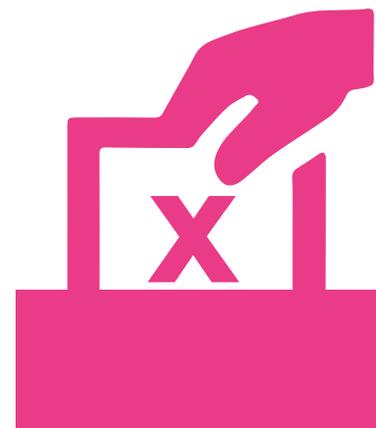


# SCOTTISH PARLIAMENT ELECTION 2016

## Campaign briefing for activists

This campaign briefing provides more in-depth information on Amnesty's Scottish Parliament Election campaign. We want to encourage people to celebrate human rights and counteract the toxic language in parts of the media. This negative coverage has warped many people's perceptions of human rights, and is something we must redress.

During the campaign you may get into in-depth conversations with your local candidates. This briefing gives you the background on what we are asking candidates to do and why. If you have any further questions, get in touch with the Amnesty Scotland office.



# SAVE THE HUMAN RIGHTS ACT

The Human Rights Act (HRA) hugely benefits ordinary people in Scotland – and across the UK – but is widely misunderstood, often misrepresented and rarely championed. The Scottish Parliament has a crucial role to play in saving the HRA – both in Scotland and throughout the UK.

The UK government wants to repeal the HRA and replace it with a so-called ‘British Bill of Rights’. It is unclear how they plan to do this or what exactly they want to replace it with. Amnesty and many others believe that replacing the HRA will mean lower human rights standards than at present. We campaign for positive human rights change in the UK and across the world. The HRA is an excellent example of national human rights protection and helps thousands of people each year. We must stand up to protect it.

## Key points

- The current Scottish Government and First Minister Nicola Sturgeon have made their commitment to the HRA clear. There is also cross-party support within the Scottish parliament for the act, but this alone may not be enough to protect it.
- The First Minister has said that the repeal of the HRA would require consent from the Scottish Parliament and that the Scottish Government would recommend that consent is not given, potentially blocking the repeal.
- The UK government may propose a compromise deal that would repeal the Act on ‘reserved’ issues (those on which only the UK parliament can make laws) but not devolved ones. This would be unacceptable. It would result in a two-tiered system of rights in the UK, and could give fewer rights to those in Scotland affected by reserved matters such as immigration, defence and aspects of social security.
- A British Bill of Rights could theoretically be forced on Scotland, although this would be politically and legally disastrous.
- Once we have the proposals from the UK government, Amnesty will be able to say with more certainty whether the Scottish Parliament can block any legislation that reduces our human rights standards.

## CASE STUDIES

In Scotland, the Human Rights Act has had a hugely positive effect, ensuring that our police, courts, local authorities, health service, and other public bodies adhere to international rights standards. A British Bill of Rights could weaken the rights of everyone, giving us less protection against local authorities and other powerful decision makers. Here are just a few examples of how the Act has helped ordinary people protect their rights – there are more case studies in our *Human Rights Act Pocket Guide*.

### Fair treatment

Thanks to the Act, anyone suspected of a crime now has the right to have a lawyer present while being interviewed by the police. In the workplace, it has allowed people to challenge unfair disciplinary procedures.

### Freedom to leave a care home

An elderly man in Glasgow successfully used the Act to challenge his confinement in a care home. All he wanted was to be free to go to the pub once in a while but was being prevented from leaving by the care home staff.

### Right to see grandchildren

Grandparents in Scotland have successfully used the Act to challenge the decision to deny them access to their grandchildren placed in local authority care.

### Protecting vulnerable people

In the west of Scotland, a vulnerable woman moved into social housing after suffering a domestic assault was handed an eviction notice after just six months. She successfully used the Act to challenge the decision.



**Despite the Scottish Government's support for the Human Rights Act, it is still at risk. We need to get people in Scotland to say: Scotland supports the Human Rights Act.**

# REFUGEES WELCOME

We need to build on the positive response to the refugee crisis in Scotland by welcoming refugees to the country and helping to address the refugee crisis in Europe and globally.

## Key points

- Scotland's response to the refugee crisis has been heartening. Thousands of people have donated food, water and clothing, and volunteers across the country have collected and transported tons of donations to refugee camps across Europe. We need to harness this goodwill while refugees are being settled in Scotland and given that much more needs to be done at a European and global level.
- Prompted by the shocking images of Aylan Kurdi, the little boy whose body was washed up on a tourist beach, and 1.4 million people in the UK signing petitions and sending emails calling for action, David Cameron said the UK would resettle up to 20,000 Syrian refugees over five years. By comparison Germany took in hundreds of thousands of refugees in 2015, and there are currently nearly four million Syrian refugees in Lebanon, Jordan and Turkey.
- We are facing the biggest refugee crisis since the Second World War, but the response from many countries has been uncoordinated and inadequate. We can only start to address this issue by sharing responsibility equally amongst all states.
- We have been calling on the Prime Minister to:
  - Show leadership by committing the UK to provide sanctuary to our fair share of the refugees arriving in Europe;
  - Increase the number of places – by many thousands – on the UK's resettlement programmes available to refugees around the world;
  - Do more to help refugees travel safely and legally to join family members already in the UK so that they are not forced to resort to dangerous journeys.

## MORE INFORMATION

Over the last two years, Amnesty's campaigning has intensified in response to the growing global refugee crisis. We have campaigned for the UK government to play a greater role and one coordinated with governments across Europe, in response to this crisis.

The refugee situation in Europe pales in comparison with that in poorer parts of the world. But the issue has become much more visible and horrifying as thousands of people fleeing persecution and conflict have been forced to take perilous journeys. Many thousands have lost their lives in the Mediterranean and Aegean seas or been left in despair and squalor in Europe. Many – especially women and girls – continue to experience violence and exploitation rather than the safety they are entitled to.

Amnesty's latest online action encourages people to email their MPs, calling on them to urge the Prime Minister to amend the immigration rules to help more refugees to reunite with family members in the UK. Please highlight this issue during the Scottish Parliament Election campaign.

There are huge benefits to reunifying families, both on a personal level and for their host countries, but the current rules limit the definition of who counts as 'family' to partners and children. We will build on this work by launching a new global campaign in September. It will be a priority for Amnesty in Scotland, the UK and globally.

Scotland can help by being a positive voice in the debate, emphasising that people are risking their lives because what they are fleeing is even worse – repression, bombings and countless human rights abuses.

We cannot build higher fences, close our eyes or hope it will just go away. We need leadership and a commitment to play our part in supporting the refugees in Europe.



# HUMAN RIGHTS AT THE HEART OF SCOTLAND'S INTERNATIONAL RELATIONS

Scotland plays an ever-increasing role on the world stage through diplomacy, trade, academia, culture and the arts. We have to ensure human rights are at the heart of Scotland's international relations.

## Key points

- The Scottish Government's engagement on the international stage is an opportunity for the country to play a positive role in international affairs.
- Scotland has an international responsibility to ensure that its international relations and activities do not contravene international human rights standards. This is the least we should ask for – Scotland can go far beyond this and be a beacon for human rights in the world.
- Scotland has a strong human rights framework, and the country's culture has been fundamentally influenced by long-standing commitments to justice, fair trials, and freedom of expression, thought, conscience and religion. This should be reflected in its international voice.
- Individual Scottish Government departments have engaged with various countries on human rights issues. However, this should be turned into a government-wide strategy covering all international links.

Jimmy Carter, the 39th US president, talked about an 'ethical foreign policy' and described human rights as the 'soul of foreign policy'. These, however, have become much-maligned phrases, associated with hypocrisy and broken promises. We want to explore what a human rights-based approach to international relations would actually look like and how it could be enacted by the Scottish Government.

Amnesty must ensure that there is significant support for this idea in principle before we start working with others to develop it further. Without support and energy, the idea will fade away and trade and investment, rather than human rights, will remain the priorities.

We believe we can mobilise huge support for this in Scotland and that it could become an initiative and template to be taken on by our activists across the UK and even internationally. Scotland could become a leader in championing human rights globally, but politicians must feel there is strong public pressure for this.



## SCOTLAND STANDS FOR HUMAN RIGHTS

This campaign is positive, exciting and forward-looking. We want to be ambitious about Scotland's human rights future and inspire others to join us and to shape it. We believe there will be candidates across the main parties who will sign up to this campaign and demonstrate that human rights are truly supported across the political spectrum.

Let's show this support by getting pictures of as many candidates from as many parties as possible and truly demonstrate that Scotland stands for human rights.