United Nations Convention on the Rights of Persons with Disabilities

This UN Convention is an agreement about disabled peoples’ rights

This easy read report is about the UN Convention and how this is working.
What is this report about

The **UN Convention on the Rights of Persons with Disabilities** is a big document about disabled peoples’ rights. It says that disabled people should be treated fairly. In the rest of this report we will call it the **UN Convention** for short.

This report is about how the **UN Convention** is being put into action.

This report is an independent assessment of how well it is working.

This report has been written by Disability Rights UK, Disability Wales and Inclusion Scotland.

Neil Crowther and Steering Groups from around the country have helped.

This report talks about England, Wales and Scotland.

This report does not cover Northern Ireland or the Republic of Ireland.
The **UN Convention** has lots of different sections.

In the **UN Convention** the sections are called **Articles**.

This is what our report is about.

The UK Government is in charge of the main laws for England, Scotland and Wales.

Some other laws and policies are run by the Scottish Government and the Welsh Government.

In this report, when we say about changes that are needed these would have to be done by the government who is in charge of that law.

This report has been paid for by the **Equality and Human Rights Commission** and the **Scottish Human Rights Commission**.
How we did this report

To write this report we have listened to disabled people from England, Scotland and Wales.

We have done this in lots of different ways.

Groups sent us reports they have written.

487 people did a survey on the computer.

We held 18 events for people to come to.

These were in England, Scotland and Wales.

We had meetings with groups that work with all different people to see what they had to say.
1. Funding Cuts and disabled people

Governments are making lots of funding cuts. This is because they do not have enough money.

The UK Government have said they will be making lots more cuts to the money which helps people.

One thing they are going to do is take £30 a week off Employment Support Allowance (ESA). This will affect people in the Work Related Activity Group.

These cuts are having a bigger effect on the rights of disabled people than on people who do not have a disability. This means disabled people are suffering more.
2. How work in the UN Convention is being done

This links to Article 4 and Article 33.1

The Office for Disability Issues is a department in the Government which works to make things better for disabled people.

There have been lots of cuts to this department.

Public bodies
This means different organisations that are doing work for the government.
They are not part of the government.

The Office for Disability Issues checks if the UN Convention is being stuck to.

Their job is to check that all UK government departments, public bodies and the Scottish and Welsh Parliaments are doing this.

What is being done to make the UN Convention work is different in England, Scotland and Wales.
In some places it is not working.
3. Telling people about the UN UN Convention and making sure they stick to it

This links to Article 33.2 and 33.3

The Equality and Human Rights Commission (EHRC) is the name of the department which checks that laws are being stuck to.

They have had much bigger funding cuts than other departments in the government.

More cuts will be happening. The department will lose lots of staff. They used to have 525 staff. After the cuts they have 176.

These cuts make it harder for them to check laws are being stuck to.

The UK Government have also taken away some of the duties and powers of the Equality and Human Rights Commission.

This means they cannot do much about it if places break the laws and ignore the rules.
4. Equality and non-discrimination

Equality is about making things fair and equal.

Discrimination is when someone is treated unfairly because of something about them.

Non-discrimination is about treating people fairly.

This links to Article 5

The Equality Act 2010 is a law about making sure things are fair and people do not face discrimination.

The Act says about changes that people must make so that things are accessible.

These changes are called reasonable adjustments.

Schools are not covered by these laws so they do not have to change their buildings.

The UK Government were going to put this right. They have not done it yet.
5. Making things equal

The Equality Act 2010 says all public bodies must make sure discrimination does not happen. Public bodies must help different groups of people get on with each other and try and make things fair and equal. The work is called Public Sector Equality Duty.

At the moment departments, parliaments and public bodies just have to show they are trying to do this. They do not have to be able to show that what they are doing is working.

The House of Lords is part of the UK Parliament. They say the rules about Public Sector Equality Duty need to change. The rules should mean people have to show how things are better not just that they are trying.
6. Women with disabilities

This links to Article 6

Being disabled means people can face difficulties that are about their disability.

Being a woman can mean people face difficulties that are about being female.

Disabled women have a much harder time because they have both sets of problems.

The UK Government is making changes to people’s benefits. They are not thinking about the extra difficulties disabled women can face.

These changes will have a bad effect on the rights of disabled women.

If someone lives with their partner then in future their benefits could all be paid jointly.

Disabled women are already more vulnerable to domestic abuse.

This change could mean their partner does not let them have any money.
7. Children with disabilities

This links to Article 7

There is no big plan in the UK to make sure that disabled children are included and get the same chances as children who do not have a disability.

A group called the UN Committee on the Rights of the Child think that not having a big plan (some people call this a strategy) is not good. We think this is a big problem as well.

In England, Scotland and Wales more disabled children are going to special schools.

The number of disabled children who get to go to mainstream secondary schools is going down.

Disabled children are more likely to live in poverty. This is when people do not have enough money to buy food and pay bills.

Universal Credit for disabled children will be going down by over £1500 each year for lots of families.
8. Raising Awareness

This links to Article 8

Article 8 and the Equality Act 2010 ask public bodies to make sure disabled people are seen in a positive and equal way.

After the 2012 Paralympics things were better. Media campaigns like See Me and Time to change also helped people to see disability in a more positive way.

There is no big plan to make sure disability is looked at in a good way. This is needed to make sure that we change peoples’ opinions so that they see disabled people in a good way.

At the moment there are more and more times that disabled people are talked about in the media in a bad way.
9. Accessibility

This links to Articles 9, 21, 28 and 29.

These Articles are all about disabled peoples’ rights to be able to take part in things and live a full and happy life.

It is also about people having somewhere to live and being able to get around safely.

In the UK there are not enough houses which are accessible for disabled people to live in.

There are no laws or rules to make people build more houses that are accessible.

In Scotland lots of disabled people have to live in a house that is not suitable for them.

In the UK some roads and pavements are being changed so they can be used by cars and people at the same time.

This is dangerous, confusing and scary for disabled people.
10. Inaccessible Information

This links to Articles 21 and 29

People with learning disabilities, deaf people and people with hearing impairments are not being given information in an accessible way at the right time.

This stops people being able to take part in political things like voting.

This also stops them taking part in things in their local community.

When people do make accessible information they usually do not do this on a good time scale. This means there is less time for people to take part. This affects their Rights.

This is not fair. It means it is hard for disabled people to get information and take part in things.
11. Right to Life

This links to Article 10

The number of disabled people who have died when they were somewhere to be looked after is going up.

If someone dies when they are in a police cell, prison or being held in a detention centre then there is an investigation. This will be done by someone who is independent and can find out the truth.

If someone dies in a mental health setting or somewhere people with learning disabilities are cared for there is no independent investigation.

Finding out what happened is done by the same people who run the place where the person died. This means it is not independent and may not find the truth.
12. Mental Capacity

This links to Article 12

Mental capacity is about whether someone can understand enough about something to make a decision about it.

There are laws about mental capacity. In England and Wales this law is called the Mental Capacity Act 2005. In Scotland this law is called the Adults with Incapacity Act 2000.

If a disabled person is not able to make one type of decision, they can be put as lacking capacity for all things. This does not fit with the UN Convention rules. These laws should be changed to protect peoples’ rights.
13. Access to Law and Justice

This links to Article 13

**Justice** is about people being able to get legal help and having a fair chance of being heard.

In July 2013 rules changed so people had to pay if they took their employer to court. This is called an **Employment Tribunal**.

An **Employment Tribunal** can happen if someone believes their employer has not stuck to the laws and rules about being an employer.

Since people had to pay fees to take their employer to court less people are doing this. This does not mean all employers are good. This means some people still do bad things and are getting away with it.

This means discrimination could still be happening but disabled people cannot afford the money to get **justice**.
14. Access to Legal Aid

Legal Aid is when people can get advice about legal things but they get it free or much cheaper. This means people can still use the legal systems even if they do not have much money.

In 2012 a new law came in which stopped people getting legal aid with certain types of problems. This means if people need legal help to challenge things around like debt, benefits and housing and some employment issues they would have to pay.

Legal bills are very expensive.

Many disabled people cannot afford them and have needed to use legal aid to get legal help. This means they will be affected worse by these changes than people who are not disabled.

In Scotland and Wales there are not many places disabled people can find a legal person to help them. This makes it even harder to get legal support.
15. Freedom and safety

This links to Article 14

The Mental Health Act 1983 says that someone can be sectioned if this is the only way to keep them safe so they can have treatment.

This means they can be put into hospital or a treatment centre even if they do not agree to it.

The Mental Health Act says that someone can be kept in hospital or a treatment centre for 6 months if that is what is needed for them.

They can be kept there even if they do not agree to it.

This is called a Compulsory Treatment Order.

The number of times people are sectioned is going up and has done for the last 10 years.

The amount of Compulsory Treatment Orders being used is much higher than people thought it would be.
15. Freedom and safety

This links to Article 14

The Mental Capacity Act is another law. This law talks about when you stop someone doing something they want to so you can keep them safe. This is called Deprivation of Liberty Safeguards (often called DOLS).

If staff think this is what needs to happen for someone they must make a DOLS application. Lots of DOLS applications are about people with dementia or learning disabilities.

The laws in England, Scotland and Wales about mental health and mental capacity do not fit with what the UN Convention says. This is because one of the reasons people can be held for treatment or stopped from doing things is around disability.
16. Freedom from being hurt

This links to Article 16

This Article is about people not being hurt, treated very badly or punished.

In this report we want to look at restraint, using things like time out and medication.

Restraint is when you hold someone without their permission. You might do this to keep them safe.

Time Out is about making people be on their own.

These things can happen in places where people are treated for their mental health and where people who have learning disabilities are cared for.

Research shows that some medication (like anti-depressants) are being used on people with learning disabilities, mental health or dementia in the wrong way.
A person is an **Immigrant** when they are coming to live in the UK from another country.

Lots of **Immigrants** who want to come here cannot stay in their own country because it is not safe to live there any more.

Sometimes people are put into a place called a **detention centre** when they first arrive. They are kept here while the government checks if they can stay.

Lots of people in **detention centres** have mental health problems. A lot of the time this is because of bad things that happened to them in their own country.

Keeping them in **detention centres** does not fit with **Article 16** of the **UN Convention**.
18. Living independently and being included

This links to Article 19

The laws in England, Scotland and Wales about care and support do not give disabled people a right to independent living.

Laws say about wellbeing which is about being happy, safe and healthy. Laws say about people having choice and control. This is not the same as having a right to independent living.

The ways that social care services support disabled people with independent living do not have enough funding to do this well.

What can happen is that everyone concentrates on health and social care things get left behind.
19. Health

This links to Article 25

Access to health information and support around health for disabled people is getting a lot harder.

This makes it difficult for people to stay healthy.

Our Government does not understand how to stop poor health. For example mental health services are needed more and more.

The money for these services is being cut badly. This means mental health services cannot run properly or stop completely.

There are lots of issues around accessibility which are stopping disabled people getting things like breast cancer screening.

Disabled people including people with learning disabilities or mental health issues are still dying younger than they should be.
20. Work and employment

This links to Article 27

Lots of disabled people are not able to get a job. Lots more disabled people are unemployed than people who are not disabled.

The UK Government say they want to work to make this better. They have not set a time scale for this. Lots of things that have been tried to help disabled people find a job have not worked.

In October 2016 the UK Government wrote a big paper to say how they would make it better for disabled people when they want a job.

Organisations which help people to find jobs say the funding to support disabled people with work is being cut. They say it is likely less disabled people will actually get help to find work in future.