



Quakers in Scotland submission

About Quakers in Scotland

Quakers are a faith group committed to working for peace, integrity, equality, truth, and simplicity and sustainability. Quakers promote these values across Scotland through practical action and advocacy.

Quakers' have a long history of standing up for human rights, from challenging slavery, to conscientious objection, and more recently equal marriage. On the 15th of January 2021 15 representatives from area meetings across Scotland met to discuss the proposal for a new Human Rights law for Scotland. This submission is based upon that conversation, our historic engagement in the field of human rights, and the longstanding and deeply held belief that there is "that of God in everyone".

1. What difference do you think it would make to have these rights written into Scotland's laws?

We recognise that incorporating these rights into Scotland's laws would make a significant statement about the type of country Scotland is and aspires to be. Such a step also has the potential to shape the legislative process, constraining or directing the laws that government makes and the way in which those laws are interpreted. Additionally, and more importantly, such rights, as seen in instances such as marriage equality, have the potential to make a tangible positive difference to the lives of individuals within Scotland.

However, the potential for these rights to make such a difference is largely dependent on how they are implemented. While civil and political rights are absolute, it is our understanding that social, cultural and economic rights are to be guaranteed "as far as is possible". Much depends, therefore, on the level to which they can be implemented. Where resources are unduly constrained there is a real risk that providers will at best fulfil the letter of the law but not its spirit, or at worst people will have their rights withheld.

From experience we know that the law does not protect everyone equally and that, in recent years, resourcing factors such as austerity and cuts to legal aid have had a significant bearing on the ability of individuals to realise their rights. Simply conferring rights is not enough. If the concept of rights is to be maintained and developed then these proposals must provide appropriate levels of resource and outline the relevant roles and relationships that will ensure their delivery.

Moreover, while human rights, appropriately resourced, can provide an important base below which society must not drop, they do not guarantee a quality of relationships within the community, that we would hope to see. Indeed, there is a risk that, at its most reductive form, a rights-based approach could contractualise and atomise human relationships rather than building a sense of community and fostering a love for one another. While such concerns are perhaps beyond the scope of the legislative process, the incorporation of these rights into Scotland's laws could be the intentional starting point for these wider considerations.



2. Are there any people or communities whose rights seem particularly at risk?

We would encourage the legislation to be as far reaching as possible, so that it is not simply concerned with citizens rights but with human rights. While we recognise there are practical and political considerations here, we believe there are important precedents, such as the recent decision to extend the right to vote in Scottish government and local authority elections to refugees and asylum seekers.

More particularly we see the proposed incorporation of social, economic, and cultural rights making the most significant difference to communities who have the least social, economic and cultural power within our society. These communities include, people in poverty, refugees, migrants, black and minority ethnic communities, people serving time in prison, and children among others. It is our hope that the incorporation of these rights might provide part of the framework whereby the inequalities within our society can be addressed.

It is also worth acknowledging the potential held within the proposals to recognise the rights of the natural world. As Quakers our understanding is that humans “do not own the world and its riches are not ours to dispose at will” (Advices & Queries 42). Traditional communities across the world have long recognised that humans are but one part of the natural world, that in turn has rights which we have a responsibility to protect. One current example of this is the decision by the New Zealand government in 2017 to grant legal personhood to the Whanganui River, with associated rights. Such a reframing is vital in shaping how we understand and therefore interact with the natural world around us, moving us away from a purely extractive relationship.

3. What does government need to do to make sure this new human rights law makes a real difference to people’s lives?

As mentioned in our answer to question 1 there needs to be sufficient resource for these rights to be realised and the relevant roles and relationships that will ensure their delivery need to be defined.

A change in the law also needs to be accompanied by an education and information campaign to raise the awareness of communities about their rights and responsibilities towards one another, and how these can be accessed, while practical aspects such as giving greater resource and powers to citizens advice bureaux to enable people to pursue their rights should be considered.

We want to reiterate that while we are very supportive of incorporating the rights into law, it can only be a foundational step, and government and statutory bodies will have to work alongside local communities, faith bodies and the third sector more broadly if we are to realise the spirit, and not just the letter of those rights.



4. Everyone will be able to use this new law to claim their human rights. What kind of practical information, support or resources do you think people in your community will need to do this?

A mismatch between the rhetoric of rights and the reality of provision is likely to lead to a loss in trust. To ensure that this does not happen, not only must there be sufficient resource, but the government and statutory bodies must work with organisations and bodies which communities trust. Indeed, if we as a society wish to uphold these rights then we each have a role to play, and a responsibility for making sure they are realised. We recognise that this is not a project that can be delivered by government and statutory bodies alone, although they are significant, but requires a collective responsibility across our society.

Accessing information and support regarding rights must be as simple as possible and within easy geographical reach. Rather than creating new support mechanisms we would do well to utilise existing mechanisms, albeit with additional resource, that people know and which people feel comfortable using. As mentioned previously citizens advice bureaux may be one potential mechanism, but there will be others. In addition, some communities will not be able to seek out support and guidance for themselves and will therefore require active advocates and champions.

Lastly, we recognise that not all communities are geographical and there is a need to work with particular communities of identity and interest, to make sure they are able to access their rights.

5. What is your final message to the National Taskforce and the Scottish Government?

We would ask the National Taskforce and the Scottish Government to take seriously, and be brave in thinking about, the implications of a new human rights law for Scotland. The ambition suggested in this consultation is sincerely welcomed. The right to housing, to a healthy environment, to food, to good physical and mental health etc. are highly significant but costly, and if they are to be meaningful, they must be meaningfully resourced.

In addition we recognise that to realise the benefits promised by these rights will require much more than legislation. Consideration about how as a society we can foster and support the relationships that will meet the spirit, and not just the letter, of these rights must happen in parallel with the legislative process.