

Minister for Social Care, Mental Wellbeing and Sport submission of 29 January 2024

PE1999/F: Fully implement the UN Convention on the Rights of Persons with Disabilities

Thank you for your letter dated 21 December 2023 seeking an updated view on the contents of Mr Watson's petition which calls on the Scottish Parliament to urge the Scottish Government to ensure the UN Convention on the Rights of Persons with Disabilities (UNCPRD) is fully implemented in Scotland.

Mental Health and Capacity Reform Programme

In June 2023, the Scottish Government published our response to the Scottish Mental Health Law Review (SMHLR), which set out initial views on the proposals. The final report set out significant recommendations for change to the scope and purpose of the law. The report also made recommendations for how rights can be better protected in practice and how we can strengthen scrutiny and regulations of mental health services to ensure compliance with human rights standards.

After careful consideration of the recommendations, we agreed that more can be done to enhance and protect the human rights of people with mental illness and adults who lack capacity.

In the June response we also committed to establishing a new Mental Health and Capacity Reform Programme. This long-term programme of reform will look at how we can ensure that our mental health and capacity legislation better reflects international human rights and standards. Alongside efforts to strengthen the law, the programme will prioritise action to support decision-making and improve the way that human rights are put into practice across mental health services. It will aim to bring changes that give people greater control over their own lives, care and treatment.

Our proposed vision for change, which will direct our work under the Programme, is that our mental health system upholds human rights and enables people to live well, with choice and control over their own lives as well as any care, treatment, or wider assistance that might need.

The aim of the proposed Programme already aligns with many other Scottish Government commitments and cross-cutting policy developments. These will help us to achieve the aims of the review more broadly by working to ensure a co-ordinated approach to implementation.

Adults with Incapacity Law Reform

Following the recommendations of the SMHLR, and building on engagement with stakeholders over the last few years, we are prioritising work to consider possible reform to the Adults with Incapacity (Scotland) Act 2000. This may involve a public consultation in due course.

The process for engaging with any Scottish Government consultation is most commonly online through the Scottish Government consultation hub. Further guidance can be found on the Scottish Government's website - [Consultations in the Scottish Government: guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations/guidance/).

Human Rights Bill

The Scottish Government will introduce the Human Rights Bill in the Scottish Parliament this year. The development and introduction of the Bill is just one staging post in our journey towards making Scotland a progressive leader in the promotion and protection of human rights.

If passed by the Scottish Parliament, it will give domestic effect to a range of internationally recognised human rights, within the limits of devolved competence, including the UN Convention on the Rights of Persons with Disabilities (UNCPRD).

Through incorporation of UNCPRD we will raise awareness of disability rights by making them more visible, and support cultural change to secure real transformational change for disabled people across Scotland. Our ambition is to create a clear, accessible and workable framework that works effectively within the limits of devolved competence.

In developing this legislation, we are mindful of Scotland's unique constitutional context and how the Bill will interact with other pieces of legislation in practice, such as but not only including, mental health law.

MAREE TODD MSP