



# RIGHTS AT RISK

a collection of  
Scottish civil society  
perspectives on the  
possible impact of  
Brexit



## Rights at risk:

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## About this report

**Rights at risk: a collection of Scottish civil society perspectives on the possible impact of Brexit** is a collection of contributions from civil society experts in Scotland. Each chapter was written in early 2017 and outlines the organisation's key concerns around the ways in which Brexit may affect the everyday, essential rights of those that they work with. By drawing on the expertise and on-the-ground insight of each of these organisations, it is hoped that this report provides a useful outline of the task before us, and before the Scottish and UK Governments, if we are to protect and promote a human rights based society in a post-Brexit Scotland.

1 March 2017

# Rights at risk: a collection of Scottish civil society perspectives on the possible impact of Brexit

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## Foreword by Joyce McMillan

Critic, Columnist, Honorary President of Scottish Environment LINK

OF ALL THE ideas to emerge from the horror of the holocaust and the Second World War, the sense that the world urgently needed to build an international order which would seek to guarantee the basic rights and dignity of human beings was perhaps the most powerful. From the founding of the United Nations in 1945, to the coming of the European Convention on Human Rights in 1953, the nations emerging from that struggle set about codifying the various protections that citizens should expect, starting from basic rights to life, privacy, freedom of speech and thought, and equality before the law. And although progress in making those rights a reality for billions of people has been painfully slow, it's now difficult to imagine a world in which that legal framework did not exist, and where people suffering abuse of their basic rights simply had nowhere to turn, in theory or in practice, to find support for their sense that abuses should be remedied, and not allowed to stand.

The European Union is not, of course, primarily a rights-based organisation; it was founded as an economic trading bloc. Yet because it emerged in that same postwar period, 60 years ago, the architecture of human and social rights is written into its founding documents. All members must be signatories to the ECHR; and because of its strong legislative structures, the EU has become perhaps the most effective body in the world, when it comes not only to enshrining those rights in law and seeking to enforce them, but in developing them, so as to provide protection for a huge range of vulnerable groups, from children and people with disabilities, to pregnant women and new parents, or any workers facing unfair employment practices; and into areas such as environmental and data protection, where the EU is acknowledged as a world leader.

These regulations are still often breached or poorly enforced, of course, particularly in countries where a strong free-market culture tends to dismiss all regulation, however essential, as mere "red tape". Yet to look back over the 45 years since Britain joined the EU is to begin to appreciate how much progress has been made, and how much we stand to lose as that shared international framework of legislation begins to be dismantled, so far as UK citizens are concerned.

Through contributions from 12 major civil society groups across Scotland - in areas ranging from the environment and women's rights to employment rights, social care

and refugee support - this document therefore seeks to draw attention to the rights and protections which may be put at risk by Britain's withdrawal from the European Union, and to begin the debate about what we can do, in civil society and through our political institutions, to seek to ensure that Britain's departure from the EU does not act as a signal for a bonfire of rights, as Britain joins a global "race to the bottom" in terms of environmental, employment and other protections.

In that sense, this report should act both as an alarm call, and as a call to action. For whatever the outcome of the current wave of constitutional change sweeping Scotland and the UK, there are actions that can be taken, here and now, to seek to preserve some of the threatened rights outlined in this report. We can urge the Scottish Government, before Britain leaves the EU, to act quickly to enshrine in Scottish law as many as possible of the human rights guarantees which lie within its current powers, so that the legal situation in Scotland, so far as those rights are concerned, will not change on Brexit. We can campaign for the immediate replacement of vital European funding, essential for the support of vulnerable groups and the organisations that help them, through care and research. We can encourage Scottish civil society organisations to develop and strengthen their own international links, at citizen level; in times of conflict and disharmony among governments, those links are doubly important. We can try to ensure that people in the UK become increasingly aware of the other international institutions which help to guarantee many of the same rights - notably the United Nations, and the Council of Europe, through the ECHR.

And above all, we can remember that legal rights finally mean little, if they have no basis in the hearts and minds of people who are aware, and knowledgeable, and prepared to stand up for themselves, their families, their workmates and their communities. Among all its negative consequences, the threat of Brexit may at least mark a moment when citizens become much more aware of the rights culture that has developed over the last two generations, of what it means to them, and what they can do to defend and extend it. And if this powerful report can play a role in that vital process of recognition and awakening, then I think all the remarkable organisations that have contributed to it will feel that their work has been worthwhile.

## **What will happen to rights in Scotland now? Introduction**

There can be no doubt that leaving the European Union puts human rights in Scotland and the UK in a precarious position. It has been EU treaties, regulations, directives and policy initiatives that have been the driver behind the law and enforcement of many different rights that individuals hold in the UK. For example, legislation to combat disability discrimination was advanced because EU directives extend reasonable adjustments and protections against disability-related harassment; EU directives also help to combat child pornography and sexual exploitation; and the collective approach across the EU and an EU commitment to sustainable development drives environmental protection.

In addition, the European Union Charter of Fundamental Rights is one of the broadest, clearest and most all-encompassing treaties around rights. The Charter entrenches the European Convention on Human Rights (ECHR) and in some areas such as data protection, privacy laws and a child's right to free education, the Charter goes further than the ECHR. The Charter also has considerable strength because it is binding on Member states when they are acting on EU law and has the power to disapply national law in certain areas if it is incompatible with Charter rights. Rulings by the European Court of Justice that enforce the Charter have brought real improvements in the UK in areas such as combating sex discrimination.

### **Significant concern about the potential reduction in legal rights, funding and workforce**

However, when the UK leaves the EU, it will no longer have any attachment to this Charter. The UK Government has stated that, when the Great Repeal Act disentangles the UK from the EU, legislation will be put in place to ensure that the status quo remains in the short term. There is considerable concern amongst civil society in Scotland that our removal from the protection of the EU will in the longer term open the door to a gradual decrease in individuals' rights in domestic law.

Many civil society organisations in Scotland are also very concerned about the loss of EU funding that supports their work, which as SCVO write in this report, equated to over £19 million last year. This will have a considerable impact on services for vulnerable people and the research needed to make these services effective and progressive. This combined with significant concerns about the potential loss of workers from other parts of the EU means that the sustainability and impact of civil society in Scotland is potentially at risk because of Brexit.

## **The right to participate**

Participation in decisions that affect you is both a human right in itself and a means by which human rights can be recognised and implemented. It is crucial therefore that individuals, rather than solely policy makers or politicians, are able to shape the Brexit process and the related decisions around rights. For example, in this report in particular, children and young people's right to participate in the Brexit process is highlighted. Civil society is uniquely placed to enable this participation and we encourage policy makers to draw on civil society as a resource to make this participation a reality.

## **We must not withdraw from the European Convention on Human Rights (ECHR)**

Thankfully, the European Convention on Human Rights (ECHR) is not part of the EU, the UK will still be a signatory to this and we will all be able to continue to claim ECHR rights through the European Court of Human Rights. This is vitally important and must remain so. However, without membership of the EU, our adherence to the ECHR becomes more vulnerable to government shifts in attitude and policy. This is a red line issue. UK adherence to the ECHR should not be put at risk by any negotiations or questioned in any future policy developments. Our rights are too important for that.

## **We must strengthen human rights, not reduce them**

As many of the contributions to this report show, civil society in Scotland is concerned not only that our rights may be eroded but that we will also cease to *progress* in rights law and implementation. For example a draft directive around accessibility for disabled people is already likely to not be passed before Brexit and therefore is likely not to apply in the UK. We urge the UK Government to set up new structures that will continually review and strengthen individuals' legal rights and ensure that these rights are fully implemented.

As the UK Government undoes EU law in the UK, they have stated that they will look again at which areas are devolved. Indeed human rights in general are already a devolved area and MSPs can choose to legislate to embed human rights into all of our domestic law. We urge the Scottish Government to use these next two years as an opportunity to become an international leader in human rights law and implementation, to pursue bringing international rights obligations home and so to harness the potential gap that could be left by withdrawing from the EU to introduce even stronger, more tangible and enforceable rights for people in Scotland.

*Mhairi Snowden, Human Rights Consortium Scotland*



## International Human Rights

As the dust settles on probably the most significant shake-ups in UK politics in a generation, it is still hard for anyone to say with any degree of certainty what Brexit will mean for the UK or Scotland. Even as it negotiates its exit, the UK government should be careful to ensure that leaving the EU does not result in a diminution of current rights standards at home and abroad. Most critically, we must guard against any moves to view Brexit as a stepping-stone to withdrawal from the European Convention of Human Rights.

Some of our immediate concerns are listed below:

### EU Nationals living in Scotland - Risk to Family Life and freedom from discrimination

Article 8 of the European Convention on Human Rights requires respect for private and family life. Any interference by the state with this right must be proportionate in pursuing one or more specified aims. As such, if current residence rights of European Economic Area (EEA) nationals and their family members (who may not be EEA nationals) are not respected, there are likely to arise questions of interference with private and family life of those who have made the UK their home, and have in one way or another become part of a community of people here in the UK – whether or not they are married to or in any other way related to a British citizen.

This is not just a future concern, the capacity for someone to maintain and develop her or his private and family life is in significant part dependent on the degree of certainty about their continued right to reside and exercise other opportunities, and this in turn is also dependent on the social environment in which she or he lives and works. Thus, xenophobia and hate crime is likely to exacerbate uncertainty about someone's future residence. The UK government is responsible for this current uncertainty, or the failure to alleviate it, and should therefore urgently address the status of EEA nationals and their family members in the UK.

The state has a positive obligation under numerous human rights treaties to take steps to prevent discrimination and protect individuals from harm, particularly that motivated by discriminatory intent. That means that the government needs to take steps to consider why there was an apparent rise in hate crimes in England and Wales linked to the Brexit vote and take appropriate steps to combat it. This issue was also highlighted by the UN Committee on the Elimination of Racial Discrimination in August 2016. Although this spike in hate crime was not replicated in Scotland, the State needs to be vigilant of rising hate crime and xenophobia during negotiations and the process of withdrawal.



## **Respect for the resolution of cases in different jurisdictions**

Brexit debates have centred on free movement of people, but another fundamental principle of the EU is free movement of judgment – in other words a judgment issued by courts of one Member State being enforced by another Member State. Much of this is currently by an EU regulation informally referred to as Brussels-ii-bis (or Brussels 2 revised). This could have a significant impact on the enforcement of court rulings across borders including for family law and the rights of children and right to family life e.g. judgements on guardianship, child access rights, child maintenance, child abduction. There might also be a scenario where there is a competition within divorce proceedings where there is a race to the courts to secure jurisdiction in a country more favourable to one of the party's claims.

## **International Trade and Investment**

For around thirty years, the EU's trade agreements have included human rights clauses requiring the parties to these agreements to respect human rights and democratic principles and allows the EU to break contracts based on human rights violations. Brexit is likely to lead to a flurry of new trade and investment agreements and it is vital that they too incorporate the human rights policy framework currently used by the EU as a minimum and look to go further.

Human rights clauses, as used in EU trade agreements, are aimed at reinforcing the human rights obligations of States with which the EU does trade. So far, there is no provision in investment agreements that fosters the responsibility of investors to respect human rights. Brexit gives a clear opportunity for the UK to carry out the commitment in its National Action Plan on Business and Human Rights to "Support the EU commitment to consider the possible human rights impacts of free trade agreements where these include investment protection provisions, and take appropriate steps including through the incorporation of human rights clauses as appropriate." This should cover inward as well as outward investment.

## **Military, Police and Security equipment**

The EU has been a key mechanism through which the UK has worked to strengthen controls over the trade and use of strategic goods. We are concerned that the UK's human rights protections over trade in these goods could be seriously compromised through Brexit, as the UK has hitherto chosen to develop these controls at the multilateral level, largely through membership of the EU. For example, the EU has led the way, with strong support from the UK, on eliminating the trade in certain torture and death penalty equipment and the UK's own national arms export control legislation is derived directly from the EU Common Position.

## **Digital rights**

The most obvious way in which EU law has helped protect rights domestically is perhaps the added protection which the EU Charter of Fundamental Rights gives

over and above the safety net provided by the European Convention of Human Rights.

The Charter's potential strengthening effect on the domestic rights architecture can be particularly seen in the area of digital rights, where article 8 provides a specific right to protection of personal data. The best example of this was a case taken over the legality of GCHQ's bulk interception of call records and online messages under the Data Retention and Investigatory Powers Act (DriPA) 2014. The European Court of Justice ruled that only targeted interception of traffic and location data in order to combat serious crime – including terrorism – is justified. It is a concern that in the future, there will be no such curtailment of the UK Government's excesses or access to justice for such infringements on human rights.

*Naomi McAuliffe, Amnesty Scotland*



## Third Sector and Human Rights

The threat of Brexit to the third sector will have significant ramifications for human rights protection in Scotland. Hard-won rights and freedoms will be eroded and a more isolationist position from the United Kingdom will endanger vital access to networks, funding, staff and research. The breadth and depth of our sector's ability to affect change and provide support will be significantly curtailed, hitting marginalised individuals and communities the hardest.

The [Scottish Council for Voluntary Organisations \(SCVO\)](#) is the membership body for Scotland's charities, voluntary organisations and social enterprises. Our members have profound concerns about Brexit across many issues, including the impact on the economy, research, funding, networks, and freedom of movement. A recent [survey of 400 members](#) highlighted four fifths believed Brexit will negatively impact human rights and equality. In addition, 81% believe it will make fighting poverty and social exclusion harder. The response is not surprising, given the vital role European civil society has played in shaping and strengthening our sector in Scotland.

The protections enshrined in European directives and charters - and enforced by European Courts - are under threat, with clear human rights implications for individuals and communities. By leaving the European Union, the UK could renege on previous commitments, including rights not covered by the European Convention on Human Rights (ECHR), such as data protection. This would have a significant societal impact, increasing demand on frontline charities. Restrictions on freedom of movement could create a skilled worker shortage in the social care sector. Alongside fears about deepening economic impacts and widening austerity, many of our members identify other issues covered in this report as concerns.

Equality for children, women and people with disabilities is an integral part of EU membership. Protections that respect our right to a healthy environment and our rights at work are further vital safeguards the third sector has fought and campaigned for. The consequences of Brexit are likely to go beyond the immediate withdrawal of these rights by setting in motion a chain of actions that will worsen the situation in two key areas.

First, a more isolationist UK is likely to further challenge adherence to the ECHR. For while we are still covered through the Council of Europe, there are calls within the UK Government to replace the 1998 Human Rights Act with a British Bill of Rights. SCVO recently ran the *Right Approach* campaign to promote human rights-based approaches in the third sector. The positive response showed how fundamental the act is to campaigners fighting injustice in Scotland. Our ability to hold decision

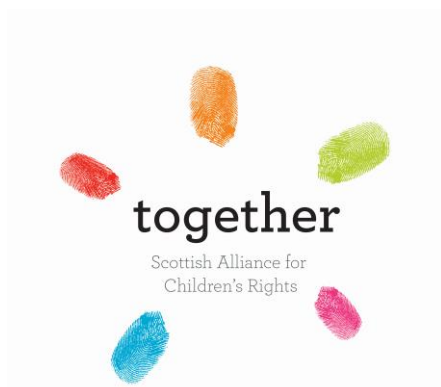
makers to account by referencing human rights law will be severely hindered if the act is repealed, pressurising the very foundations of a human rights culture we are trying to promote.

Second, leaving the EU will deliver a damaging legacy by restricting our sector's access to funding, research and networks. While total European funding for the sector is difficult to quantify, we know it received [around £19m directly from Europe](#) last year. However, many millions more came through indirect means such as cross-border projects and schemes where government acted as an intermediary. The ability to attract leading European scientists to base themselves and their institutes in the UK will be greatly diminished. British universities receive an estimated [£1.2billion per year](#) from the EU's Horizon 2020 research fund, some of which directly contributes to charities pioneering crucial medical breakthroughs.

This inward looking government stance comes as Scottish charities look ever more outwards, to the global movement of [Open Government](#). Connecting with civil societies across the world to hold domestic governments to account over accountability, transparency and citizen participation; the threat of Brexit makes the Open Government Partnership essential for Scotland.

Our hard won European rights and freedoms owe their creation and development to European civil society. The tenacity and thinking of charities and voluntary organisations across Europe has driven the campaign for progressive change. Scotland's third sector has played an integral role in shaping and developing this movement, not least with the current [Europe 2020 program](#) for sustainable and inclusive growth. In the process our sector has greatly benefited from being part of key policy networks. It will be a terrible loss if we can no longer participate.

*Allan Young, SCVO*



## Children's rights

Despite the fact that children were unable to vote in the referendum, the UK's exit from the European Union will have a significant and long-lasting impact on their rights. It is evident that young people voted overwhelmingly to remain within the EU - of the 70,000 young people consulted for the Scottish Youth Parliament's 'Lead the Way' manifesto only 11% wanted to leave.<sup>1</sup> As in the run up to the referendum itself, children and young people's views and experiences continue to be excluded from the Brexit negotiations.

It is therefore more important than ever to highlight the role that the EU plays in upholding children's human rights in Scotland, and evaluate the impact that leaving the EU will have. Children and young people currently benefit from a broad range of EU protections and support, including:

- Legislation that promotes and protects children's rights in a range of different areas;
- EU policies that further children's health and well-being; and
- EU funding programmes focused on children's issues.

At a legislative level, children's human rights are directly referenced in the founding principles of the EU, including within Article 3 of the Lisbon Treaty which promotes the 'protection of the rights of the child'.<sup>2</sup> This guarantees the protection of these rights by EU institutions, as well as EU countries when they implement EU law. At a constitutional level, the EU has taken a lead in providing legislative protection of children's rights far in advance of those offered in UK or Scots law. The Charter of Fundamental Rights of the European Union enshrined political, social, and economic

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<sup>1</sup> Scottish Youth Parliament (2016). *Lead the Way manifesto*. Available at: <http://www.syp.org.uk/manifesto>.

<sup>2</sup> European Union (2007). *Treaty of Lisbon*. Available at: <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A12007L%2FTXT>

rights for EU citizens and residents into law.<sup>3</sup> It also protects a number of children's rights which are not covered by the Council of Europe or the European Convention on Human Rights, such as the right to receive free compulsory education (Article 14(2)) and the prohibition of discrimination on the grounds of age (Article 21), a specific article for children which echoes – and enhances – the general principles of the UNCRC (Article 24). All these legislative protections have led to further rights-focussed legislation for children and young people, including the adoption of the directives on combating child sexual abuse, child sexual exploitation and child pornography, and on preventing and combating trafficking in human beings, including specific provisions to address the needs of child victims.<sup>4</sup>

EU policies also protect children on a myriad of issues including ensuring toys are safe and beaches are clean, safeguarding children from harmful media, protecting them from discrimination, assisting with family reunification and combating child trafficking. Recent EU initiatives have also benefitted children through their focus on internet safety, reducing child poverty, implementing child-friendly justice, and addressing childhood obesity. EU protections for parents in relation to maternity leave, parental leave and breastfeeding rights are of clear benefit to babies and young children, helping to ensure they get the best start in life.

In addition to the legislative and policy protections that the UK's membership to the EU provides, the EU offers invaluable funding which focuses on children and young people who are most at risk and living in the most deprived areas. For example, the 2007-2013 European Structural Fund programme supported over 800 projects for children and young people across the UK, including projects to improve employment and training opportunities for young people, with a particular focus on those furthest away from the job market.<sup>5</sup> It also funded projects to support children and young people with mental health problems, children affected by substance abuse problems and children involved in the juvenile justice system. The 'Fund for European Aid to the Most Deprived' provides breakfast clubs and programmes to tackle poverty and child nutrition, with nearly 4 million Euros pledged to the UK between 2014 to 2020.<sup>6</sup>

It is clear that the EU currently has an enormous impact on children and young people's rights. Given the extent to which EU law, policy and funding protects and supports children, and the way in which EU law has been incorporated into UK and Scots law, there is a risk of large gaps in protections for children and young people across legislation, policy and practical funding. Despite the Leave vote being decided over six months ago, it remains unclear as to what steps will be taken to address these gaps. This places the rights of children and young people that are

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<sup>3</sup> European Union (2012). *Charter of Fundamental Rights of the European Union*. Available at: <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A12012P%2FTXT>.

<sup>4</sup> European Union (2011). *DIRECTIVE 2011/92/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating the sexual abuse and sexual exploitation of children and child pornography*. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0093>.

<sup>5</sup> See <http://www.gov.scot/Topics/Business-Industry/support/17404>.

<sup>6</sup> See <http://ec.europa.eu/social/main.jsp?langId=en&catId=1089&newsId=2184&furtherNews=yes>

actively promoted by the EU at risk. The UK and Scottish Government must listen to the concerns of children and young people – and those who work with them – and provide clear, evidence-based proposals as to how children’s rights will be protected, whatever Scotland’s future relationship with the EU.

*Juliet Harris, Together (Scottish Alliance for Children’s Rights)*



## Disability rights

Even before the uncertainties of Brexit, the political environment for disabled people was already challenging. Patrick Butler, Social Policy Editor at The Guardian, has written that “what disability rights would look like outside the EU is necessarily speculative”. Depending on the outcome of negotiations, the UK/Scotland may be required – or simply choose – to abide by EU minimum standards on access requirements, for example. He goes on to say that “There are fears that a post-Brexit UK government would make ‘a bonfire’ of many hard-won disability rights – which are often characterised ‘red tape’”<sup>7</sup>. This article is not comprehensive but highlights some of the key issues.

The EU Charter of Fundamental Rights brings together in a single text all the personal, civic, political, economic and social rights that people enjoy within the EU. In particular, Article 21 of the Charter prohibits discrimination on various grounds, including disability, and Article 26 recognises the right of people with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community. However, the Charter would not apply to the UK post-Brexit and the EU Court of Justice would no longer have any jurisdiction over the UK. Other European policy frameworks such as the Social Chapter, the European Disability Strategy 2010-2020 and Employment Equality Framework have been key drivers for disabled people’s rights and will also no longer apply to the UK after Brexit.

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) was ratified by the UK in 2009 and is unaffected by the UK leaving the EU. However, a recent report has already described “grave and systematic violations” of disabled people’s rights<sup>8</sup>. Without EU wide legislation, and cooperation within the EU frameworks, there are fears that things could get even worse.

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<sup>7</sup> <https://www.theguardian.com/society/2016/jun/14/brexit-nhs-health-social-care-disabled-people-eu-referendum>

<sup>8</sup> <http://www.bbc.co.uk/news/uk-37899305>



Like all members of society, disabled people will be affected by the UK economy in a post-Brexit UK. If the mooted economic shocks of Brexit materialise, mental and physical health could suffer.<sup>9</sup>

The Equality Act may also be affected. The TUC notes that EU law helped to defend most of the rights in the Act when the Coalition Government floated the idea of scrapping it in 2010<sup>10</sup>. And the TUC goes on to speculate that Brexit could lead to lower compensation in discrimination cases and a more narrow interpretation of equality rights<sup>11</sup>.

The scale of funding at risk is huge, if funding is not replaced. For the 2014-2020 programming period, Scotland secured a total investment in European Structural Funds (ESF) of €941m across the European Regional Development Fund (ERDF) and European Social Fund (ESF)<sup>12</sup>, a good proportion of which has benefited disabled people. There is considerable concern, amongst charities and voluntary organisations, about the future of ESF and whether funding will be available for third sector organisations after Brexit.

There are various ways Brexit could also impact on health and social care including: the regulation of medicines and medical research; UK nationals' access to healthcare in EU/EAA Member States; reciprocal healthcare abroad; the status of EU nationals who work in health or social care; regulation of research and staff rights for instance; and the recognition of qualifications; as well as public health regulation and strategies.

Other examples of EU legislation that currently affects disabled people in the UK include a range of requirements for accessible transport and buildings and accessible communications. We may also "lose out" on future legislation. For instance, the EU institutions have been working on a draft directive to ensure that products and services are accessible to disabled people and this is unlikely to come into force until after the UK leaves the EU.

*Layla Theiner, Disability Agenda Scotland (DAS)*

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<sup>9</sup> <http://thenewmentalhealth.org/?p=251>

<sup>10</sup> <https://www.tuc.org.uk/international-issues/europe/eu-referendum/disability-rights-risks-brexit>

<sup>11</sup> <https://www.samh.org.uk/about-us/news-and-blogs/brexit-and-scotlands-mental-health>

<sup>12</sup> <http://www.gov.scot/Topics/Business-Industry/support/17404>



## Women's Rights

Equality policies are among the most developed areas of social policy in Europe, and much can be traced back to founding principles of the European Union (EU) and its Treaties and Directives.<sup>13</sup> Equal pay for equal work was one these founding principles in 1957 and it was, and continues to be, embedded in its Treaties. Over the last 50 years, EU laws have been underpinned by the principles of equality and non-discrimination, which have promoted and protected women's rights in several areas.

Among its many steps towards creating more gender-equal societies, the EU entrenched in law the rights of part-time workers and the rights of pregnant women. The EU provided part-time workers with the right to challenge unfair dismissal, the right to redundancy pay, the right to paid holiday leave, as well as equal pay and maternity rights. These rights were, and continue to be, essential for women in Scotland, who represent 76 percent of all part-time workers.<sup>14</sup>

For pregnant women, the EU set out the rights of women during and after pregnancy, providing for their health and safety in the workplace while pregnant as well as after giving birth. In particular, EU policy led to a number of legislative changes within the UK, including the right to paid leave from work to attend antenatal appointments. Among its other successes for women in the workplace, EU policy prohibited the dismissal of a pregnant woman or a woman who is on maternity leave. Due to these EU provisions, UK law was amended to provide that dismissal for any reason relating to pregnancy or maternity leave is unjustified.

Last year in Scotland, nearly 1,700 cases of rape were reported to the police<sup>15</sup>, and over 58,000 incidents of domestic abuse were recorded by authorities<sup>16</sup>. The EU has implemented measures to combat violence against women and girls, including tackling the sexual exploitation of children and sexual abuse. Its declaration that violence

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<sup>13</sup> Guerrina R, Murphy H. 2016. *Strategic Silences in the Brexit Debate: Gender, Marginality and Governance*. University Association for Contemporary European Studies (UACES) *Journal of Contemporary European Research*, 12 (4), pp. 872-880

<sup>14</sup> Close the Gap. 2015. *Statistic*. Available from: <https://www.closesthegap.org.uk/content/gap-statistics/>

<sup>15</sup> Rape Crisis Scotland. 2016. *Facts*. Available from: <http://www.rapecrisisscotland.org.uk/>

<sup>16</sup> Scottish Government. 2016. *Crime and Disorder*. Available from: <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/TrendDomesticAbuse>

against women and girls is 'one of the major human rights violations of today's world'<sup>17</sup> led to calls to improve women and girls' experience of the criminal justice system, to gender sensitivity training for criminal justice system actors, and to the development and funding of projects aimed at women and girls. In addition to this work, the EU has implemented measures to protect victims of domestic violence by establishing EU protection orders, which allow victims to enjoy protection when moving to another country within the EU.

Of recent significance was the accession of the Istanbul Convention by the European Union. The Convention addresses all forms of violence against women and aims to protect victims, prosecute perpetrators, as well as prevent violence through education and awareness campaigns. It was acceded to by the EU in late 2016, at which time the EU recognized that the Istanbul Convention would provide 'greater coherence and efficiency'<sup>18</sup> in EU treaties and directives. Moreover, the EU recognized that accession of the Istanbul Convention would lead to better data collection, thereby filling the gap in statistics surrounding the extent of violence against women and gender-based violence in Europe, and creating a knowledge-base to develop policies to better the lives of women and girls.

For 50 years, the EU has promoted gender equality and non-discrimination in policy and practice, and has consistently reaffirmed a commitment to promote and respect women's rights. By virtue of entrenching women's rights in its treaties and directives, the EU has embedded the rights of women in the laws of its member states. The absence of the EU legal framework, coupled by the unclear direction of the UK on its review of domestic legislation post-Brexit, puts the rights of women and girls in Scotland in a precarious position.

*Emma Trottier, Engender*

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<sup>17</sup> European Union. 2016. *European Union guidelines on violence against women and girls and combating all forms of discrimination against them*. Available from: <http://www.consilium.europa.eu/uedocs/cmsUpload/16173cor.en08.pdf>

<sup>18</sup> European Parliament. 2016. '*European Parliament resolution of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women*'. Available from: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0451+0+DOC+XML+V0//EN>



## Environmental rights

[Scottish Environment LINK](#) is a network of over 35 environmental charities working in Scotland for a more sustainable future. Members work on a variety of policy issues which affect our environment such as wildlife conservation and biodiversity, agriculture, fisheries and marine protection as well as planning and sustainable economic models.

The results of the EU referendum risk jeopardise a lot of our environmental legislation which has greatly contributed to the protection of our natural environment and resources. Environmental legislation is key to a sustainable future and tackling major challenges such as climate change, biodiversity loss, resource scarcity and pollution. Most of Scotland's and the UK's environmental legislation has been developed thanks to our country's EU membership. The EU has provided a level playing-field across its membership for environmental protection. This meant that environmental standards were safeguarded against perceived competition gains, and instead sustainable and low carbon investments were encouraged. As such, there is a risk that withdrawal from the EU will mean a rapid decrease in environmental standards and a race to the bottom. Legislation that encourages business and other operators to adopt sustainable methods of production or support provided to key industry segments such as farmers to pursue environmental objectives, may be compromised outside of the EU.

Scottish Environment LINK members believe that we all have a right to a clean environment; we depend on our environment for our health and wellbeing and our natural resources often are the cornerstones of our economy.

EU law has provided a number of protections for our environment as it specified that the EU will work for sustainable development, and a high level of protection and improvement of the quality of the environment<sup>19</sup>. In terms of the key principles underlying environmental policy, it underlined that it shall be based on the precautionary principle and that environmental damage should as a priority be rectified at source and that the polluter should pay<sup>20</sup>.

In addition to providing this overarching framework, the EU has led environmental policy delivering a wide number of benefits, from cleaner water and air to protecting unique habitats and mitigating our impact to climate change. In so doing, new sectors of the economy that focus on circular economy models and eco-innovation have

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<sup>19</sup> Provisions included in the EU Treaties, see here for full text of the Lisbon Treaty:

[http://ec.europa.eu/archives/lisbon\\_treaty/full\\_text/index\\_en.htm](http://ec.europa.eu/archives/lisbon_treaty/full_text/index_en.htm)

<sup>20</sup> *ibid*

flourished. By choosing to exit the EU, this progress would be put at risk. Even if EU legislation not already part of UK and Scottish law became incorporated in national law, there would be no legal recourse to the European Court of Justice to ensure their proper implementation<sup>21</sup>. In addition, the UK and Scotland would miss out on further legislative progress that is made at the EU level when it comes to transitioning to a sustainable future. Furthermore, important funding for innovative projects pursuing environmental objectives or eco-innovation would no longer be available to UK and Scottish stakeholders.

What is more, the EU has provided a legal framework that enables the implementation of important global commitments such as the UN Paris Agreement and its predecessors or the UNECE Aarhus Convention which provides citizens with important rights such as access to environmental information, public participation in environmental decision-making and access to justice. The EU has also been the vehicle for negotiating and applying a lot of other global agreements regulating the use, transport and disposal of chemical pollutants such as persistent organic pollutants or addressing important issues such as ozone depletion.

While the international commitments of the UK will continue to apply, an exit from the EU will mean that other processes for complying with international commitments will have to be developed at national level. This is likely to create further confusion and delay implementation of these commitments on top of the overriding need to assess other implications of the UK's exit from the EU. At a time when action is needed to ensure a sustainable future, focus will be diverted to disentangling legislation.

While the right to a clean environment is not protected per se in any legal Scottish, UK, EU or international text, it is implicit in the spirit of most legislation. The importance of environment is clear when it comes to realising the UN Sustainable Development Goals, to which both the Scottish and UK government have signed up to. What is more, it is important to highlight that in a [2017 report](#), the UNHRC Special Rapporteur on human rights and the environment emphasised the great dependency of the human rights to life, health, water and food on biodiversity underpinning healthy and sustainable ecosystems.

*Daphne Vlastari, Scottish Environment LINK*

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<sup>21</sup> A recent example illustrating the importance of ensuring the proper implementation of EU law is illustrated by the case of air pollution and the legal action that NGO Client Earth pursued to ensure the UK government took action to conform with EU legislation on air quality. Read more here: <http://www.clientearth.org/major-victory-health-uk-high-court-government-inaction-air-pollution/>



## Rights in Health and Social Care

As Scotland's third sector health and social care intermediary, the Health and Social Care Alliance Scotland's (the ALLIANCE) vision is for a Scotland where people of all ages who are disabled, living with long term conditions, or providing unpaid care, 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.

EU membership has played an important role in helping people who access support and services better understand and claim their rights. In the aftermath of the "Brexit" vote we surveyed our 1,800 members, comprised of people who are disabled, living with long term conditions or providing unpaid care; large, national support providers; and small, community-based, volunteer-led groups. Over two thirds of those who took part said they believe it will have a significantly negative effect on health and social care in Scotland. They expressed particular alarm over the potential impact on issues that directly relate to people's rights to health, independent living and social protection, employment rights and rights to justice and equality.

Our members expect there to be a long-term impact on the rights of people living in the UK. They note that the pre-referendum climate in the UK was already a cause for concern, with suggestions that the UK Government were already considering overturning human rights legislation. The referendum result has now given "increased latitude" to do so. Our members are also disturbed by growing stigma and discrimination towards vulnerable people since the vote.

*"I'm concerned about the withdrawal of human rights legislation, and increase in hate and stigmatisation of already vulnerable people."*

People from across the EU make a crucial contribution to the delivery of health and social care services throughout Scotland, and our members believe that Brexit will result in negative consequences for this sector of the workforce and volunteering. Concern has been expressed that there will be greater difficulties with future staffing levels and recruitment and the loss of much-needed staff and volunteers who can speak different languages. This could have serious consequences for the remaining workforce and negative impacts on employment conditions and rights, as well as the availability and quality of services, crucial aspects of the right to health. Our members are also concerned about a fundamental shift in culture and identity for those third sector organisations who have deep links with Europe.

*“Non-UK nationals have made an enormous contribution to the provision of health and social care as healthcare workers. My former partner and I could not have managed without the help of paid staff from Latvia, Estonia, Lithuania, Ukraine, Russia, Poland, Portugal and South Africa as well as Scotland and rest of UK. Not all EU citizens, but an illustration of lack of capacity in Scottish workforce to provide the care and support needed.”*

Some of our members have also noted that the referendum result could destabilise the third sector generally, as well as working relationships and activity across Europe.

*“Third sector is critical, yet funding always temporary and ever uncertain. Loss of EU funding opportunities can only place further strain on the sector.”*

Finally, our members have also expressed concern that Brexit will have a negative impact on medical research, in particular funding and shared findings in areas such as public and mental health, rare conditions, dementia and pandemics.

*“A lot of research for a variety of medical conditions is carried out in the EU and I think that we will no longer be privy to that research.”*

*Lucy Mulvagh, Health and Social Care Alliance Scotland (the ALLIANCE)*



## Young people's rights

YouthLink Scotland is the national agency for youth work. We are a membership organisation, representing over 100 regional and national youth organisations from both the voluntary and statutory sectors. We champion the role and value of youth work and represent the interests and aspirations of the sectors.

Young people are rights holders. They are citizens in their own right and are beneficiaries of fundamental human rights as well as special protections as outlined in the United Nations Convention on the Rights of the Child (*hereafter* UNCRC). Young people's rights are embedded in youth work policies and practice whilst youth work also plays a significant role in helping young people to realise their rights.

The UNCRC will continue to apply to children and young people in Scotland after the UK has left the EU. However, the UNCRC is strengthened by the EU Charter of Fundamental Rights which, upon exit of the EU, would no longer apply to the UK.

In the same way as adults, young people benefit from EU legislation relating to data protection, the environment, protection from discrimination, worker's rights and consumer protection, amongst others. The following discussion focuses on two aspects of Brexit that risk diminishing young people's rights; the negotiations leading up to Brexit and non-continuation of Erasmus+.

## Young people and Brexit negotiations

Far from assumptions that young people are not interested in politics, Scotland has seen a wealth of youth engagement activity since the inception of organisations like the Scottish Youth Parliament in 1999. 16 and 17 year olds in Scotland have had the right to vote in Scottish Parliament and local government elections since legislation was passed in 2015 as well as having the right to vote in the Independence Referendum. With lowering the voting age comes the responsibility of the state to "invest in measures that support adolescents to understand, recognize and fulfil their role as active citizens."<sup>22</sup>

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<sup>22</sup> Committee on the Rights of the Child, *General comment No. 20 (2016) on the implementation of the rights of the child during adolescence*, p. 8



The percentage of young people who voted in the EU Referendum was 64%.<sup>23</sup> Of that 71% voted to remain in the EU<sup>24</sup>. There is a risk that these young people will be disenfranchised by the result along with 16 and 17 year olds in Scotland who were unable to vote. Furthermore, the current generation of young people have been brought up as global citizens and interaction with the EU is normalised. Little work has been done by the Scottish or UK Governments to engage with young people about what a future outside of the EU may be like. It is crucial that efforts are made to provide ways in which young people can contribute to the negotiations and that their opinions are listened to, as per the UN Convention on the Rights of the Child article 12.

Article 17 of the UNCRC states that children and young people have the right to reliable information from the media. The Prince's Trust *Youth Index 2017* outlined concerns expressed by young people in relation to Brexit, highlighting 44% of young people don't know what to believe when reading/watching news about Brexit in the media.<sup>25</sup> A continued lack of transparency regarding Brexit negotiations and how young people can participate is a clear violation of this right.

### Erasmus+ and freedom of movement

Articles 28 and 29 of the UNCRC lay out young people's right to an education that develops their personality, talents and abilities to the full. Youth work is a key part of learning for young people, as well as realising their right to take part in leisure activities. The attainment gap arguably violates these rights for young people who live in areas of deprivation.

The Erasmus+ programme offers an opportunity for young people who do not progress to higher education to experience international mobility and cultural integration. 10% of the total Erasmus+ funding is ring-fenced for the Youth strand which involves youth work organisations. As well as international exchanges, the Youth strand of Erasmus+ also supports the European Voluntary Service (EVS) and structured dialogue with decision makers. The Structured Dialogue element of the programme is particularly relevant to realising article 12 of the UNCRC.

If the UK does not retain any inclusion in Erasmus+, young people's rights will be diminished, particularly young people experiencing socio-economic deprivation and/or further inequalities.

*Emily Beever, Youthlink Scotland*

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<sup>23</sup> <http://ourinsight.opinium.co.uk/survey-results/did-young-people-bother-vote-eu-referendum>

<sup>24</sup> Ibid.

<sup>25</sup> The Prince's Trust Macquarie, *Youth Index 2017*, <https://www.princes-trust.org.uk/about-the-trust/research-policies-reports/youth-index-2017>

## LGBTI Rights

The Equality Network is a national Scottish charity working for equality and human rights for lesbian, gay, bisexual, transgender and intersex (LGBTI) people. Our policy work is based on wide consultation with diverse LGBTI people across Scotland, who set our agenda and priorities. We have not yet consulted fully about people's concerns over the result of the EU referendum, or over the increasingly likely "hard" nature of the UK Government's approach to Brexit. But we do know, from informal discussion and earlier policy consultation, what are some of the risks that people fear.

There is concern about the future of our equality and human rights legal protections. Britain's gender reassignment and sexual orientation equality laws were originally introduced as requirements of EU law. But they are part of British legislation – the Equality Act 2010 – and are now in places stronger than the EU requires. Most of the Equality Act remains reserved to Westminster.

In our view, the Equality Act needs to be strengthened and improved to fully cover gender identity, sex characteristics, and intersectional discrimination. But there is a danger that the UK Government might weaken it, as part of a policy of "deregulation" and allegedly improving Britain's "competitiveness" to compensate for the potential trade disadvantages of Brexit.

The European Convention on Human Rights (ECHR) is not a treaty of the EU, but EU members must accede to it. Now the UK is leaving the EU, there is a serious risk that the UK Government will attempt to remove the UK from the Convention. The Council of Europe is doing good work to further trans and intersex rights, and we may no longer benefit from that here, or from a wide range of other rights.

The protections of the ECHR are built into the Scotland Act. This means that Scottish courts can strike down or amend Scottish legislation that is found to breach the Convention, and could also interdict the Scottish Government, or require them to take specific action, to prevent breaches. These constitutional protections could be lost if the UK leaves the ECHR.

Like many other equality communities, we know that LGB people, and even more, trans people, are more likely to live in poverty (we don't have data on this for intersex people at present). Trans people are more likely to be disabled, and LGBT people generally are more likely to have poorer mental health. In common with many others, many LGBTI people therefore have particular reason to fear the economic impact of Brexit, on jobs, wages and on public and voluntary sector services.

Significant numbers of LGBTI people, like others, have taken advantage of the freedom to move around the EU. Some are partners of, or married to, citizens of other EU countries, and many such couples have children. Cross-border recognition of same-sex relationships, LGBTI families, and trans gender identities is not great across the EU, but it is getting better. After Brexit, EU regulations requiring cross-border recognition will not apply to the UK, which may put such couples and families in a worse position.

Many LGBTI people are also worried about a potential increase in prejudice, and hate crime. Fortunately Scotland appears to have escaped the big rise in hate crime that was seen south of the border in the months after the Brexit vote. But people are concerned that the longer term effect of Brexit could be an increase in levels of prejudice against those thought of as different.

As an organisation, we work with partners around Europe, to share, support and learn from each other. We fully intend to carry on doing that, but whether it will work as well remains to be seen. Certainly, at the moment, it's possible that some of the European grant programmes that have supported that partnership work may no longer be accessible to us.

Last but not least, our staff, volunteers and members include citizens of different EU and non-EU countries, and we would be much the poorer without that diversity. We are seriously concerned about their legal position in the UK in future, and that Brexit is in effect a withdrawal of the welcome that they deserve.

*Tim Hopkins, Equality Network*



## Workers' rights

### People Power Post-Brexit

There much about the myths and realities of EU employment rights that can be learned from a critical analysis of the feel-good drama “Made in Dagenham”. But the analysis must be constructively critical.

EU enthusiasts claim that all equality rights stem from Europe. Not so. Race equality and Equal Pay laws owe their genesis to the popular social justice movements of the 1960s. Workers’ power advanced human rights at work before the UK ceded legislative competence and judicial supremacy to Europe. Made in Dagenham captures that important reality - people power can advance without the law, but the law doesn’t work without powerful people.

However, the film also captures a vital point of detail – Barbara Castle was happy to address “like work” and fairness in job evaluation, but she lacked the nerve to legislate against pay inequalities between gender segregated jobs. It was court action by the EU against the UK in 1982 that enabled workers to take equal pay claims beyond the narrow confines of women and men in similar jobs.<sup>26 27</sup>

Even then, it took a further, strike by the women at Ford Dagenham in 1986 to apply those new rights in the workplace, and finish what was actually a 20 year campaign for pay equality. The women of 1968 and 1986 addressed a UNISON-Close the Gap event on the anniversary of the strike and they were very clear - it was their organised workplace power over 20 years that won the day. Equal rights weren’t invented in Brussels and EU intervention, of itself, was not sufficient to bring equality.

So before social justice campaigners forecast the end of equality as a result of Brexit, let us have a critical analysis of what will actually be lost. Yes the rights are progressive and comprehensive and the risk of repeal is massive. (Thompsons Solicitors have published a helpful analysis of rights-at-risk from Brexit<sup>28</sup>) But the EU has always been long on rights and short on remedy. If EU law had actually stopped 60,000 illegal pregnancy dismissals every year then perhaps more women would have voted “Remain”.<sup>29</sup>

Precarious working, pregnancy dismissals, workplace deaths and pay discrimination all persist because EU rights invariably look better in a directive than they do in the

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<sup>26</sup> [European Commission v United Kingdom - Case 61/81.](#)

<sup>27</sup> [Equal Pay \(Amendment\) Regulations 1983](#)

<sup>28</sup> [Thompsons Solicitors: "The impact of Brexit on UK Employment Rights & Health and Safety"](#)

<sup>29</sup> [BBC News Report Maternity Action Evidence; May 2015](#)

reality of UK workplaces. Europe failed as a social justice project because it didn't convert paper rights into popular social change. We need to address that vacuum by re-building workplace justice based on fundamental rights AND people power.

With the UK marching towards deregulation, the Scottish Government has a key role to play. Much of the UK's observance of UN obligations relies on our existing compliance with EU law. Back slide on EU rights and we risk the wrath of the UN. Human rights are only partially devolved to Scotland but, importantly, where rights are devolved the obligation is absolute. The Scottish Government must not breach international human rights obligations. The same goes for the Parliament, and MSPs from all parties signed a pledge to that effect on the eve of the last election.<sup>30</sup>

Many key workplace rights are protected by the international rule of progressive realisation. That should mean no "back sliding" after Brexit. While the UK is looking at regressive repeal of EU rights the Scottish Government is simply not permitted to follow suit and MUST act to anchor EU rights by incorporating UN obligations into domestic law. To do otherwise would put the Scottish Government in breach of human rights obligations and the Scotland Act 1999.

The immediate employment effects of this would be limited by the current devolution settlement but with momentum building behind further devolution the time is right to give full effect to human rights in Scotland.

Which takes us to incorporation. Since 1999, successive Scottish Governments have had the power and the binding obligation to give full enforceable effect to human rights. As with the Barbara Castle and the Dagenham women, the absence of action on incorporation stems from nervous debility rather than intellectual error or accidental oversight.<sup>31</sup>

If we don't incorporate rights now the provisions of the UN and ECHR will remain paper rights - unknown and inaccessible to ordinary women and men. The UK is heading towards secession from the ECHR and the Gina Miller case suggests there will be no need for legislative consent to unhook Scotland from international human rights after the 2020 general election.

The only logical step is to incorporate international human rights in Scotland NOW in order to outlaw the regressive effect of Brexit deregulation. To do so will enable trade unions and NGOs to convert paper rights into people power. Holyrood won't block the loss of workplace rights on a legislative consent motion but people power will.

*Peter Hunter, UNISON*

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<sup>30</sup> [s.57\(2\) Scotland Act 1998](#)

<sup>31</sup> ["Rights Brought Home" UKG White Paper on the Human Rights Bill 1997](#)



## Refugee Rights

Leaving the European Union does not mean leaving behind our legal and moral responsibilities to people fleeing persecution and seeking protection. The UK remains a founding signatory to the 1951 UN Convention relating to the Status of Refugees, the cornerstone of the international regime protecting refugees. This treaty and the UK's obligations to it should not directly be affected.

Nevertheless, EU law has played a critical role in setting out minimum and common standards for the treatment of people seeking asylum across member states.

Since 1999, EU Member States have been taking steps to build a Common European Asylum System (CEAS). The CEAS has consisted of minimum and common standards on asylum seekers' entitlements and welfare (Reception Conditions Directive), on determining the threshold for qualifying for refugee or subsidiary protection (Qualifications Directive); and on regulating the asylum decision-making process (Procedures Directive). In addition, the European Union has also established the criteria and mechanisms for determining the Member State responsible for examining an asylum application made in an EU Member State (the Dublin Regulation).

The UK does not receive nearly as many asylum applications as other EU member states. Last year only 3% of all asylum claims in the EU (39,000) were made in the UK.<sup>32</sup> Nevertheless, political concern about asylum arrivals has led to reluctance by the UK Government towards participation in the CEAS. Following the Lisbon Treaty, the UK has a default opt-out position in relation to the CEAS, and can choose to opt into specific asylum instruments. Whilst the UK is bound by the original directives of the CEAS which have been transposed into UK asylum law and guidance, it has not adopted revisions to these directives, now in their third iteration. Nor indeed to implement recent responsibility sharing measures developed in response to the humanitarian crisis facing large numbers of refugees arriving in Europe, such as relocating an equitable number of refugees arriving in Italy and Greece across EU member states.<sup>33</sup> Instead the UK has created two programmes to resettle Syrian

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<sup>32</sup> <https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2016/summary>

<sup>33</sup> Council Decision (EU) 2015/1523 OJ 15.9. 2015 L239/146

refugees from Lebanon and from other countries in the region and children at risk from around the world to the UK, but not from European countries. The areas where the UK has engaged with the CEAS have been those in relation to measures that push back asylum seekers from the UK to other EU member states. (Dublin and Eurodac).

The concern following Brexit is that those specific rights set out in the CEAS will not be protected, such as the rights set out in the Procedures Directive to information in one's own language, the right to an interpreter and basic living standards. Moreover, the UK will no longer have an influence on setting EU-wide standards and the oversight and interpretive role on EU asylum law provided by the Court of Justice of the European Union, will be gone. If the UK Government continues to wish to send back asylum seekers to have their claims dealt with in other European countries, it will have to negotiate its continuing participation in the Dublin Regulation.

It may appear that as asylum is a reserved matter there is little that devolved institutions can do to uphold the rights that may potentially be lost as the UK exits the EU. Nevertheless, Scotland has taken different approaches to the treatment of people seeking asylum within its devolved powers, such as in relation to health, education and legal aid provision. Some of these cut across the standards within the Common European Asylum System. The Scottish Government's *New Scots Refugee Integration Strategy*<sup>34</sup> has provided a good framework for progressing Scotland's policy of integrating refugees from arrival.

As the Scottish Government looks again at this strategy, Scottish Refugee Council has called for a Refugee Integration (Scotland) Bill<sup>35</sup> that would clearly set out refugees' rights to access and enjoy the full benefit of Scottish public services, enshrine national standards for integration and European asylum *acquis* as it relates to devolved areas. Yet, ultimately it will be the decisions of the UK Government that will decide the key rights of refugees established in European asylum *acquis*. The tone and content of recent UK legislation towards asylum and people seeking protection indicates worryingly that the direction of travel will be regressive.

*Gary Christie, Scottish Refugee Council*

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<sup>34</sup> <http://www.gov.scot/Publications/2013/12/4581/downloads>

<sup>35</sup> [http://www.scottishrefugeecouncil.org.uk/assets/0001/0736/Scottish\\_Refugee\\_Council\\_Manifesto\\_-\\_Scottish\\_Parliament\\_Elections\\_2016.pdf](http://www.scottishrefugeecouncil.org.uk/assets/0001/0736/Scottish_Refugee_Council_Manifesto_-_Scottish_Parliament_Elections_2016.pdf)

## About the Human Rights Consortium Scotland

The Human Rights Consortium Scotland (HRCS) is a network of civil society organisations and individual supporters who work together to protect and promote a human rights based society in Scotland. The HRCS membership includes charities, voluntary organisations, faith groups, academic networks and professional associations. HRCS Individual Supporters come from all walks of life.

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### Amnesty International

Amnesty International is a global movement, with more than 600,000 supporters, activists and members in the United Kingdom. Collectively, our vision is of a world in which every person enjoys all the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. Our mission is to undertake research and action focused on preventing and ending grave abuses of these rights.

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### Disability Agenda Scotland (DAS)

Founded in 1998, DAS is an alliance of Scotland's leading disability organisations. Together our experience, expertise and interests cover physical disability, sensory impairment, learning disability, communication support needs and mental health. The members of DAS are: Action on Hearing Loss Scotland, Capability Scotland, ENABLE Scotland, RNIB Scotland, SAMH (Scottish Association for Mental Health) and Sense Scotland.

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## **Engender**

Engender is Scotland's feminist membership organisation. We have a vision for a Scotland in which women and men have equal opportunities in life, equal access to resources and power, and are equally safe and secure from harm.

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## **Equality Network**

The Equality Network is a national charity working for lesbian, gay, bisexual, transgender and intersex (LGBTI) equality and human rights in Scotland. Our work is founded on engagement with and empowerment of diverse LGBTI people across Scotland. It is based on evidence and expertise, and involves working in partnership with many others.

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## **Health and Social Care Alliance Scotland (the ALLIANCE)**

The ALLIANCE is the national third sector intermediary for a range of health and social care organisations. It brings together over 1,900 members, including a large network of national and local third sector organisations, associates in the statutory and private sectors and individuals.

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## **Scottish Council for Voluntary Organisations (SCVO)**

SCVO is the membership organisation for Scotland's charities, voluntary organisations and social enterprises. SCVO works in partnership with the voluntary sector to advance our shared values and interests. We have over 1800 members who range from individuals and grassroots groups, to Scotland-wide organisations and intermediary bodies.

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## **Scottish Environment LINK**

Scottish Environment LINK is the forum for Scotland's voluntary environment organisations, with over 35 member bodies representing a range of environmental interests with the common goal of contributing to a more environmentally sustainable society.

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## **Scottish Refugee Council**

Scottish Refugee Council is an independent charity dedicated to providing advice and information to people who have fled persecution around the world. We have been campaigning for refugee rights in Scotland and supporting refugees for over 30 years.

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## **Together (Scottish Alliance for Children's Rights)**

Together is an alliance of over 340 non-governmental organisations and interested professionals that works to ensure children in Scotland enjoy their rights according to the UN Convention on the Rights of the Child (UNCRC) and other human rights conventions. We do this by raising awareness and understanding of the UNCRC and supporting our members and government to integrate a children's rights approach into their work. We also monitor and report on the progress made at a Scottish and UK level.

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## **Youthlink Scotland**

Youthlink Scotland is the national agency for youth work. It is a membership organisation and is in the unique position of representing the interests and aspirations of the whole of the sector both voluntary and statutory. YouthLink Scotland champions the role and value of the youth work sector, challenging government at national and local levels to invest in the development of the sector.

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## UNISON

UNISON is Britain's and Europe's biggest public sector union with more than 1.3 million members – around 150,000 of those in Scotland.

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