

Inclusion Scotland and the Health and Social Care Alliance Scotland (the ALLIANCE)

Expressions of interest (EOIs) for legal scoping work on incorporation of the Convention on the Rights of Persons with Disabilities (CRPD) in Scotland

15 June 2020

Introduction

Inclusion Scotland and the Health and Social Care Alliance Scotland (the ALLIANCE) wish to jointly commission a piece of legal scoping work to identify and compare benefits of and models for incorporation of the UN Convention on the Rights of Disabled People (CRPD) into Scots law, to be completed by September 2020.

Background

Both Inclusion Scotland and the ALLIANCE have expressed their support for incorporation of the CRPD and other international human rights treaties into Scots law as a means to ensure that people's rights are respected, protected and fulfilled.

The CRPD is not currently incorporated into Scots law, however the Scottish Government has taken account of the CRPD in national policy. For example, 'A Fairer Scotland for Disabled People' is the Scottish Government's current delivery plan for the CRPD, covering the period 2016-2021¹.

¹ <https://www.gov.scot/policies/disabled-people/uncrpd/>

In 2019, the Scottish Government established a National Task Force for Human Rights Leadership to develop a statutory framework “to improve human rights protection for everyone in Scotland and look at finding ways to increase public participation in the process”². The work of the Task Force to date, and the First Minister’s Advisory Group on Human Rights Leadership³ (which led to the creation of the Task Force) has focused on incorporation of international human rights into Scots law.

Aim

The aim of the work is to provide the commissioners with intelligence and weighted considerations relevant to Scotland that:

- Consider whether or not incorporation of the CRPD would be positive for the realisation and progression of disabled people’s rights.
- Identify which model(s) of incorporation would be most beneficial, by comparison.
- Identify which other mechanisms could be used to better realise disabled people’s rights.
- Can help us to inform and influence decision and policy makers, including the Scottish Government, Scottish Parliament and First Minister’s Task Force on Human Rights, so that they recognise the benefits of and best models for incorporation and realising disabled people’s rights.
- Can help us to inform and build the capacity of disabled people and our allies.
- Take account of the work of the First Minister’s Human Rights Task Force to deliver a statutory framework to incorporation international human rights into Scots law.

Questions

² <https://www.gov.scot/news/new-national-taskforce-starts-work-on-human-rights/>

³ <https://humanrightsleadership.scot/>

The report should explore and answer the following questions:

- Could CRPD be incorporated into Scots Law? What would the impact of this be?
- What other legal mechanisms or duties could Scotland create to enable better realization of CRPD?
- What other legal mechanisms could Scotland create to enable the justiciability of CRPD?

Outputs

The outputs should be focussed on outcomes in Scotland only but can take account of relatable models elsewhere. They should be written for an audience of non-lawyers, in clear and accessible language:

- A report in font 14, Ariel. The paper should be succinct but of sufficient length to provide necessary detail (max 20 pages excluding references).
- A separate executive summary of the key points, in the same format (max 5 pages).

Suggested reference material

The following research should be referenced:

- ‘CEDAW – How can women’s rights be better realised in Scotland?’, Engender, <https://www.engender.org.uk/content/publications/CEDAW-incorporation-paper.pdf>
- The work of Together – Scottish Alliance for Children’s Rights, on incorporation of the Convention on the Rights of the Child, <https://www.togetherscotland.org.uk/resources-and-networks/uncrc-in-scotland-seminar-series/>
- ‘Models of Incorporation and Justiciability for Economic, Social and Cultural Rights’, Authored by Dr Katie Boyle for the Scottish

Human Rights Commission, November 2018,
http://www.scottishhumanrights.com/media/1809/models_of_incorporation_escr_vfinal_nov18.pdf

Timescales

- Deadline for EOI (with accompanying CV): 10 July 2020
- Interviews with shortlisted consultants: w/c 20 July 2020
- Outline approval: 31 July 2020
- Interim report due: 21 August 2020
- Commissioners comments due: 11 September 2020
- Final report due: 25 September 2020

A schedule of interim review meetings (face to face and/or telephone) will be agreed between the consultant and commissioners.

Fee and payment schedule

A fee not exceeding £3000 (including expenses and VAT) will be agreed in advance, depending on number of days' work.

The fee will be payable against the following milestones:

- 50% payment due on production of first draft report
- 50% payment due on production of an agreed final report

Payment will be made against invoices by BACS transfer.

Contact

Please submit an EOI, with accompanying CV, by 10 July 2020 to:

Heather Fiskin, Head of Policy and Research Team, Inclusion Scotland
Email: heather@inclusionScotland.org (preferred)

Lucy Mulvagh, Director of Policy and Communications, Health and Social Care Alliance Scotland (the ALLIANCE)
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About Inclusion Scotland

Inclusion Scotland's mission is to achieve positive changes to policy and practice, so that we disabled people are fully included throughout all Scottish society as equal citizens. We do this by influencing decision-makers, supporting disabled people to be decision-makers, and developing capacity, awareness and engagement. Inclusion Scotland is run by disabled people ourselves. This is important because disabled people know best about the barriers that prevent our full inclusion into Scottish society. We experience them every day. But we cannot remove them by ourselves. We need allies and supporters. We need those in power to hear disabled people's voices and work with us to remove these barriers.

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About the ALLIANCE

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations. The ALLIANCE has over 2,900 members including large, national support providers, small, local volunteer-led groups, and people who are disabled, living with long term conditions or providing unpaid care. Our vision is for a Scotland where people of all ages who are disabled or living with long term conditions, and unpaid carers, have a strong voice and enjoy their right to live well, as equal and active citizens, free from discrimination, with support and services that put them at the centre.

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