

Paul O'Kane MSP
Convener,
Learning Disability Cross Party Group
The Scottish Parliament,
Edinburgh,
EH99 1SP

Via email

26 April 2024

Dear Mr O'Kane,

Final Report of the Follow Up Procedure of the United Nations Committee on the Rights of Persons with Disabilities UK Inquiry

This week, the UN Committee on the Rights of Persons with Disabilities ('the UN Committee') has published its long awaited report on progress seven years on from its original inquiry into 'grave and systematic violations' of the Convention on the Rights of Persons with Disabilities in the UK ('UNCPRD'/ the Convention).

On 24 April 2024, the UN Committee published its final report on the follow-up to the inquiry, which has concluded that:

- No significant progress on disabled people's rights has been made in the UK since the inquiry in 2017;
- There are signs of regression on the standards and principles of the Convention, in contravention of article 4.2

- The UK has failed to take all appropriate measures to address the grave and systematic violations of the convention and failed to guarantee the rights in article 19, 27 and 28.

These findings are deeply concerning. The report pays close attention to devolved policies and highlights a lack of progress on the Immediate Priorities Plan, issues with consultation standards and accessibility, a lack of detail concerning the National Care Service and the rates and eligibility criteria for Adult Disability Payments.

As you are aware, last August, the Commission, as part of the UK Independent Monitoring Report, prepared to support this process, found that not enough progress had been made to remedy systemic failures to realised disabled people's human rights, including in Scotland. Where progress had been made, it was insufficient to withstand new external threats to people's rights.

While we welcome the Scottish Government's participation in the follow up process, including as part of the UK Delegation to the interactive dialogue in Geneva in March 2024, these findings require urgent attention.

In line with both its own commitments and human rights legal obligations, the Scottish Government must urgently reflect on how it can address the findings from the Committee. The Committee's findings affirm those from ourselves and from many Disabled People's Organisations (DPOs), members of civil society and rights holders themselves warning of widescale failures to uphold disabled people's human rights.

The Commission, as indicated previously, shares the concerns of the Committee relating to the institutionalisation of disabled people and the use of restrictive and unsafe practices. Our ongoing work to assess the progress made on implementation of the Coming Home Report in line with Article 19 of the UNCRPD will be published later this year.

We also anticipate the incorporation of the UN Convention on the Rights of Persons with Disabilities through the Scottish Human Rights Bill, which the Scottish Government directly highlighted to the Committee.

The Commission would welcome any further discussion that would be helpful to you and the other members of the Cross Party Group as you examine the UN Committee's findings and the Scottish Government's response.

I would be grateful if you could share this correspondence and attached Report from the Committee with the Cross Party Group members.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shelley Gray', with a long horizontal stroke extending to the right.

Shelley Gray
Commissioner