



**People First
(Scotland)**

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Law and Human Rights Group statement

April 2020



Westminster Parliament and the Scottish Parliament have passed emergency law about the Corona virus, **COVID 19**.



Guidance has also been written about how the new law should be applied.

The law and guidance will affect how people with learning disabilities will be treated.



We recognise this is a difficult and upsetting time for everybody.

Lots of people are frightened about catching the virus and wondering if they will die from it.



We support the Scottish Government's attempts to keep everyone as safe as possible.

We accept that some things need to change to let that happen.



BUT we are worried about the way that some of the guidance is written.



It sounds like the human rights and safeguards for people with learning disabilities are not important.

It reads as if our needs and our rights are a problem for the rest of the population and put other people at risk.

It suggests withdrawing safeguards, reducing checks and balances and removing our rights as human beings.



This is very upsetting for us. The official guidance for other groups, stresses how important their human rights are.

The human rights of all citizens should be retained unless no other way is possible, **INCLUDING OURS.**



We want to highlight these things:

The emergency law and guidance has returned to an unhelpful and outdated idea that people are either “capable” or “incapable”.



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Recognising that capacity is “decision-specific” has been lost and must be brought back in.



With good support we can understand most things, make up our own minds and communicate what we have decided.

The guidance allows others



- to move us from one place to another without listening to what we say

- to possibly reduce the amount of support we already get



- to prevent us being visited





- to make it easier to detain us
- to have fewer doctors or mental health officers involved



- to extend and continue guardianships beyond what a court has decided without any scrutiny
- to deprive us of our liberty with no safeguards in place



- to give us medication without our consent



We have accepted that some things need to change in order to try to keep everyone safe, BUT none of those things on the list above should happen.





The measures make sure:

“that professionals are not taken away from the urgent work they are required to undertake during the crisis” and are

“intended to preserve the workload of health professionals for more urgent work”



That sounds as if time spent ensuring our human rights are respected is not important and not urgent.



Like other citizens many people with learning disabilities will find it very distressing to have massive changes to their daily routines, to be kept away from other people, to have to stay indoors.



Many of us need more support to accept change and to understand it.

It helps to have clear, accessible information about what is happening.

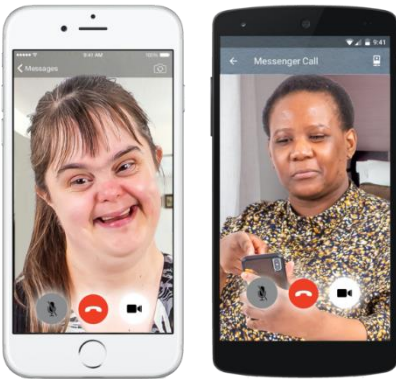


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For some of us there needs to be more support rather than less.

Time should be spent helping us to understand and come to terms with changes imposed on us.



We will need support and access to equipment if we are to socialise and communicate with other people remotely, including medical assessments and access to advocacy.



We need reassurance that we will not be last in line for any treatment if we become unwell.



Above all, we need to feel that our human rights are as important as everyone else's.