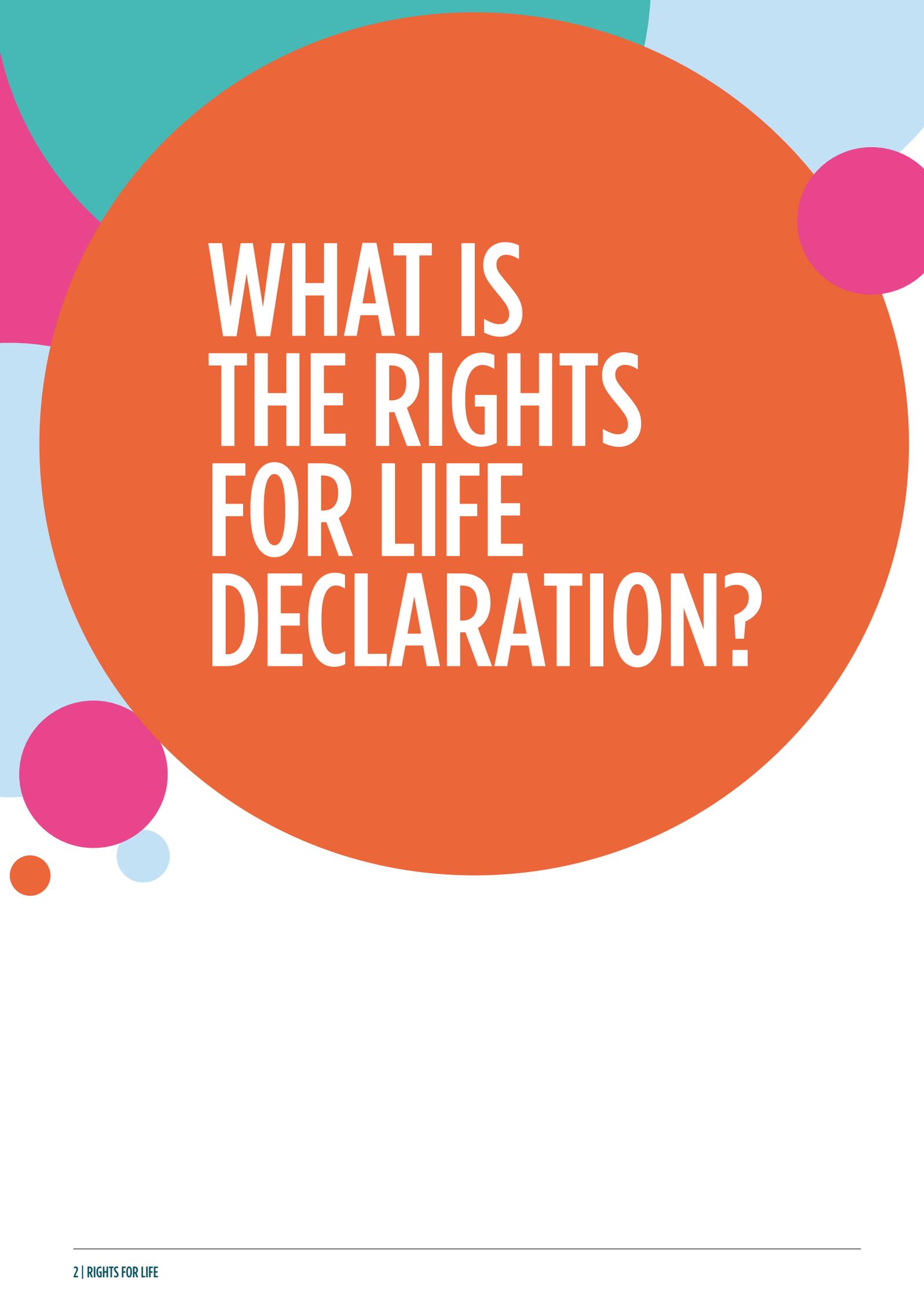




RIGHTS FOR LIFE

A Declaration of Rights for
Mental Health in Scotland



WHAT IS THE RIGHTS FOR LIFE DECLARATION?



The Rights for Life Declaration is a statement of the rights that people affected by mental health issues in Scotland are calling for. Its aim is to help achieve transformational change to the way people affected by mental health issues enjoy their rights.

The Declaration reflects the principles and standards of international human rights agreements that bind the UK and Scotland. These include the Universal Declaration of Human Rights, the International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights, and the Convention on the Rights of Persons with Disabilities. It is also guided by the rights-based PANEL principles of Participation, Accountability, Non-discrimination, Empowerment and Legality.

HOW WAS IT DEVELOPED?

The Declaration is based on the views of hundreds of people with experience of mental health issues and those family and friends who care for them. It started to take shape at the landmark Rights for Life conference in June 2015 (www.rightsforlife.org). Following the event, the Rights for Life Steering Group organised widespread consultation on early drafts regionally, nationally and online.

WHO IS THE DECLARATION FOR?

The Declaration is for people affected by mental health issues, who can use it to help claim their rights. The people and organisations responsible for respecting, protecting and fulfilling rights in Scotland can use the Declaration to inform their policy, practices and responses to people asserting their rights.

WHY DO WE NEED A DECLARATION OF RIGHTS FOR MENTAL HEALTH IN SCOTLAND?

While people affected by mental health issues have the same rights as other members of Scottish society, they face significant barriers in realising them. These barriers are well known and widely documented.

People with experience of mental health issues:

- Face unacceptably high levels of stigma and discrimination.
- Can die 20 years younger, are poorer on average and have fewer opportunities in life than the general population.
- Can have their rights legally limited as a consequence of mental health issues and laws designed to protect their rights are ignored with impunity.
- Are excluded from decision-making processes that affect their lives.
- Are denied access to timely, acceptable, quality care and support.

WHAT DIFFERENCE WILL THIS MAKE?

We hope this Declaration will help inform people about rights and support their realisation, but it is just a start. The partners involved in supporting its creation are committed to developing a programme of action designed to make the Declaration's aspirations and demands more real in the lives of people affected by mental health issues in Scotland.

Find out more at www.rightsforlife.org

PEOPLE AFFECTED BY MENTAL HEALTH ISSUES* HAVE THE FOLLOWING RIGHTS:

1

The right to be treated with dignity and respect and be free from discrimination on any grounds. These include mental health status, age, disability, gender identity, race, sexual orientation, religious belief, social or other status.

2

The right to the highest attainable standard of physical and mental health. This includes timely access to a range of quality care and treatment, without discrimination.

3

The right to free, meaningful and active participation in decisions at all levels, using co-production as standard and independent support if required.

This includes participating in decisions about:

- The development and implementation of laws, policies and budgets.
- The design and delivery of services and support, including health and social care, welfare, education, employment and housing.
- Care, treatment and support, with free, prior and informed consent given to any interventions.

4

The right to information that is provided in a clear and accessible format, tailored to the requirements of each person. This includes information about rights.

* By this we mean people with experience of mental health issues and those family and friends who care for them.

5

The right to hold duty bearers to account, provide feedback with impunity and access to justice when rights are infringed.

6

The right to independent advocacy, both individual and collective.

7

The right to equal treatment and recognition by the law and to its equal protection and benefit.

8

The right to enjoy the full range of economic, social, cultural, civil and political rights.

In the context of mental health this includes a particular emphasis on:

- Participation in community and society on an equal basis.
- A good standard of living and legal and social protection.
- Access to lifelong education and learning opportunities.
- Employment and work opportunities.
- Liberty, privacy and the right to a family life.
- Security of the person and the right to be free from torture and abuse.

GLOSSARY

ADVOCACY can happen on a one to one basis as well as collectively. With one to one advocacy an advocate will help an individual to find out about their rights, ensure their voice is heard and support them to make informed decisions and choices. Collective or group advocacy is about a group of people with a shared agenda coming together to lobby, campaign and influence legislation, policy, practice and services.

CO-PRODUCTION is a process of discussion and agreement through an equal and reciprocal partnership between people delivering and people accessing services. This is done in a way that draws on the knowledge, skills and resources of all.

DUTY BEARERS are the individuals and institutions responsible for protecting, respecting and fulfilling rights, for example the Scottish Government and public/ statutory bodies.

FULFILLING RIGHTS means taking active steps to put in place the necessary laws, policies, institutions, procedures and resources to enable people to enjoy their rights.

IMPUNITY means being exempt from punishment or immune to detrimental effects.

PEOPLE WITH DISABILITIES: We recognise that it is both contested and controversial to include people with experience of mental health issues in the definition of 'people with disabilities' and that not all people with experience of mental health issues self-identify as disabled. We include people with experience of mental health issues in the definition of 'persons with disabilities' following the United Nations Convention on the Rights of Persons with Disabilities (CRPD) which, in Article 1, states: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others." The United Nations Committee on the Rights of Persons with Disabilities has clearly stated that the CRPD applies to people with experience of mental health issues.

PEOPLE AFFECTED BY MENTAL HEALTH ISSUES: By this we mean people with experience of mental health issues and those family and friends who care for them. We recognise that people may self-identify using different terminology to 'person with experience of mental health issues' and that there are a number of different collective terms for people with experience of mental health issues.

PROTECTING RIGHTS means not allowing others to interfere with the enjoyment of rights.

RESPECTING RIGHTS means not interfering with the enjoyment of rights.

RIGHTS FOR LIFE STEERING GROUP: At the time of the launch of the Rights for Life Declaration, the members of the Steering Group included Mental Health Network (Greater Glasgow), Scottish Independent Advocacy Alliance, Scottish Human Rights Commission, Scottish Recovery Network, See Me and Voices Of eXperience.

SUBSTITUTE DECISION-MAKING is when decisions are made on someone's behalf, without their involvement or consent being required.

SUPPORTED DECISION-MAKING is when someone is supported to participate and/ or make decisions in a free, meaningful and active way, without any discrimination, undue influence or manipulation.



Join the conversation using #rightsforlife

www.rightsforlife.org

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