

# HUMAN RIGHTS OF PEOPLE WITH LEARNING DISABILITIES IN UNITED KINGDOM (SCOTLAND)



Presented by the Scottish Commission for People with  
Learning Disabilities

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# Issue 1: Learning Disability in Scottish Mental Health Legislation

## Implementation of Previous Recommendations

- Côte d'Ivoire recommended the UK "*Strengthen measures to foster access of vulnerable populations to public services and social and health services*" (2017).

## New developments

- In 2019 the Independent Review of Learning Disability and Autism in the Mental Health Act recommended that learning disability and autism are removed from the definition of '*mental disorder*'.
- Recommended learning disability and autism be defined in a new human rights law for people with learning disabilities, autism and neurodevelopmental differences.
- The ongoing Scottish Mental Health Law Review has so far not endorsed the 2019 recommendation and has highlighted making minor changes to the language of '*mental disorder*'.
- This fails to meet the standards in Article 19 of the UNCRPD.

## New needs

- A need to commit to the recommendations of the Independent Review of Learning Disability and Autism in the Mental Health Act and to develop human rights legislation for this population.

# Issue 1: Recommendations

- 1) Devolved Nations (Scotland) to amend The Mental Health (Care and Treatment) (Scotland) Act (2003) to remove learning disability from the term '*mental disorder*'.
- 2) Devolved Nations (Scotland) to develop a UNCRPD compliant national supported decision framework.

# Issue 2: Torture, Cruel, Inhuman, Degrading Treatment or Punishment

## Implementation of previous recommendation

- Recommendations were made by Croatia, Liechtenstein and Sweden (2017) on corporal punishment and restrictive and harmful practices against children.
- No progress in this area for adults with learning disabilities.

## New developments

- Of 705 people out-of-area in Scotland: **21% were subject to physical restraint.**
- Of the 67 people experiencing delayed discharge: **37% were subject to physical restraint.**
- Antipsychotic medications and their use in managing behaviour deemed '*challenging*'.

## New needs

- A need for legislative guidance and monitoring regarding restraint and seclusion in all relevant settings (Schools, Hospitals and Care Settings etc).

## Issue 2: Recommendations

3) UK Government, including devolved nations, to embed national human rights-based legislative standards, guidance, and monitoring of restrictive practices across all settings.

4) Devolved nations (Scotland) to establish a body to promote the rights of people with learning disabilities including monitoring restrictive practices in all relevant settings.

# Issue 3: Equality and Non –Discrimination

## Implementation of previous recommendations

In previous cycles (2012 and 2017) recommendations related to equality and non-discrimination of people with learning disabilities were made on Gender Based Violence (Slovenia and Bosnia Herzegovina) and Hate Crime (United States).

## New developments

Gender Based Violence: No development of national data set on gender-based violence and learning disability.

Hate Crime: Between 2018 and 2019, 59% of disability-aggravated hate crimes in Scotland, where the perpetrator showed prejudice towards those with a learning disability (130 incidences).

## New needs

Robust data collection and publication across the life course of people with learning disabilities in line with the Article 31 of the UNCRPD.

Awareness raising campaigns on the lives and needs of people with learning disabilities, including guidance for media outlets reporting on people with learning disabilities.

## Issue 3: Recommendations

- 5) UK including devolved nations (Scotland) to implement improved approaches to data collection and publication in line with Article 31 of the UNCRC. This to include disability disaggregated data on rates of reported Gender-Based Violence.
- 6) UK Government and devolved nations (Scotland) to develop national guidance for media on reporting on learning disability.

# Thank you

I am happy to set up further meetings and can be reached by email on [Oonagh.b@sclld.co.uk](mailto:Oonagh.b@sclld.co.uk)

