

24 October 2024

For the attention of:

Chair of the Scottish Human Rights Commission, Professor Angela O'Hagan

Dear Professor Angela O'Hagan

We are writing as representatives of organisations from across Scotland who work with people affected by homelessness to express our serious concern that people's lives will be put at serious risk this winter unless the Scottish Government, COSLA and council leaders work together to ensure that everyone who needs it has, as a minimum, safe accommodation.

The homelessness statistics that were published on 24 September show that rough sleeping is rising steeply in Scotland. During the last year, there was an increase in the number of people who had slept rough to 2,931, now 7% of all households making a homeless application. Notably this is a higher number than pre-pandemic. Every person who is forced to sleep rough is one too many. Being left with no choice but to sleep in doorways and tunnels and parks severely damages people's health and wellbeing, risks their safety and their lives, and strips them of dignity.

In Scotland in 2024, no one should be left with no choice but to sleep on the street. **We are extremely concerned that the lack of suitable temporary accommodation, particularly during winter, is putting people's fundamental right to life at risk.** Article 2 of the Human Rights Act 1998 protects everyone's right to life. This includes a duty on Government to take appropriate measures to safeguard life and take steps to protect you if they know or should have known that your life is at risk. UN General Comment 36 para. 26 states:

'The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include.....extreme poverty and homelessness. The measures called for to address adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health care, electricity and sanitation.'

Being forced to sleep rough also engages Article 3 freedom from inhuman or degrading treatment and Article 8 the right to private and family life. Furthermore, we all have the human right to adequate housing and as the SHRC report states, this includes a minimum core obligation to 'Ensure that no significant number of individuals are deprived of basic shelter and housing.'

Homeless Network Scotland

Charity Registered in Scotland (SC0 03453) and Company Limited by Guarantee (SC112361)
Registered Office at Unit 16a, Adelphi Centre,
12 Commercial Road, Glasgow G5 0PQ
Chief Executive: Margaret-Ann Brünjes
VAT number 308 5822 00

Contact Us

T: 0141 420 7272
hello@homelessnetwork.scot
w: homelessnetwork.scot

We are writing to ask the Scottish Human Rights Commission to use its powers and resources to urgently investigate the human rights of people forced to sleep rough this winter due to the lack of suitable temporary accommodation, and to make recommendations to government at all levels about steps required in this area to fulfil their human rights obligations.

Some council areas are more exposed than others, and agreement between councils and Scottish Ministers is urgently needed on the allocation of resources and approach that will ensure that there is sufficient emergency accommodation of the right sort and in the right place. It is not acceptable for individuals to bear the brunt of government decision makers failure to create the breakthrough that is urgently needed. **We are clear that both the Scottish Government and local authorities have the responsibility and the means to fix this accelerating and avoidable rough sleeping crisis and we insist that they urgently work together to ensure that everyone who needs it has, as a minimum, safe accommodation.** We enclose a copy of a letter we have sent to the Cabinet Secretary for Social Justice and COSLA Community Wellbeing Spokesperson.

We would be happy to meet with you to discuss this issue further and provide any further lived and frontline experience that we can to support your focus on this issue.

Yours sincerely

The Everyone Home Collective