

Family Related Rights

Everyone has the right to enjoy the highest attainable standard of physical and mental health.

This means everyone has the right to services that support physical and mental health (it is not a right to be healthy; it is a right to services and conditions that enable people to be in good health).

This includes health and social care services as well as things that are essential for the enjoyment of good health such as adequate housing, social security, safe working conditions, healthy environmental conditions.

Everyone has the right to participate in public life, including people affected by substance use.

This means people affected by substance use - including families - should be supported to have their views heard and taken into account in the design, implementation, monitoring and evaluation of laws, policies, and practices related to substance use.

Everyone has the right to family life, including people affected by substance use. [Please note: We will be exploring this right in more depth through smaller group discussions.]

Family life includes the right to have and maintain family relationships. This includes the right to live with your family and, where this is not possible, the right to regular contact.



Family Related Rights

This means that:

- a parent's substance use should never be the sole justification for removing a child from parental care, or preventing reunification or contact;
- decisions about a child's care should be taken in the best interests of the child;
- every child has the right to the care and protection they need, including where their parent/s are affected by substance use;
- decisions about a child's care must be based on a genuine and balanced assessment of the family situation, with the parent/s able to present their case;
- parents must be supported to carry out their childcare responsibilities, if needed;

If removal from parental care is necessary:

- the alternative care provided must be in the best interest of the child;
- it must be for no longer than necessary;
- the parent/s must be assisted to improve the family situation and achieve reunification as soon as reasonably possible (once in the best interest of the child);
- regular contact should be supported to preserve the parent-child relationship, unless the interest of the child means that is not possible.
- people should be able to effectively challenge practices that breach these rights, and secure a remedy.



Questions

These questions are intended to focus discussion on the key requirements of the right to health. Some may find it useful to consider each question in turn. Others may prefer to use them as a prompt for discussion. Either approach is fine!

1. In Scotland, is there understanding and respect for the rights of family members and loved ones who support somebody with their substance use? If not, how not? What needs to change?
2. Are families of loved ones affected by substance use supported to meaningfully participate in and influence decisions affecting them or their loved ones?
3. Are services and support delivered in a way that is non-stigmatising for family and loved ones? If not, could you tell us about that? Is there anything that could make this better?
4. Are families and loved ones able to speak about issues they find unfair and are they able to fix/resolve these? If not, what are the problems, and what do you think needs to change?
5. Are there examples where things are being done well which could be used to help make things better?