



CLD Standards Council Scotland

Response
to
Scottish Government Consultation

Human Rights Bill Scotland

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About Us

The CLD Standards Council Scotland is the professional body for people who work or volunteer in community learning and development (CLD) across Scotland. As member led organisation we have a growing membership of over 2950 members, an executive committee and 3 functional committees which are made up of members from across the sector in Scotland. Our approach and work plans to deliver our core responsibilities are defined by our member committees and based on feedback from the wider membership.

Our core responsibilities are:

- Deliver a professional approvals structure for qualifications, courses and development opportunities for everyone involved in CLD
- Maintain a registration system available to practitioners delivering and active in CLD practice
- Develop and establish a model of supported induction, professional learning and training opportunities

Vision

“Our vision is that the communities and people of Scotland are served by CLD practitioners that are recognised as competent, confident and committed to equality, empowerment and life-wide learning for all.”

Mission

“Our mission is to drive high standards of professional practice in the CLD sector by the approval of professional learning, the registration of practitioners and the enabling of professional development, working with our members to be a voice for the profession.”

For further information on the CLD Standards Council please visit our [website](#) and view our social media [cldstandards](#) | [Twitter](#), [Facebook](#) | [Linktree](#). If you would like to discuss this response further please email us on contact@cldstandardscouncil.org.uk

Introduction

CLD is a field of professional practice that is critical in the achievement of any policy or legislation that requires community engagement, development and learning as it supports the learning, growth and empowerment of individuals and communities, as well as supporting the delivery of other services. CLD practice includes examples such as improving opportunities for learning and development in rural areas, supporting learners of all ages to develop confidence, autonomy and skills, literacy and numeracy support through to community art projects, citizen assemblies, community participatory budgeting initiatives and supporting capacity building of community developments such as foodbanks and credit unions.

CLD enables people across Scotland to identify their own individual and collective goals, to take action to bring about change and through this to achieve these goals. Using a range of formal and informal methods of learning and social development, CLD programmes and activities are developed in dialogue with communities and participants, working particularly with those excluded from participation in the decisions and processes that shape their lives. Through working in these ways, CLD practice extends the reach of democracy and widens its scope.

CLD offers the learning and development opportunities to ensure communities are inclusive, empowered, resilient and safe, to tackling poverty by sharing opportunities, wealth and power more equally, working collaboratively to make all of Scotland's National Outcomes a reality however it is not recognised or acknowledged for its critical role across Scotland and this we would like to see changed.

This response was compiled following consultation with members of the CLD Standards Council, partner organisations, staff team and stakeholders. We facilitated an online consultation events for members with the Human Rights consortium Scotland, attended online discussions hosted by partners, and has dialogues with individual members and the CLD Standards Council staff team. We have not offered answers for all forty four questions as set out in the Scottish Governments consultation, but have responded to those questions we felt relevant to the CLD sector.

Assumptions:

It is important to recognise that this CLD Standards Council response provides an insight into the views and experiences based on the those mentioned above. Data gathered provided a valuable insight into the experiences based on the views of the member participants and partner organisations. This response is not representative of the entire CLD sector across Scotland or the full CLD Standards Council membership.

Response from the CLD Standards Council to Scottish Governments consultation on proposed Human Rights Bill Scotland

Q 1: What are your views on our proposal to allow for dignity to be considered by courts in interpreting the rights in the Bill?

We support this proposal and feel that dignity should be at the core of this entire Bill, the procedures around it, and the minimum core obligations that will supplement it. We strongly affirm the universality of human rights and feel that dignity should be significant to all across Scotland, including individuals who are not currently recognised as citizens, awaiting immigration paperwork, within the judicial systems and our prisons. It is right that public bodies and duty bearers consider and ensure that not just their procedures are correct but to ensure each person's dignity has been respected. Therefore has each individual they engage with had their human rights respected and recognised?. We hope this Bill will clearly define dignity and human rights, ensuring the safeguard of an individual's dignity, and support a change in legislation and policy making to where it is informed and designed from the engagement and voices of all concerned.

Q 2: What are your views on our proposal to allow for dignity to be a key threshold for defining the content of Minimum Core Obligations (MCOs)?

It is important that dignity is a key threshold for defining the MCOs content but we ask for a clear definition to assist in clarity of understanding. We do believe that it is essential that it is clearly seen at the centre of all planning, design and implementation of this Bill, and the MCOs. It is imperative that the MCOs are communicated to be the bare minimum expected and not the benchmark of achievement or goals for duty bearers to settle at.

Dignity is fundamental to the [competences](#), [values](#) and [ethics](#) of the CLD profession and practice. The values and principles of CLD are central in ensuring both the social justice outcomes of CLD and the skills needed and the processes chosen. These are:

- Self-determination
- Inclusion
- Empowerment
- Working collaboratively
- Promotion of learning as a lifelong activity

The CLD workforce relies on a significant number of volunteers, with a CLD workforce survey in 2018 ([Working With Scotland's Communities 2018](#)) suggesting that there were over 254,600 volunteers undertaking CLD work. Dignity being a key factor in all MCOs will lend support to the benefits of activities such as volunteering that advocate dignity, therefore raising the profile of CLD and volunteers, as well as assisting with prioritisation of funding and further investment required as outlined in Scottish Governments [Volunteering Action Plan](#). Volunteer Scotland's [Volunteer Charter](#) should also be recognised as supporting the foundations of a good volunteering experience and can offer MCOs insight into the standards volunteers should expect.

CLD supports the most vulnerable individuals and communities to learn, grow and develop through a range of engagement activities, this also includes assisting those far from the workplace to access volunteering as a way to increase self-esteem, diminish social isolation and raise self-worth whilst learning new skills to take with them into the workplace when ready. Volunteering within communities supports Scotland's [national performance framework and outcomes](#). A recent review

of community development during the pandemic was carried out by HM Inspectors ([Responsive, supportive and resilient communities](#)) and shows the range of work and support offered through the CLD profession and its approaches, including training and supporting volunteers in supporting communities to deal with the cost-of-living crisis or support the increasing numbers of refugees arriving in the country.

In the publication [Evaluation of the New Scots Refugee Integration Strategy 2018-2022](#) it specifies that

“Factors which contributed to refugees and people seeking asylum understanding and exercising their rights, responsibilities and entitlements:

• *Receiving support from local authorities, third sector support organisations and community groups in a wide range of areas, including: the asylum process; housing; welfare; employment; and education.”*

This includes paid and volunteer CLD workers supporting language development through ESOL, from a social practice model ensuring that individuals learning needs were taken into account to enable integration into the community. A number of refugee and asylum seekers, with support from CLD practitioners, moved into volunteering roles which assisted with language development, confidence building and integration. This also enabled the communities themselves to break down barriers, build relations, offer acceptance, and enable refugees and people seeking asylum to feel as welcomed and accepted as possible, keeping their dignity, culture and worth.

Q 4: What are your views on the proposed model of incorporation?

We believe the proposals around the model of incorporation could be much clearer, more detailed and overall stronger, to enhance accountability of obligations which will allow people to hold duty bearers to account should an individual’s rights not be met.

The proposed Bill will incorporate four international human rights treaties directly into Scots law. We welcome those suggested which cover economic, social and cultural rights ([ICESCR](#)), rights of persons with disabilities ([CRPD](#)), the elimination of racial discrimination and rights of black and ethnic minority people ([CERD](#)), and women’s rights ([CEDAW](#)). We would also like to see specific rights for [older people](#), people with care experience building on [The Promise](#), and [LGBTQ+](#) people detailed and incorporated.

Q 6: Do you agree or disagree with our proposed basis for defining the environment?

It was felt that there needed to be greater detail and clarity around the defining of environment. It is much more than buildings and place, but incorporates safe climate, access to safe water and sanitation, access to healthy food, as well as ensuring we all can live, volunteers, socialise, study, play in nontoxic safe environments which offer healthy biodiversity and support our ecosystems. This links in strongly with CLD community development work which in practice support communities and individuals to use their own assets and environments to improve their own quality of life as well as others, based on the fundamental values of human rights, social justice, equality, diversity and respect. It aligns with Scottish Government approaches such as [community wealth building](#), [community empowerment](#) and [climate change](#), which the CLD workforce are at the heart of supporting individuals to understand these approaches as well as learn and develop as community groups to support local and national economic growth. Examples of organisations and projects both in the third sector and within local authority are [SCCAN](#), [CFine](#), [SURE](#), [Tiree Trust](#), [Dundee CLD Report](#).

Q 9: Do you agree or disagree with our proposed approach to the protection of healthy and sustainable food as part of the incorporation of the right to adequate food in ICESCR, rather than inclusion as a substantive aspect of the right to a healthy environment.

We disagree with the proposed approach. Though our work with communities, families and individuals as well as the increasing need for community development work around food banks and community larders, it is evident the significant impact of the current cost of living crisis with growing food and fuel insecurity crippling so many in our communities. Whilst the right to food is acknowledged under ICESCR, it should also be a clear player in the right to a healthy environment which supports sustainable food production. It is critical that this Bill stipulates clearly the difference between the right to affordable and accessible food, recognising cultural needs, and the right to sustainably produced food which will help to protect the environment, the planet, offer economic growth locally and provide better food supplies for people.

Q 12: Given that the Human Rights Act 1998 is protected from modification under the Scotland Act 1998, how do you think we can best signal that the Human Rights Act (and civil and political rights) form a core pillar of human rights law in Scotland?

As public bodies will have a duty to comply it is felt that significant consideration is required regarding the development of the skills and knowledge on all aspects of the Human Rights Bill. Particular attention should be given around developing awareness of those rights which may not be obvious to organisations without their prior knowledge or experience, such as violence and abuse, racism, mental health, poverty.

The same should also be considered regarding members of the public. What resources and processes are being put in place to support individuals and communities learning and understanding of their rights? What resources and processes will be made available to support both fiscal and functional empowerment?

The Human Rights Act 1998 duties and rights should be fully incorporated in application of this Bill. We would ask that there is alignment throughout any guidance or how to guides. Will there be concise and consistent training available to public bodies as well as training and awareness raising within communities? CLD as a sector is best placed to support the implementation or “roll out” of the proposed Bill, with a profession who are highly skilled and qualified in community engagement, community development, community education. We would like to see some assurance and a commitment from Scottish Government and local authorities that the significant investment and resources required by the CLD sector, individuals and communities will be made available to all involved. Ultimately this will enable the roll out and implementation of the Bill to be both a positive and a meaningful collaborative experience with the best outcomes for all.

Q 13: How can we best embed participation in the framework of the Bill?

Participation is a fundamental human rights principle and therefore intrinsic to this Bill, therefore it is crucial that key stakeholders who can support meaningful participation, such as CLD, are recognised and stated. CLD is based on providing learning and development opportunities that are accessible and responsive to individual and community priorities, listening to learners and communities voices and being led by them. From our professional experience, participation is all about people's voices, those experiences being heard and being taken into account, their voices being taken seriously and then transparency and follow through as their voices are seen to inform and change what happens.

Participation and voice needs to be shown as valued and transparent throughout this Bill and should be clearly stipulated in the purpose clause, in the monitoring and reporting processes and in the evaluation and review stages. The Joseph Rowntree Foundation stipulated in a [paper on poverty, inequality and human rights](#) that *“Communities affected by poverty that have asserted their right to participate in decision-making have generated practical and cost effective policy solutions”* evidencing the integrable part those voices played in not only making decisions but shaping sustainable solutions.

Within the UNCRC bill there is a requirement on the court to take into account children's views about what remedy should be given and it is felt that the same should happen within the Human Rights Bill. It is about participation, change and solution focused remedies which individuals and groups should be at the core of. Recognition and understanding of barriers to participation is also essential and the CLD workforce are best placed to support this.

Significant and inclusive participation requires a fully funded and committed resource to enable capacity building and support. Currently CLD workforce both in local authority and within the third sector are constantly facing funding cuts. To safeguard a skilled, professional workforce, as well as ensure inclusive and meaningful engagement commitment to CLD and its workforce development is required.

We propose that people from vulnerable groups, protected characteristics and those whose rights are most at risk to be involved and heard in the development of the MCOs, as the minimum levels can only be assessed by those with lived experience. The CLD workforce across Scotland are trained in co-production, community engagement and development so would be best placed as a sector to support this. Their participation and support in developing the MCOs will in turn support the understanding and roll out of the Bill. We would also welcome more detail in the Bill and guidance advocating innovative and creative methods which support engagement, commitment and ultimately support a real power shift with regards to rights of individuals within systems.

Q 14: What are your views on the proposed approach to including an equality provision to ensure everyone is able to access rights, in the Bill?

We agree with the equality provision to ensure access to rights being included, however we would like to emphasize that this adds an additional layer of complexity regarding responsibility of duty bearers in consideration to the complex landscape and the interconnected nature of protected characteristics and social categorisations such as race, class, and gender, which create overlapping and interdependent systems of discrimination or disadvantage. With this in mind it is felt that the equality provision does not go far enough and needs more depth and clarity. It is not a simple system or process so therefore needs more detail. Many CLD organisations may play a key role in supporting individuals with identifying and addressing barriers or failures regarding their rights not being met, but may not be responsible or should not be held accountable for tackling them, but be a sign poster or have an advocacy or coaching role.

We would like to highlight the importance of equality impact assessments at all stages of this consultation. At a [Policy Champions Network](#), developed as part of the Volunteering Action Plan, it was suggested that *“A good first step would be to require duty bearers, or any organisation providing public services, to complete and submit Equality Impact Assessments which identify potential barriers for the inclusion of particular groups. This would allow greater understanding of the existing structural barriers for a more coordinated response.”* This should not only be deemed as a statutory

requirement for public body duty bearers but should be promoted as best practice for all to embed an equality provision.

Q 16: Do you agree or disagree that the use of ‘other status’ in the equality provision would sufficiently protect the rights of LGBTI and older people?

We strongly disagree with this as it goes against our ethics and values. It is discriminatory to use “other” as a grouping or naming of human beings. To ensure an equality provision as previously mentioned, we feel strongly that all groups should be specifically named so they can be given equal consideration to. These groups would include LGBTQ+, Older People and Care Experienced People.

Q 19: What is your view on who the duties in the Bill should apply to?

The consultation states that these duties should apply to all Scottish bodies delivering public services. These can be charitable, private or public. We agree with this, if an organisation is delivering a public service it should be a duty bearer and be accountable as the service they are delivering may impact on an individual’s human rights. It is important that we build a culture across Scotland where it is every organisations responsibility to have a human rights based approach in everything they do. However, the detail around duty bearers can seem ambiguous in places and therefore needs to offer more clarity about the inclusion of voluntary organisations and the third sector. At present it seems the term third sector is only relating to the advisory boards and not the proposal or duty bearers. We would ask that the proposal looks at this in further detail and offers greater clarity and consistency from here on.

Q 20: What is your view on the proposed initial procedural duty intended to embed rights in decision making?

We agree that there should be a procedural duty placed on public bodies to have due regard, followed by a duty to comply after this time. There are concerns around capacity, funding and resources required to assist this within the proposed timeframe. We would urge Scottish Government to consider the additional workload this creates at a time of economic fragility for many, with budgets cut, decreased staffing and reduced capacity for many organisations. It is felt that strong guidance and detailed support will also be required for public, private and voluntary organisations to make sustainable cultural changes to embed human rights within their services.

Suggestions were made within the third sector CLD organisations and their practitioners that if Scottish Government were to commit to incorporating Fair Funding as part of the initial procedural duty it would create a funding landscape that offered security and assurances for third sector organisations, supporting the stability and structures required to deliver on requirements such as embedding human rights in decision-making and ensuring a rights based approach to delivery.

Q 21: What is your view on the proposed duty to comply?

As mentioned previously, further detail and clarity is required regarding Duty Bearers and the implementation of the Bill. There are concerns around resourcing and we would welcome further deliberation around the funding and capacity development that will be offered to support the roll out and implementation of this Bill. This include training for public bodies and duty bearing organisations

as well as community education infrastructure to inform members of the public across Scotland of their rights, the MCOs and how to access a justice system should they need to.

Q 22: Do you think certain public authorities should be required to report on what actions they are planning to take, and what actions they have taken, to meet the duties set out in the Bill?

Yes, it is vitally important that public authorities are required to report on what actions they are both planning to take, and what actions they have taken, to meet the duties set out in the Bill. These reporting requirements and processes should align with the UNCRC reporting requirements to enable comparison of data as well as making the data more understandable and accessible to all involved. Some of the most vulnerable people that CLD support have poor levels of literacy and language is often a barrier to engagement, access rights, self-development and growth. We would ask that the use of jargon be prohibited and the promotion of plain English be encouraged to support the rights of all parties to access and understand this information. We would suggest that The Scottish Government consult with people whose rights are most at risk or whose literacy levels may be lower to help support and inform the development of guidance on reporting requirements.

Q 24: What are your views on the need to demonstrate compliance with economic, social and cultural rights, as well as the right to a healthy environment, via MCOs and progressive realisation?

We agree that there should be the same duties for the right to a healthy environment as for ICESCR, and we feel strongly that all MCOs should be regarded as the base line, the bare minimum of protected rights that should be met at all times, for all people. If a public body or duty bearer fails in its duty to comply with delivering these MCOs for an individual or a group, they must be held accountable.

We welcome the requirement of public bodies and duty bearers to demonstrate progressive realisation of rights. This fits with the CLD ethics and values regarding empowerment, self-determination and collaboration. No organisation who provides a public service should sit at the baseline MCO level and we welcome the requirement within this Bill that organisations must show that they are taking targeted and tangible actions to keep progressing on how they realise people's rights.

Q 26: What is your view on the proposed duty to publish a Human Rights Scheme?

It is felt that the implementation of the Bill will require a significant amount of resources and finance. The cost-of-living crisis has increased demand for the essential services that CLD offer across Scotland to Young people, Adults and Family Learners, ESOL learners, Refugee and Asylum Seekers as well as community development groups. The CLD sector, just like the individuals and communities they are supporting, are struggling with rising costs, budget cuts and staffing shortages. It is vital that this is recognised and funding, along with recognition of the CLD sector as a key stakeholder in supporting the implementation of the Human rights Bill, is not only sourced and ringfenced to support the CLD sector with the roll out of this Bill.

We welcome the proposed duty to publish a Human Rights Scheme. Not only will it make sure that government ministers are held accountable for allocating resource to support action around rights, it seems very similar to the Children's Rights Scheme in the UNCRC Bill and therefore align the reporting and accountability of ministers for both Bills.

Q 27: What are your views on the most effective ways of supporting advocacy and/or advice services to help rights-holders realise their rights under the Bill?

CLD as a profession and a practice has a crucial role within supporting advocacy and advice services to help the rights-holders realise their rights under the Bill. During the initial roll out implementation stages, the professional practice of CLD and its community-led approaches should be emphasised as a vital service to effective community engagement and community education around understanding their rights. We would like to see some assurance and a commitment from Scottish Government and local authorities that the significant investment and resources required by the CLD sector, individuals and communities for this process will be made available to all involved. Ultimately this will enable the processes to be both a positive and a meaningful collaborative experience with the best outcomes for all.

While it is recognised that many other public and voluntary sector staff contribute to the type of engagement required to support understanding of the Bill, individuals rights and have an advocacy/advisory role. CLD practitioners both paid and voluntary, are best placed in terms of their practice, skills and relationships with communities to co-ordinate activities and demonstrate good practice. It is essential to acknowledge that CLD practitioners already play a crucial role in supporting community groups and vulnerable people to gain and access the information, skills and learning needed to respond to emerging and often challenging need. This was highly evident during the [Covid 19 Pandemic](#), [Community, COVID-19, challenge and change – Policy Scotland](#), [Engage, Educate, Connect, Empower: CLD, Resilience and Recovery - July 2020](#). CLD practitioners offer professional, high quality learning, guidance and skills needed for not only the development, progress and governance of community organisations, but also in supporting the operational delivery of community-based services, for communities, groups and individuals, empowering them to have a greater stake in the communities in which they live and work, and in turn, Scotland’s wellbeing economy which includes just transition to Net Zero. CLD practitioners are qualified in and implementing all of the tools and techniques of good community education and development work. It is essential we all understand each other’s strengths and collaborate. We strongly believe that the CLD sector and CLD as a practice needs to be given a legitimate place and role in this process.

We do have concerns around access to justice and feel there could be stronger guidance and support for individuals. Through our work within communities and with vulnerable groups we are noting that it is incredibly difficult for people to access justice and this Bill needs to support change and enable people to have affordable, timely, effective, accessible, and ultimately a supportive remedy. Legal aid is a concern as people are unable to access to basic legal advice so how will this change when this Bill is implemented. There was a suggestion that there should not be court fees for human rights and equality cases because they are so important, and it is imperative that the courts make decisions about them.

Another barrier we envisage with individuals taking up a human right is the emotional toll and time fatigue. We would like to see an effective independent advocacy service, which incorporated co-production of services such as CLD, and enables access to aid. A “Hub for Human Rights Education, Information and Advice”. An example is the [Govan Hill Law Centre](#) in Glasgow. A funded charity which acts as a one stop shop for advice, legal aid and they support individuals from start to finish. We believe the establishment of free and confidential legal resource hubs across Scotland would play a critical part in not only the roll out but the fair implementation and access to justice required, but would foster collaboration across support services and work towards ensuring the success of this Bill.

Q 38: What are your views on our proposals for bringing the legislation into force?

The Human Rights Bill Scotland can be a significant life changing piece of legislation, therefore it is essential that it doesn't become a tick box exercise and once done gathers dust on a shelf. Everyday CLD practitioners are supporting vulnerable learners and communities who are having their rights violated so we urge Scottish Government to set realistic and specific timescales to ensure that the duty to comply comes into effect as quickly as possible whilst allowing the required time to develop guidance, MCOs and capacity across the public bodies and duty bearers.

Q 39: What are your views on our proposals to establish MCOs through a participatory process?

We agree that it is essential for the Minimum Core Obligations to be established through a participatory process, particularly with those most vulnerable and at risk. Consideration needs to be given to the barriers to participation to ensure everyone who should be involved has a voice and is heard. It is essential that the co-production and participatory processes used will research and address any barriers and challenges that may prevent engagement and participation. We would like to reiterate that professional CLD practitioners who trained and experienced in community engagement would be best placed to support these approaches.

We would like to see a timeline regarding the review process on MCOs, stating the bodies and communities that should be involved, as well as stipulating that all reviews will follow co-production and participatory processes.

Q 40: What are your views on our proposals for a Human Rights Scheme?

We agree with a Human Rights Scheme and feel strongly that Scottish Ministers are required to consult with those vulnerable and most at risk when developing the scheme, as well as reporting on it. We would like to further information regarding how Scottish Government proposes to let individuals and organisations know what it is doing on progression the realisation of human rights, and how the Human Rights Bill will impact on them. It is important that the Human Rights Bill makes rights real for people and they feel empowered to take action should those rights not be met.

Q 42: How can the Scottish Government and partners effectively build capacity across the public sector to ensure the rights in the Bill are delivered?

As mentioned in previous answers, CLD as a profession that is critical to supporting individuals and communities, from working young people, adults, families alongside community capacity building and supporting learning and change within vulnerable communities such as older people, care experienced, rurally disadvantaged, Ethnic Minority communities and LGBTQ+. CLD is an inclusive profession with a commitment to high standards of practice. We strongly believe there is a fundamental need to ensure that the CLD profession and workforce, both in local authority and third sector, across Scotland is recognised, resourced, and reinforced to further support the connections and communication channels between communities, stakeholders, duty bearers and Scottish Government on this Bill.

It is critical therefore that the statutory [CLD regulations](#) are reviewed and we see a systemic change in [CLD legislation and policy](#) that give CLD (Adult Education, Community Development and Youth Work) protection, safeguarding the current workforce and funding to support the regrowth after 20

years of disinvestment in this sector. We would expect to see further investment to support the CLD sector to deliver rights based services and are disappointed to note that the CLD profession, its practice, practitioners and the voluntary sector are not yet specified as key partners and we would hope that this will be rectified in the final Bill and guidance.

Q 43: How can the Scottish Government and partners provide effective information and raise awareness of the rights for rights-holders?

We have been disappointed in the lack of information around area which we feel required considerable development and resourcing. Given the expert skills and knowledge that the CLD profession offers regarding community learning and development, we would expect the CLD Standards Council to be part of any further working groups, not only represent the CLD sector but to offer critical experience based evidence on effective information and community engagement which will inform and shape the Bill, the MCOs and any guidance.

We would expect to see a suite of training and guidance resources for all involved in the rolling out and implementation of this Bill, and recommend the development of such resources that can be tailored for differing needs of not only frontline staff and duty bearers but the communities and individuals who will be most impacted by this Bill.

The opportunity to have info graphics and visuals as a PDF or PPT would also be a useful tool throughout this Bill and its guidance. They are a good introduction to engagement and support those initial conversations with communities and groups. Having more visual mapping of rights can help bring the topic alive and is proven to be good for stimulating discussion and for understanding.

As mentioned in previous answers, we believe the establishment of free and confidential legal resource hubs across Scotland would play a critical part in not only the roll out but the fair implementation and access to justice required. This vital service from these hubs would not only enable and support access to the effective information and awareness raising required but also foster collaboration across support services and work towards ensuring the success of this Bill.

Q 44: What are your views on monitoring and reporting?

We feel it is critical that new reporting and monitoring processes are not invented for the Bill, and we suggest that it would be best practice to align with the current monitoring and reporting requirements that are in place for UNCRRC.

All monitoring and reporting needs to be simple, accessible for all, as well as open and transparent so that they can drive forward the improvement over time. Processes must ensure that they are built around the most effective ways to ensure people have access to information about their rights, as well as easy access to rights advice and to justice systems. Within the monitoring and reporting it is critical that there is consistent evidence of not only the voice of duty bearers, but of rights bearers as well. Training, resources and clear communications for all stakeholders would be essential to ensure understanding of the processes and approaches to monitoring and reporting.

Although language is mentioned previously in this response, we feel strongly that to ensure meaningful engagement from those most vulnerable, the language used within this Bill and its guidance is accessible and understandable to all who may be impacted by it and may want to use it. The [Adult learning strategy](#) was published by Scottish Government in 2022 and informs us that over

324,000 adults in Scotland have low or no qualifications, and the [National Literacy Trust](#) report that 1 in 4 adults in Scotland experience challenges due to their lack of literacy skills and Scotland has the highest percentage across all of the four nations. We suggest that the draft Bill and any guidance should be taken to focus groups of community members across the protected characteristics who are perhaps not normally involved in these stages of legislation and policy development to check its accessibility and levels of language. This would enable Scottish Government to see how well it is understood and that there is no misinterpretation of words, phrases or intent. We all have a duty of responsibility to ensure we get it right in terms of communities involvement within these process, therefore we need to make sure that language being used is understandable and that people are not being overwhelmed by jargon and therefore disengaging with discussions or unable to access information on their rights.

Conclusion

Fundamental to the practice of CLD across all settings are these values which have been identified by the CLD Standards Council:

- **Self-determination** – respecting the individual and valuing the right of people to make their own choices.
- **Inclusion** – valuing equality of both opportunity and outcome, and challenging discriminatory practice.
- **Empowerment** – increasing the ability of individuals and groups to influence issues that affect them and their communities through individual and/ or collective action.
- **Working collaboratively** – maximising collaborative working relationships in partnerships between the many agencies which contribute to CLD, including collaborative work with participants, learners and communities.
- **Promotion of learning as a lifelong activity** – ensuring that individuals are aware of a range of learning opportunities and are able to access relevant options at any stage of their life.

Community Development, part of CLD (Community Learning and Development) is an approach to achieving social change. It is action taken through building organisation, learning and power within communities in order to promote democracy, sustainable development, equality and social justice. It builds community capacity and influence by enabling people to develop the confidence, understanding and skills required to influence decision making and service delivery.

We fully welcome the development of this Human Rights Bill Scotland and the guidance alongside it, and feel strongly that the CLD sector as a profession should be reflected throughout this guidance as a one of the key stakeholders to support and implement it.

Finally, we feel the information offered in this proposal does not go far enough in its detail regarding the full physical and psychological resource requirements needed to realise the aspirations of this Bill in improving lives across Scotland's communities. Human rights are all about people being treated with dignity, respect, and fairness. Human rights include freedoms and rights that Scottish Government needs to respect and protect, and basic essentials that we all need to live a decent life. If done correctly people should be able to name and claim all their human rights, and because of this we feel that the information being presented around this Bill needs to go much further in offering detailed guidance to the importance of valuing rights bearers voice throughout all processes, as well as fully acknowledging the funding, resource and commitment required from individuals, communities and supporting professions, such as CLD. We strongly feel that CLD as profession and a domain of practice, as well as a sector, should be recognised and included throughout all processes.