloe Trew, Joanna Higgs, Jennifer Campbell, Kirsty McGrath, Nicola Paterson, Sophie Ryder (Secretariat)

Apologies: Wendy Halliday, Anne O' Donnell.

- The first part of the meeting was a presentation on rights from Chloe. This presentation is on the Knowledge hub for the group.
- The group agreed the revised terms of reference circulated earlier.
- Colin suggested that an academic could be approached to do a piece of work mapping out the particular relevance for ESC rights for mental health. Suggested this to be done after the group has taken forward its own thoughts on these different rights.
- The group was content with this suggestion in principle and Colin will do some more work on the proposal. Chloe suggested that person should also look at people's actual experiences as well as rights.
- The group then discussed the paper looking at evidence gathering. This is based on approach used in the Children and Young person's group.
- Colin explained this was to give key stakeholders a chance to flesh out some of these issues in a series of short sessions. For example, how to go about incorporating issues into domestic law, what does that mean?; consideration of particular issues around people experiencing multiple discriminations; and accountability, including the role of the MWC and how advocacy can do more to promote accountability.
- The paper splits the discussion up into 4 themes
- First one being HR 'experts' looking at how to incorporate human rights into law , then 2 sessions divided into professionals and lived experience identifying the most significant ESC rights and then people /groups with an interest in monitoring and accountability.
- The group was content with the approach. Need to plan sessions carefully and over a fairly tight period of time – perhaps best for group to split up and volunteer for areas members have most interest in.
- Thereafter there was a discussion around who to invite to speak. . In addition to persons listed for the first theme, it was suggested it may be helpful to have

reps from SG policy teams both on incorporation of UNCRC and the separate project on incorporation of international human rights standards –Kirsty will take this forward.

- For the second theme we could add MH nursing reps and identify relevant reps from SG mental health policy.
- In suggestions for collective advocacy representation. Inclusion Scotland was mentioned, as was a preference for more mental health focused groups such as Lanarkshire Links, and a more rural dimension – one rural and one urban, and information from different minority groups.
- The need for carers representation was mentioned. Colin will ask Karen Martin about this.
- Right to family is a very important human right and concerns about this have come from LD and autism communities in particular.
- Very challenging for some groups to express their views in this kind of environment. Need to flag this as something we need to do, but to do it thoroughly and carefully. And bear in mind the need to look at the needs of people with dementia too.
- Under theme 3 are all sorts of issues – ‘intersectionality’ – people who have mental health issues and all sorts of other issues around eg drug misuse, homelessness, criminal justice system. Can be the same people with the same issues but which issue gets addressed depends on which organisation is approached .
- In addition to those suggested to give evidence, MECOPP could be approached .
- Chloe suggested looking at the 9 specific Equality Act characteristics as well to enable us to say we have a really robust framework. Do we need to consider whether women’s experience is different, or older people ?
- Suggestion Scottish Women’s convention have been doing a lot of work around women’s well-being so may be able to suggest someone for women’s issues . And Engender also might be able to suggest someone. It was also suggested domestic abuse –both male and female living with abuse , should be considered and Joanna will suggest a contact.
- It was agreed this theme will need to be split up into more sessions to cover all areas mentioned . In particular, the group of people and issues clustering around homelessness, addiction, criminal justice and trauma related personality issues may raise a different set of concerns from the ‘protected characteristics’ in equality legislation. Also keep in mind the work just started around gambling in terms of co morbidities for future reference.

- The final theme has broad issues around accountability. No suggestions in addition to groups listed.
- The executive team and secretariat will work on these suggestions, send round an expanded list and ask for dates from the group for availability, and ideas for questions and topics to be covered in the evidence sessions.

Secretariat to Mental Health Review
12 August 2020.