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Convener
Equalities, Human Rights and Civil Justice Committee
The Scottish Parliament
Edinburgh
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Via email: ehrcj.committee@parliament.scot

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Dear Convener,

SHRC Report: A human rights assessment of progress from institutionalisation to independent living in Scotland.

On behalf of the Scottish Human Rights Commission (SHRC), I am writing to share with you and your fellow Committee members the SHRC's report *Tick Tock: A human rights assessment of progress from institutionalisation to independent living in Scotland*. The report concerns Scotland's progress in moving people from institutions to independent living, in line with human rights standards. This report has been issued under section 4 of the Scottish Commission for Human Rights Act 2006, and pursuant to the objectives of our Strategic Plan 2024-28.

The right of disabled people to live independently as part of the community is guaranteed by Article 19 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The report measures progress in moving people from institutional living to independent living in line with Article 19. It focuses on the situation of people with learning disabilities and/or who are autistic who have been recognised as being in inappropriate hospital or out of area placements. The Scottish Government's plan to remedy this, the Coming Home Implementation Plan, ran from February 2022 until March 2024.

Overall, we have found a clear gulf between the rhetoric of taking a human rights-based approach, and the reality of putting that into practice. We have found many significant and concerning gaps in the progress of the Coming Home Implementation Plan which fall short of CRPD guidance and, in some areas, indicate a failure to comply with basic requirements. This means that the situation currently faced by people with learning disabilities and/or who are autistic affected by that Plan fails to comply with the right to independent living.

Contrary to the aims of the Coming Home Implementation Plan, and international human rights standards we have found that people continue to spend many years on learning disability units, and continue to be admitted for the reason of 'learning disability'. This also raises additional questions about compliance with the European Convention on Human Rights, which does not permit detention on the basis of learning disability unless there is a clear therapeutic purpose.

To reach these findings, we worked with a set of human rights indicators to measure progress made in the realisation of the right to independent living as set out in Article 19 CRPD, in relation to those affected by the Coming Home Implementation Plan. These were based on indicators developed by the European Union Agency on Fundamental Rights (FRA), who carried out comparable research across EU member states in 2018. These indicators are rigorously developed and well tested and we have used them as the basis for our human rights measurement. Small adaptations have been made to fit them to the Scottish context and to narrow the focus to those within the scope of Coming Home.

In our report, we make nine recommendations to duty bearers, and principally the Scottish Government. Firstly, we recommend that the Scottish Government should urgently develop a fresh action plan to deliver the outstanding commitment of Coming Home. It must be concretely grounded in the CRPD Committee's guidelines and address all components of deinstitutionalisation, including mechanisms of redress.

We seek to meet with you at your earliest convenience in order to further discuss our report, its findings, and how the Committee can work to ensure the right of people in institutions to live independently and as part of the community.

We invite your team to liaise with us, using email address chairandexecutive@scottishhumanrights.com, to find a suitable time to meet.

You can also read the [report and executive summary](#) on our website. Please let us know if you require an alternative format.

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Yours sincerely,

Professor Angela O'Hagan
Chair

Cc: Committee Clerk