

Submission to the Committee on the Elimination of Racial Discrimination (CERD)
on discrimination against people with disabilities in the UK

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The Institute for Protection of Women's Rights is a non-governmental organization that has been in consultative status with ECOSOC since 2019 and works to protect human rights and women's rights.

Introduction

The UN Committee on the Rights of Persons with Disabilities strongly criticizes the UK and Scottish governments over disabled people's rights in a new report.

The Committee finds there has been no significant progress in improving disabled people's rights in the UK since 2016.¹

The failures were found in relation to the right to live independently and be included in the community, to work and employment, and to an adequate standard of living and social protection across all parts of the UK. "No significant progress has been made" in the UK to improve disabled people's rights. While some measures have been taken to address the Committee's original 2016 recommendations, there are also signs of regression which is not allowed under the convention.

It concludes that the UK has "failed to take all appropriate measures to address grave and systematic violations of the human rights of persons with disabilities and has failed to eliminate the root causes of inequality and discrimination."

The state of disability rights in the UK

1. In 2009 the UK Government signed up to the United Nations Convention on the Rights of Disabled People (UNCRDP)*. By following the UNCRDP, the UK has agreed to protect and promote the human rights of disabled people, including the right to independent living (article 19), employment (art. 27), and social security (art. 28).²
2. In 2016, the UK was investigated under the Optional Protocol of the UN CRPD following a formal, coordinated request from several Deaf and Disabled Peoples-led Organizations (DDPOs) across the UK. This was an

¹ <https://www.scottishhumanrights.com/news/un-finds-uk-governments-have-failed-to-address-violations-of-disabled-peoples-human-rights/>

² <https://www.equity.org.uk/news/2024/equity-shares-evidence-with-the-united-nations-on-the-uks-treatment-of-disabled-people-damning-report-published#:~:text=The%20UNCRDP%20found%20that%20'grave,not%20accept%20the%20UN%20findings.>

unprecedented step taken due to the extent of regression of disabled people's rights since 2010 as a result of welfare reform and cuts.³

3. The UNCRDP found that 'grave and systematic violations' of disabled person's rights had taken place since 2010 and that welfare reform had "disproportionally and adversely" affected the rights of people with disabilities. The UK government did not accept the UN findings.⁴
4. Time and again the United Nations have found that the UK government is violating convention rights and this time is no different, finding that the UK has 'failed to take all appropriate measures to address grave and systematic violations of the human rights of persons with disabilities and has failed to eliminate the root causes of inequality and discrimination.'⁵
5. "There is a pervasive framework and rhetoric that devalues disabled people and undermines their human dignity. Reforms within social welfare benefits are premised on a notion that disabled people are undeserving and willfully avoiding employment ("skiving off") and defrauding the system."⁶
6. Many people with disabilities have limited access to healthcare, education, employment, transport and leisure activities, their needs are rarely taken into account.⁷

Violation of the right to health of disabled people

1. Disabled people aged 16 to 64 years had poorer ratings than non-disabled people on all four personal well-being measures; average anxiety levels were higher for disabled people at 4.6 out of 10, compared with 3.0 out of 10 for non-disabled people (year ending June 2021).⁸

³ <https://www.equity.org.uk/news/2024/equity-shares-evidence-with-the-united-nations-on-the-uks-treatment-of-disabled-people-damning-report-published#:~:text=The%20UNCRDP%20found%20that%20'grave,not%20accept%20the%20UN%20findings.>

⁴<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2FDocuments%2FHRBodies%2FCRPD%2FCRPD.C.17.R.3-ENG.doc&wdOrigin=BROWSELINK>

⁵ <https://www.equity.org.uk/news/2024/equity-shares-evidence-with-the-united-nations-on-the-uks-treatment-of-disabled-people-damning-report-published#:~:text=The%20UNCRDP%20found%20that%20'grave,not%20accept%20the%20UN%20findings.>

⁶ <https://www.equity.org.uk/news/2024/equity-shares-evidence-with-the-united-nations-on-the-uks-treatment-of-disabled-people-damning-report-published#:~:text=The%20UNCRDP%20found%20that%20'grave,not%20accept%20the%20UN%20findings.>

⁷ <https://www.equity.org.uk/news/2024/equity-shares-evidence-with-the-united-nations-on-the-uks-treatment-of-disabled-people-damning-report-published#:~:text=The%20UNCRDP%20found%20that%20'grave,not%20accept%20the%20UN%20findings.>

⁸[https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/outcomesfordisabledpeopleintheuk/2021#:~:text=Nearly%201%20in%204%20\(24.9,and%2019.2%25%20respectively\)%20\(year](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/outcomesfordisabledpeopleintheuk/2021#:~:text=Nearly%201%20in%204%20(24.9,and%2019.2%25%20respectively)%20(year)

2. The proportion of disabled people (15.1%) aged 16 years and over in England who reported feeling lonely “often or always” was over four times that of non-disabled people (3.6%) (year ending March 2021).⁹
3. The mortality rate of people with disabilities is appalling. The evidence received revealed a disturbingly consistent theme: disabled people resorting to suicide following the denial of an adequate standard of living and social protection, starkly contradicting the foundational principles enshrined in the Convention. Testimonies have also been received regarding the minimal, unsuitable, and/or abusive responses to individuals’ mental health emergencies that are frequently precipitated by the benefits assessment procedure.¹⁰
4. An investigation by The Independent and Sky News recently revealed that almost 20,000 sexual abuse incidents were reported in NHS-run hospitals in the last five years. Latest data indicates that over 2,000 people with learning disabilities and autism are still in inpatient units, despite the government’s commitment to reduce the number of inpatient beds by 50% from March 2015 to March 2024 and develop community-based services.¹¹
5. There are currently 2,045 people with a learning disability and/or autism living in inpatient units, according to NHS England statistics released and analyzed by charity Mencap. On average, they remain in these hospital settings for just under five years.¹²
6. It confirms that the government has once again failed to meet its target to reduce the number of people with a learning disability and autism in mental health hospitals – a longstanding promise.¹³ Following the Winterbourne View abuse scandal in 2011, the government and NHS England pledged to reduce the numbers of people with learning disabilities and/or autism in inpatient settings.¹⁴

⁹[https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/outcomesfordisabledpeopleintheuk/2021#:~:text=Nearly%201%20in%204%20\(24.9,and%2019.2%25%20respectively\)%20\(year](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/outcomesfordisabledpeopleintheuk/2021#:~:text=Nearly%201%20in%204%20(24.9,and%2019.2%25%20respectively)%20(year)

¹⁰ <https://www.bigissue.com/news/social-justice/disabled-people-rights-uk-government-hate-speech-benefits-un/>

¹¹ [https://news.sky.com/story/patient-11-calls-for-public-inquiry-into-20-000-sexual-abuse-allegations-in-nhs-mental-health-wards-](https://news.sky.com/story/patient-11-calls-for-public-inquiry-into-20-000-sexual-abuse-allegations-in-nhs-mental-health-wards-13094670#:~:text=The%20Sky%20News%2FIndependent%20Patient,your%20permission%20to%20use%20cookies)

[13094670#:~:text=The%20Sky%20News%2FIndependent%20Patient,your%20permission%20to%20use%20cookies](https://www.independent.co.uk/news/uk/nhs-england-mencap-england-sullivan-government-b2530812.html)

¹² <https://www.independent.co.uk/news/uk/nhs-england-mencap-england-sullivan-government-b2530812.html>

¹³ <https://www.mencap.org.uk/press-release/government-have-failed-halve-number-people-learning-disability-and-autistic-people>

¹⁴ <https://www.england.nhs.uk/wp-content/uploads/2014/11/transforming-commissioning-services.pdf>

7. The latest commitment was to reduce the number of people with a learning disability and autistic people in inpatient units by 50% by March 2024. Mencap estimates they won't meet it until 2030 at the earliest.¹⁵
8. The UN report said: "The committee is deeply concerned about evidence across the state party that there is increasing rates of institutionalization of disabled people, including disabled people living in secure psychiatric facilities due to a lack of community-based support; disabled people who are forced to remain in hospitals because there are no other support and housing alternatives, disabled people who are unable to live at home because there are inadequate supports and they are forced to live in social care homes; disabled people who are housebound due to inadequate support to access the community."¹⁶
9. In January 2024, there were 5,735 reported uses of restrictive interventions used against people with a learning disability in inpatient units in one month. Of these, 1,085 were against children. That includes physical, chemical, mechanical restraint and being kept in isolation.¹⁷
10. A United Nations human rights body has criticized the United Kingdom government for "involuntary, compulsory treatment and detention" of people with disabilities inside and outside hospitals and urged UK authorities to guarantee access to community-based services.¹⁸
11. The Human Rights Committee highlighted how authorities continue to detain and involuntarily treat people with disabilities under the UK Mental Health Act, based solely on their actual or perceived disability. The Committee expressed concern that the average length of stay for people with learning disabilities and autism detained under the act is over two years.¹⁹
12. In one case reported by the BBC, at least eight members of staff at a hospital were seen picking up a young woman with autism and dragging her to a seclusion room, where she had already spent over two weeks.²⁰

¹⁵ [https://www.mencap.org.uk/press-release/government-have-failed-halve-number-people-learning-disability-and-autistic-people#:~:text=Therefore%20a%2050%25%20reduction%20would,the%20end%20of%20March%202024.&text=The%20Government%20has%20said%20that,inpatients%20per%20million%20\(AIPM\).](https://www.mencap.org.uk/press-release/government-have-failed-halve-number-people-learning-disability-and-autistic-people#:~:text=Therefore%20a%2050%25%20reduction%20would,the%20end%20of%20March%202024.&text=The%20Government%20has%20said%20that,inpatients%20per%20million%20(AIPM).)

¹⁶ https://www.ohchr.org/sites/default/files/Documents/Publications/Disabilities_training_17EN.pdf

¹⁷ <https://www.bigissue.com/news/social-justice/learning-disability-autism-mental-health-hospital-mencap/>

¹⁸ <https://www.hrw.org/news/2024/04/04/un-body-calls-uk-end-detention-people-disabilities>

¹⁹ <https://www.hrw.org/news/2024/04/04/un-body-calls-uk-end-detention-people-disabilities>

²⁰ <https://www.bbc.co.uk/news/uk-63045298>

13. The UN expert on torture has noted that “involuntary treatment and other psychiatric interventions in health-care facilities” can be forms of torture and ill-treatment.²¹

People with disabilities access to public services

1. In August the EHRC submitted a report to the United Nations warning that many disabled persons faced discrimination in the country and that their situation was worsening due to cost-of-living pressures. The commission reported that disabled persons continued to be at disproportionately high risk of poverty and low income, and had poor access to public services.²²
2. The Home Office announced that it would not implement core recommendations of the inquiry that would have made it a legal requirement for building owners to produce evacuation plans for high-rise buildings and personal emergency evacuation plans (PEEPs) for people with disabilities.²³
3. The government refused to include a legal requirement for people with disabilities living in high-rise buildings to have personal evacuation plans, prompting strong criticism and legal action considering the deaths of 15 of the Grenfell Tower’s 37 residents with disabilities in the fire.²⁴
4. According to the government’s UK Disability Survey Research Report, June 2021, which surveyed 14,491 individuals to inform the development of its National Disability Strategy, over a quarter of respondents with disabilities often had difficulty accessing public buildings, while one in three respondents with disabilities often had difficulty accessing public spaces. Many persons with disabilities and caregivers who had trouble accessing public buildings also reported difficulty accessing important public services. Respondents reported cases of insufficient access to privately owned buildings used by the public, such as shops, bars, restaurants, and cafes. Many persons with disabilities and caregivers reported that they live in homes, which do not meet their needs to live independently or to provide care, or that they have needed to make significant adjustments to their homes to meet accessibility requirements.²⁵
5. According to the UK Disability Survey, only one in 10 respondents with disabilities to the survey agreed that persons with disabilities are given the

²¹ http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf

²² <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/united-kingdom/>

²³ <https://www.insidehousing.co.uk/news/news/governments-rejection-of-grenfell-inquiry-proposals-for-disabled-residents-branded-shameful-and-reprehensible-75683>

²⁴ <https://www.hrw.org/world-report/2023/country-chapters/united-kingdom>

²⁵ <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/united-kingdom/>

educational opportunities they need to thrive in society. Over half of respondents with disabilities not employed reported that they would like more help finding and keeping a job.²⁶

6. Disabled people were more likely to report finding access to services in person difficult compared with non-disabled people (51.5% compared with 25.2%); this includes services such as banks and building societies, restaurants and bars, hairdressers, sports and exercise facilities, and cinemas.²⁷
7. Disabled people were more likely to identify barriers to accessing products and services than non-disabled people; difficulty using transport was the barrier with the largest difference between disabled (22.9%) and non-disabled people (6.1%), a 16.8 percentage point difference.²⁸

Recommendations

- The report concludes that there has been no significant progress with independent living rights and active regression in relation to work and social security rights, recommending urgent measures be taken in relation to improvements in these areas.
- The UK government should heed the Human Rights Committee's call and amend the Mental Health Act and Mental Capacity Act to ensure people with disabilities aren't locked up in institutions against their will. Instead, it should strengthen and develop voluntary, rights-respecting services so everyone has access to adequate support that allows them to live in their own communities with dignity.
- We reaffirms the need to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity, and in this regard, calls upon UK Government to To prevent and prohibit all forms of discrimination against persons with disabilities and ensure, for persons with disabilities, full and effective participation and inclusion, respect for their individual autonomy, including the freedom to make one's own choices; independence; and equality of opportunity.
- We Encourage UK government to take appropriate measures to identify and eliminate obstacles and barriers to accessibility for persons with disabilities,

²⁶ <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/united-kingdom/>

²⁷ <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/disabledpeopleesacessttoproductsandservicesgreatbritain/februarytomarch2022>

²⁸ <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/disabledpeopleesacessttoproductsandservicesgreatbritain/februarytomarch2022>

in particular to ensure that persons with disabilities have access, on an equal basis with others, to the physical environment, transportation, information and communications, and to other facilities open or provided to the public, both in urban and rural areas.