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**UN Disability Committee Concluding Observations progress tracker**

The table below sets out the key policies, statistical data and research that in our view are relevant to the progress towards implementing Concluding Observations issued by the UN Disability Committee in 2017.

The purpose of this document is to support our call for evidence for England shadow civil society report for UN Disability Committee. You can find out more at our Call for Evidence page

<https://www.inclusionlondon.org.uk/uncrdp/call-for-evidence/call-for-evidence-now-open/>

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| UNCRPD article and recommendations from Disability Committee | Progress: data and policies introduced by the government, findings of parliamentary committees. |
| **General recommendations** Incorporate the Convention into its legislation, recognizing access to domestic remedies for breaches of the Convention, and adopt an appropriate and comprehensive response to the obligations enshrined in the Convention in its policies and programmes across the State party, including all devolved governments;Strengthen its efforts to extend the Convention and support its implementation in the Overseas Territories; Adopt legally binding instruments to implement the concept of disability, in line with article 1 of the Convention, and ensure that new and existing legislation incorporates the human rights model of disability across all policy areas and all levels and regions of all devolved governments and jurisdictions and/or territories under its control;Undertake a comprehensive cross-cutting review of its legislation and policies to bring them into line with article 1 of the Convention, and ensure that the legal framework protects persons with disabilities against discrimination on the grounds of disability. The State party should involve organizations of persons with disabilities and national human rights institutions in this process; Expedite the process to develop a measurable strategic framework and plan of action, with sufficient financial resources, aimed at abolishing laws, regulations, customs and practices that constitute discrimination against persons with disabilities and ensuring the equal protection of persons with disabilities;Prevent any negative consequences for persons with disabilities resulting from the decision to trigger article 50 of the Treaty on European Union, in close consultation with organizations of persons with disabilities. The Committee recommends that the State party collect information and adopt a strategic and measurable plan of action for improving the living conditions of all persons with disabilities, including in close cooperation with the authorities in Northern Ireland and the territories under its jurisdiction and/or control. The Committee recommends that the State party: (a) Allocate financial resources to support organizations representing persons with disabilities, including women and children with disabilities, and develop mechanisms to ensure the inclusive, strategic and active involvement of organizations of persons with disabilities, including women, children and intersex persons, in the planning and implementation of all legislation and measures that affect the lives of persons with disabilities; (b) Establish mechanisms to secure the full participation of organizations of persons with disabilities in the design and implementation of strategic policies aimed at implementing the Convention across the State party, through objective, measurable, financed and monitored strategic action plans. | The government set up a panel to review the Human Rights Act,The justice Secretary promised in his speech at 2021 Conservative Party conference to “overhaul” the Human Rights Act.Definitions of disability in the Equality Act 2010 has not been changed.Women and Equalities Committee[[1]](#footnote-1), raised concerns about the effectiveness of the Equality Act enforcement. Has considered extending costs protection for discrimination cases as part of LASPO review[[2]](#footnote-2). Ester Leighton lost her legal action challenging the government’s failure to extend costs protection to discrimination cases[[3]](#footnote-3).European directives were brought into domestic law. The European Union (Withdrawal) Act 2018 excludes the EU Charter of Fundamental Rights from domestic law, resulting in the loss of some rights protections, including the freestanding right to equality of treatment. European directives were brought into domestic law. However the EU withdrawal Act allows changing them without parliamentary scrutiny.In July 2021 UKG published National Disability Strategy[[4]](#footnote-4). There are no national programmes to support DDPOs financially.DPOs are increasingly facing marginalisation from funders and decision-makers[[5]](#footnote-5).Disabled people launched a legal action to challenge poor consultation in the development of NDS[[6]](#footnote-6). UKG set up regional stakeholder networks as a structure for consulting and involving DDPO in decision-making. |
| **Equality and non-discrimination (art. 5)**The Committee recommends that the State party amend its abortion law accordingly. Women’s rights to reproductive and sexual autonomy should be respected without legalizing selective abortion on the ground of fetal deficiency. The Committee recommends that the State party, in line with Goal 10 and targets 10.2 and 10.3 of the Sustainable Development Goals, explicitly incorporate in its national legislation protection from multiple and intersectional discrimination on the basis of gender, age, race, disability, migrant, refugee and/or other status, and provide appropriate compensation and redress for victims, and sanctions proportional with the severity of the violation.The Committee recommends that the State party:  (a) Bring its anti-discrimination legislation into accordance with the Convention and speed up the process to bring into force all legislative provisions in the Equality Act 2010, including those concerning reasonable accommodation in the housing sector;  | There has been no changes to the law.A legal action to challenge discriminatory nature of the Abortion Act 1967 which allows abortion pregnancy termination up to birth if there is a “substantial risk” of a child being “seriously handicapped” was unsuccessful.The following sections of the Equality Act have not been implemented. Section 1 remains not in force in England, but implemented in Scotland and a consultation is underway in Wales. The reasonable adjustment duty permitting adjustments to the common parts of premises (Sch 4 para 5) has not been implemented. The government made a promise in National Disability Strategy to consult on this, Discrimination on the basis of more than one protected characteristic (s14). |
| **Women with disabilities (art. 6)**The Committee recommends that the State party, in close consultation with organizations of women and girls with disabilities, mainstream the rights of women and girls with disabilities into disability and gender equality policies. It also recommends that the State party, in line with the Committee’s general comment No. 3 (2016) on women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, adopt inclusive and targeted measures, including the collection of disaggregated data, to prevent multiple and intersectional discrimination against women and girls with disabilities, particularly those with intellectual and/or psychosocial disabilities, in education, employment, health and access to justice and in terms of poverty and violence.  | Disabled women who need social care support increasingly get referred to child protection proceedings instead of being supported in their roles as mothers.The Violence Against Women and Girls Strategy published in July 2021 The Domestic Abuse Act 2021  |
| **Children with disabilities (art. 7)**The Committee recommends that the State party, in close consultation with organizations representing children with disabilities, develop and implement policies aimed at: (a) Eliminating the higher level of poverty among families with children with disabilities; (b) Incorporating the human rights model of disability into all laws and regulations concerning children with disabilities;  (c) Setting up an independent monitoring mechanism to assess the situation of children with disabilities in school, particularly those facing bullying, through reliable indicators;  (d) Securing sufficient and disability-sensitive childcare as a statutory duty across the State party; (e) Strengthening measures to prevent bullying, hate speech and hate crime against children with disabilities.  | The Coronavirus Act 2020 introduced easements in relation to duties for children with SEND. NDS includes measures to improve access to playgrounds. |
| **Awareness-raising (art. 8)**The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities, strengthen its awareness-raising campaigns aimed at eliminating negative stereotypes and prejudice towards persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities and persons with neurological and cognitive conditions such as dementia and Alzheimer’s. To that end, the State party should include mass media strategies and campaigns, with different target audience groups, based on the human rights model of disability.  | 8% of disabled people, ‘agree’ or ‘strongly agree’ that the views held by members of the public about disability are generally helpful for disabled people.NDS includes a commitment to inspiring social change across the UK through new public awareness raising campaigns. |
| **Accessibility (art. 9)**The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities: (a) Identify outstanding gaps across the State party in terms of obligatory accessibility standards in all areas of the Convention, among others, the design of affordable and accessible physical environments, housing, ICT, information formats and transport infrastructure, including emergency services and green and public spaces in both urban and rural areas, and ensure that the standards are met; (b) Pay attention to the links between article 9 of the Convention and the Committee’s general comment No. 2 (2014) on accessibility, and targets 9, 11.2 and 11.7 of the Sustainable Development Goals;  (c) Monitor the development towards full inclusion through accessibility and sanction violations of accessibility regulations. | Only 10% of homes  in England offer minimal accessibility features and few local authorities across Britain set targets for accessible housing.MHCLG consulted in 2020 about raising accessibility standards for new homes. The National Disability Strategy included a commitment that MHCLG will confirm plans to improve the framework to deliver accessible new homes by December 2021. Web accessibility regulations came into force in 2018, requiring websit4es and apps of public bodies to comply with accessibility standards. Exemptions for busesIs there accessibility monitoring?Rail, bus and coach providers should have complied with The Public Services Vehicle Accessibility Regulations (PSVAR), by 31 December 2019[[7]](#footnote-7). |
| **Right to life (art. 10)**27. The Committee recommends that the State party adopt a plan of action aimed at eliminating perceptions towards persons with disabilities as not having “a good and decent life” and recognizing persons with disabilities as equal to others and part of the diversity of humankind. It also recommends that the State party ensure access to life-sustaining treatment and/or care.  | The category of “extremely vulnerable was introduced”. Additional support, priority access to vaccines and stricter rules about quarantine were liked to this category.Disproportionate deaths among disabled people from Covid 19[[8]](#footnote-8).Initial NICE guidance on access to critical care denied access to some Disabled people. It was quickly withdrawn.There is evidence of widespread blanket imposition of DNR notes no people’s files without their consent[[9]](#footnote-9). While other people were pressurised to agree to DNR note. Some people feared that help would not be given to them if they were admitted to hospital[[10]](#footnote-10).The DWP refuses to agree to independent inquiry into benefit related deaths.[[11]](#footnote-11)  |
| **Situations of risk and humanitarian emergencies (art. 11)**The Committee recommends that the State party: (a) Adopt a comprehensive disaster risk reduction plan and strategies that provide for accessibility and inclusion of persons with disabilities in all situations of risk, in line with the Sendai Framework for Disaster Risk Reduction, in close consultation with organizations of persons with disabilities;  (b) Mainstream disability in all humanitarian aid channels and involve organizations of persons with disabilities in setting priorities on aid distribution in the context of risk and humanitarian emergencies, paying attention to the Charter on Inclusion of Persons with Disabilities in Humanitarian Action;  (c) Develop information and warning systems in humanitarian emergencies that are accessible for all persons with disabilities; (d) Ensure that organizations of persons with disabilities participate in resilience teams at the local level and have an active role in advising on and formulating policies and guidelines regarding disaster preparedness and planning.  | The Coronavirus Act 2020 weakened existing rights to social care, education and weakened already inadequate safeguards in mental health law.During the pandemic Disabled people lost support and struggled to access basic necessities[[12]](#footnote-12); 6 in 10 people who died from Covid 19 pandemic were Disabled.  |
| **Equal recognition before the law (art. 12)**The Committee recommends that the State party, in close consultation with organizations of persons with disabilities, including those representing persons from black and minority ethnic groups and in line with the Committee’s general comment No. 1 (2014) on equal recognition before the law, abolish all forms of substituted decision-making concerning all spheres and areas of life by reviewing and adopting new legislation in accordance with the Convention to initiate new policies in both mental capacity and mental health laws. It urges the State party to step up efforts to foster research, data and good practices in the area of, and speed up the development of, supported decision-making regimes. It recommends that the State party ensure that asylum seekers and refugees with disabilities can exercise all rights enshrined in the Convention.  | Changes made to the Mental Capacity Act by Mental Capacity Amendment Act have not been implemented because of the pandemic.The Mental Capacity Code of Practice is being revised[[13]](#footnote-13).High court found systemic violations and disability discrimination in the way accommodation is provided to Disabled asylum seekers[[14]](#footnote-14). |
| **Access to justice (art. 13)**The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities: (a) Develop and implement capacity-building programmes among the judiciary and law enforcement personnel, including judges, prosecutors, police officers and prison staff, about the rights of persons with disabilities; (b) Design and implement a decision-making regime with guidelines and appropriate resources, focusing on respecting the will and preferences of persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities, in court proceedings; (c) Provide free or affordable legal aid for persons with disabilities in all areas of law and remove fees to access courts and employment tribunals, bearing in mind the Supreme Court ruling of 26 July 2017 regarding the Employment Tribunal’s fees (R (on the application of UNISON) (Appellant) v. Lord Chancellor (Respondent));  (d) Ensure that all persons with disabilities enjoy the right and are provided with adequate procedural accommodation within the justice system, and enable in particular deaf persons through the use of sign language interpreters, to fully and equally participate as jurors in court proceedings;  (e) Take measures to empower persons with disabilities to work in the justice system as judges, prosecutors or in other positions, with the provision of all necessary support. | The UKG published reform proposals aimed at reforming judicial review a mechanism used to challenge decisions of public bodies. Judicial Review and Courts Bill was introduced by the government[[15]](#footnote-15).Cuts to funding for advice sector and the impact of legal aid reforms led to “advice deserts” with 75% of local authority areas having no publicly funded advice provision for community care cases[[16]](#footnote-16).The EHRC inquiry found “systemic problems with criminal justice system which prevent people with learning difficulties and autism from having a fair trial”[[17]](#footnote-17)The government’s Police, Crime, Sentencing and Courts Bill will allow BSL interpreters to be present in the jury room, which will enable Deaf people to be jurors. |
| **Liberty and security of the person (art. 14**)The Committee recommends that the State party: (a) Repeal legislation and practices that authorize non-consensual involuntary, compulsory treatment and detention of persons with disabilities on the basis of actual or perceived impairment; (b) Take appropriate measures to investigate and eliminate all forms of abuse of persons with disabilities in institutional facilities. | UK laws continue to authorise compulsory detention in psychiatric hospitals and ATUs, forced treatment and community treatment orders.Mental Health White Paper was published in 2021.**The Mental Capacity (Amendment) Act 2019 received the Royal Assent on 16th May 2019. The purpose of the Act is to abolish the Deprivation of Liberty Safeguards (DoLS) and to replace them with a completely new system, the Liberty Protection Safeguards (LPS). This system will apply to England and Wales only.**No substantial progress was made in relation to moving people out of long stay hospitals into appropriate community placements[[18]](#footnote-18).n June 2018, the Joint Committee on Human Rights found that many people who lack capacity to make decisions about their care and treatment are [unlawfully deprived of their liberty](https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/890/890.pdf).  |
| **Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)**The Committee recommends that the State party: (a) Adopt appropriate measures to eradicate the use of restraint for reasons related to disability within all settings and prevent the use of Taser guns against persons with disabilities, as well as practices of segregation and isolation that may amount to torture or inhuman or degrading treatment; (b) Set up strategies, in collaboration with monitoring authorities and national human rights institutions, in order to identify and prevent the use of restraint for children and young persons with disabilities;  (c) Implement the outstanding recommendations contained in the February 2015 report of the inquiry by the Equality and Human Rights Commission entitled “Preventing Deaths in Detention of Adults with Mental Health Conditions”; (d) Prohibit any use of non-consensual electroconvulsive therapy on the basis of any form of impairment, in all regions, ensure that safeguards are based on the human rights model and are not limited to medical criteria, and work through appropriate authorities to ensure monitoring of this development, particularly in Northern Ireland.  | The use of restraint remained high and particularly among people with learning difficulties, autism, Black and other ethnic communities, women and girls**[[19]](#footnote-19)**.**C**ases of appealing treatment in psychiatric hospitals continued to surface [[20]](#footnote-20). The UK law continues to authorise involuntary treatment of Disabled people under the Mental Health Act and The Mental Capacity Act. The Mental Health White Paper published in 2021. |
| **Freedom from exploitation, violence and abuse (art. 16)**39. The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities, and in line with target 16.3 of the Sustainable Development Goals:  (a) Establish measures to ensure equal access to justice and to safeguard persons with disabilities, particularly women, children, intersex persons and elderly persons with disabilities from abuse, ill-treatment, sexual violence and exploitation;  (b) Define comprehensively the offence of disability hate crime, and ensure appropriate prosecutions and convictions; (c) Ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities, in accordance with article 16 (3) of the Convention. | UKG promised in NDS a review into the protections and support available to adults abused in their own homes by people providing their care, to complete by end 2022. There is still no parity in hate crime law for Disability and LGBT hate crimes, but The Law Commission is currently undertaking a reviewThe number of hate crime incidents reported to the police is more than 5 times higher in 2019-2020 compared to 2011. However the number of investigations charges and prosecutions is falling.Disabled people are more than two times likely to experience domestic abuse compared to non-disabled people[[21]](#footnote-21).The Domestic Abuse Act 2021  |
| **Protecting the integrity of the person (art. 17)**The Committee recommends that the State party repeal all types of legislation, regulations and practices allowing any form of forced intervention or surgery, and ensure that the right to free, prior and informed consent to treatment is upheld and that supported decision-making mechanisms and strengthened safeguards are provided, paying particular attention to women, intersex persons, girls and boys.  | The Mental Capacity Act continues to authorise treatment without consent when people deemed to lack capacity to give it.The Mental Health Act authorises forced treatment. The Mental Health White Paper published in 2021. |
| **Liberty of movement and nationality (art. 18)**43. The Committee recommends that the State party withdraw its reservation to article 18 of the Convention. | Reservation remails. |
| **Living independently and being included in the community (art. 19)**The Committee recommends that the State party, in line with the Committee’s general comment No. 5 (2017) on living independently and being included in the community and the Committee’s report on its inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out under article 6 of the Optional Protocol to the Convention:  (a) Recognize the right to living independently and being included in the community as a subjective right, recognize the enforceability of all its elements, and adopt rights-based policies, regulations and guidelines to ensure implementation; (b) Conduct periodic assessments in close consultation with organizations of persons with disabilities to address and prevent the negative effects of policy reforms through sufficiently funded and appropriate strategies in the area of social support and living independently;  (c) Provide adequate, sufficient earmarked funding to local authorities and administrations, including the devolved governments, to be able to continuously allocate adequate resources allowing persons with disabilities to live independently and be included in the community and to exercise their right to choose their place of residence and where and with whom to live;  (d) Set up a comprehensive plan, developed in close collaboration with organizations of persons with disabilities, aimed at the deinstitutionalization of persons with disabilities, and develop community-based independent living schemes through a holistic and cross-cutting approach, including education, childcare, transport, housing, employment and social security; (e) Allocate sufficient resources to ensure that support services are available, accessible, affordable, acceptable, adaptable and are sensitive to different living conditions for all persons with disabilities in urban and rural areas. | Demand for adult social care in England has gone up as council-funded provision has fallen and personalisation has gone into reverse[[22]](#footnote-22).With continued financial pressures on local authorities Disabled people experienced delays in support being put in place, cuts to support packages, reduced choice and control and increased charges for care which push many into greater poverty.The government announced an increase in taxation to raise extra £36bn for health and social care over the next 3 years; £5.4bn on which is allocated towards social care; towards implement the cap on care costs. UKG ignores calls from English DDPOs to work with Disabled people and our organisations on a national strategy to monitor and shape independent living support provision. Moreover, DDPOs have been and still are excluded from meaningful engagement on the social care reform that is being developed at the moment.Parliamentary Health and Social Care committee concluded that: “set targets for reducing the number of people in institutional settings were repeatedly missed. Most people with autism and learning difficulties detained in in-patient facilities stay in in-patient units for around six years, with many being “unable to live fulfilled lives…and… too often subject to treatment that is an affront to a civilised society”[[23]](#footnote-23).  |
| **Freedom of expression and opinion, and access to information (art. 21)**47. The Committee recommends that the State party, in consultation with organizations representing persons with disabilities: (a) Identify outstanding gaps in the implementation of obligatory accessibility standards on information channels based on ICT; (b) Ensure that legislation provides for the right to high-quality sign language interpretation and other forms of alternative communication in all spheres of life for deaf persons and hard of hearing persons, in accordance with the Convention;  (c) Allocate resources for the education of children with hearing impairments, their families and others, such as classmates and co-workers, in British Sign Language and tactile language. | There are still major problems accessing BSL interpreters for essential services. NDS document says 98% of websites still do not comply with international Web Accessibility Standards.Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 are often not complied with[[24]](#footnote-24)  |
| **Respect for privacy and the family (art. 23)** (a) Ensure appropriate support for parents with disabilities to effectively fulfil their role as parents and ensure that disability is not used as a reason to place their children in care or remove them from the family home; (b) Ensure that local authorities have the legal duty to allocate and provide funds for parents wishing to learn sign language.   | Disabled parents continue facing difficulties in receiving adequate support. Moreover, often requests for support are used to trigger child protection proceedings which can lead to the removal of children[[25]](#footnote-25). There are no government funded programmes to enable parents of Deaf children to learn BSL. All such programmes are run by voluntary organisations.Restrictions on visits to residential care settings and other institutions during the pandemic impacted on the right to respect for family life.. |
| **Education (art. 24)**The Committee recommends that the State party withdraw its reservation to article 24 (2) (a) and (b) of the Convention without further delay. 53. The Committee recommends that the State party, in close consultation with organizations of persons with disabilities, especially organizations representing children and young persons with disabilities, and in line with the Committee’s general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.8 of the Sustainable Development Goals: (a) Develop a comprehensive and coordinated legislative and policy framework for inclusive education and a timeframe to ensure that mainstream schools foster real inclusion of children with disabilities in the school environment and that teachers and all other professionals and persons in contact with children understand the concept of inclusion and are able to enhance inclusive education;  (b) Strengthen measures to monitor school practices concerning enrolment of children with disabilities and offer appropriate remedies in cases of disability-related discrimination and/or harassment, including deciding upon schemes for compensation; (c) Adopt and implement a coherent and adequately financed strategy, with concrete timelines and measurable goals, on increasing and improving inclusive education. The strategy must: (i) Ensure the implementation of laws, decrees and regulations on improving the extent and quality of inclusive education in classrooms, support provisions and teacher training, including pedagogical capabilities, across all levels providing for high-quality inclusive environments, including within breaks between lessons and through socialization outside “education time”;(ii) Set up awareness-raising and support initiatives about inclusive education among parents of children with disabilities;(iii) Provide sufficient, relevant data on the number of students both in inclusive and segregated education, disaggregated by impairment, age, sex and ethnic background, and on the outcome of the education, reflecting the capabilities of the students. | The UKG maintains the reservation for Article 24  in England both the number and proportion of children with SEN educated in special schools has increased between 2016 and 2020.The UK Government plans to increase the number of special school places,The exclusion of disabled people from mainstream education (formal and informal has increased.C&FA easements in the Coronavirus Act There are [reports that many children with SEND and their families had support withdrawn](https://disabledchildrenspartnership.org.uk/wp-content/uploads/2020/06/LeftInLockdown-Parent-carers%E2%80%99-experiences-of-lockdown-June-2020.pdf) during the lockdown, with concerns that reductions in support may widen [attainment gaps between disabled and non-disabled pupils.](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882802/Special_educational_needs_and_disability_-_an_analysis_and_summary_of_data_sources.pdf)  |
| Health (art. 25)55. The Committee recommends that the State party, in close collaboration with representative organizations of persons with disabilities: (a) Develop a targeted, measurable and financed plan of action aiming at eliminating barriers in access to health care and services, and monitor and measure its progress, especially in relation to persons with intellectual and/or psychosocial disabilities and those with neurological and cognitive conditions;  (b) Set up protocols for medical services that respect the right of persons with disabilities to privacy in information about health;  (c) Ensure equal access to sexual and reproductive health-care services, as set out in target 3.7 of the Sustainable Development Goals, and provide information and education on family planning for persons with disabilities in accessible formats, including Easy Read; (d) Ensure that medical professionals are under the obligation to enforce standards set in guidance and criteria on “do not resuscitate” orders for persons with disabilities on an equal basis with others; (e) Address the high suicide rate among persons with disabilities, especially persons with intellectual and/or psychosocial disabilities. | In January 2020 the government published NHS 10 year plan. This document includes 1% real term increase in funding[[26]](#footnote-26). The plan includes commitments to improving community support for people experiencing mental distress, people with learning difficulties and autism. It also includes a move to digitalising NHS support where possible and move away from face to face appointments. Access to health services was significantly reduced during Covid 19 pandemic which had a disproportionately negative impact on Disabled people[[27]](#footnote-27).Changes to the NHS charging policy in England have [restricted access to healthcare for people refused asylum](https://www.equalityhumanrights.com/en/our-work/news/asylum-seekers-britain-unable-access-healthcare) and [other groups of migrants.](https://www.rcpch.ac.uk/news-events/news/migrant-charges-unworkable-say-paediatricians) |
| **Work and employment (art. 27)** The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities, and in line with the Committee’s report on its inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out under article 6 of the Optional Protocol to the Convention: (a) Develop and decide upon an effective employment policy for persons with disabilities aimed at ensuring decent work for all persons with disabilities, bearing in mind the State party’s target of 1 million jobs for persons with disabilities, and ensure equal pay for work of equal value, focusing especially on women with disabilities, persons with psychosocial and/or intellectual disabilities and persons with visual impairments, and monitor those developments;  (b) Ensure that reasonable accommodation is provided to all persons with disabilities who require it in the workplace, that regular training on reasonable accommodation is available to employers and employees without disabilities, and that dissuasive and effective sanctions are in place in cases of denial of reasonable accommodation; (c) Ensure that the legal and administrative requirements of the process to assess working capabilities, including the Work Capability Assessment, are in line with the human rights model of disability, that those who conduct the assessments are qualified and duly trained in that model, and that the assessments take into consideration work-related as well as other personal circumstances. The State party must ensure that the adjustments and support necessary to access work, as well as financial support, are provided and that they are not subject to sanctions or conditional upon carrying out job seeking activities; (d) Withdraw its reservation to article 27 of the Convention; (e) Bear in mind the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goals. | NDS included commitments to introducing Access to Work passports, improving right to flexible working, review Disability Confident scheme and improve employment support[[28]](#footnote-28)UKG published a response to Work is everyone’s business consultation[[29]](#footnote-29)The Covid-19 pandemic has also had a disproportionate impact on Disabled workers. Half of those that were of risk of redundancy during the pandemic were Disabled people, with 48% of those that were labelled as “Clinically Extremely Vulnerable” by the UK Government at risk of redundancy[[30]](#footnote-30).400,000 Disabled people were unemployed in 2020. This was 76,000 more than the number who were unemployed a year previously. The unemployment rate for Disabled people was 8.4% in October-December 2020, up from 6.9% a year previously. This compared to an unemployment rate of 4.6% for people who are not Disabled[[31]](#footnote-31).The Disability Employment Gap has slightly decreased from 2019 to 2020 – from 29.8 percentage points between Disabled and non-Disabled people, to 28.4 percentage points[[32]](#footnote-32). However, it should be noted that Disabled women and Disabled BME workers had employment gaps far higher than this average.However, the Disability Pay Gap has continued to increase, from 15.5% in 2019 to 19.6% in 2020. This means a Disabled worker working full time would earn on average £3800 less than a non-Disabled worker[[33]](#footnote-33).Just over half of Disabled workers had had their reasonable adjustments made in full by their employers during the pandemic, with 16% saying that none of their adjustments had been implemented[[34]](#footnote-34). |
| **Adequate standard of living and social protection (art. 28)** The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities across all territorial entities, in line with the Committee’s report on its inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out under article 6 of the Optional Protocol to the Convention, guided by article 28 of the Convention and implementing target 10.2 of the Sustainable Development Goals:  (a) Introduce, adopt and implement legislative frameworks to ensure that social protection policies and programmes across the State party secure income levels for all persons with disabilities and their families, by taking into account the additional costs relating to disability, and ensuring that persons with disabilities are able to exercise their parental responsibilities. The State party must ensure that members of the new Employment and Support Allowance work-related activity group have access to full compensation of disability-related costs;  (b) Carry out a cumulative impact assessment, based on disaggregated data, of the recent and forthcoming reforms of the social protection system for persons with disabilities, and in close collaboration with organizations of persons with disabilities define, implement and monitor measures to tackle retrogression in their standard of living and use the cumulative impact assessment as a basis for policy development across the State party; (c) Repeal the Personal Independence Payment (Amendment) Regulations of 2017 and ensure that eligibility criteria and assessments to access Personal Independence Payments, Employment Support Allowance and Universal Credit are in line with the human rights model of disability; (d) Ensure that the budget allocation is sufficient for local authorities to meet their responsibilities regarding assistance for persons with disabilities, and extend support packages to mitigate the negative impacts of social security reform in Northern Ireland; (e) Conduct a review of the conditionality and sanction regimes concerning the Employment and Support Allowance, and tackle the negative consequences on the mental health and situation of persons with disabilities. **Participation in political and public life (art. 29)**The Committee recommends that the State party, in close consultation with organizations of persons with disabilities, take appropriate measures to secure accessibility for persons with disabilities, regardless of the type of impairment, repeal provisions restricting the right of persons with disabilities to vote, and ensure the provision of reasonable accommodation to guarantee the possibility of and right to universal and secret suffrage. |  The government lost several judicial review cases related to transition from legacy benefits to UC.[[35]](#footnote-35) [[36]](#footnote-36).[[37]](#footnote-37).During the pandemic, Universal Credit claimants received a £20 uplift. However, this uplift was not extended to claimants of legacy benefits such as Employment Support Allowance. Nearly 2 million Disabled people have been subject to this lack of uplift as they remain on legacy benefits[[38]](#footnote-38).The Health and Disability Benefits Green Paper was published in 2021[[39]](#footnote-39). Health Transformation programme aimed at improving benefits assessments[[40]](#footnote-40).Personal Independence Payment (Amendment) Regulations of 2017 were quashed by the judge as discriminatory[[41]](#footnote-41).There are gaps in the data relating to the number of Disabled people holding elected political office in the UK, as it is not systematically collected[[42]](#footnote-42). However Disabled people are still underrepresented in Parliament and other elected bodies[[43]](#footnote-43). There are clear barriers present to Disabled people wishing to stand or be selected as a candidate for political office, including the closure of the Access to Elected Office Fund in 2015 and the interim EnAble Fund in 2020. However, the national Disability Strategy promised that (MHCLG) will support a new scheme from April 2022 to support those disabled people seeking to become candidates and once they have been elected to public office. Disabled people still experience many barriers to voting, including accessibility at polling stations and being able to access political parties’ manifesto and other campaign materials.The Elections Bill going through parliament now introduces voter ID, It also replaces the need for prescribed equipment (special equipment which can help disabled voters cast their vote with a general duty to make reasonable adjustments. The Bill also makes it possible for any person over the age of 18 to assist a disabled voter with casting their vote.The Government has not implemented section 106 of the Equality Act 2010, which would require political parties to collect and publish candidate diversity data. |
| **Participation in cultural life, recreation, leisure and sport (art. 30)**The Committee recommends that the State party: (a) Take all necessary steps to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled as soon as possible; (b) Adopt a concrete plan of action, with resources and measurable objectives, to implement legislation, regulation and standardization to ensure that persons with disabilities have access to inclusive participation in all sports facilities and heritage sites, including UNESCO heritage sites. | The UKG ratified Marrakesh Treaty.Disabled people were disproportionately affected by measures limiting access to public spaces and physical activities in response to the pandemic. Following the first lockdown[[44]](#footnote-44). NDS includes commitments aimed at improving access to leisure, culture and sport[[45]](#footnote-45). |
| **Specific obligations****Statistics and data collection (art. 31)**The Committee recommends that the State party, in line with Sustainable Development Goal 17, significantly increase the availability of high-quality, timely and reliable data disaggregated by, among others, income, sex, age, gender, race, ethnic origin, migratory, asylum-seeking and refugee status, disability, geographic location and other characteristics relevant in national contexts, including in all general population surveys and censuses. It also recommends that the State party use the sets of questions and tools developed by the Washington Group on Disability Statistics for the collection of comparable disability statistics.  | **The UK Government has introduced various measures to improve the collection of equality data, with specific action to improve ethnicity and disability data.**Since 2019, the ONS has published a range of datasets disaggregated by impairment type to improve the Collection of disability relat4ed data[[46]](#footnote-46). |
| **International cooperation (art. 32)**The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities in the countries where it works: (a) Expedite the process to update the Disability Framework of the Department for International Development, including by adopting measurable targets and specific commitments to advance the rights of persons with disabilities in the countries where it works;  (b) Put in place the necessary measures to ensure that all relevant departments of the State party that allocate overseas development assistance funds systemically monitor and include persons with disabilities in their international development and cooperation;  (c) Carry out a consultation process involving organizations of persons with disabilities on all policies and programmes aimed at implementing the 2030 Agenda and the Sustainable Development Goals, nationally and internationally. | DFID published Disability Inclusion Strategy 2018-2023[[47]](#footnote-47). |
| National implementation and monitoring (art. 33)The Committee recommends that the State party set up an appropriate coordinating structure of focal points with sufficient funding to strengthen the implementation of the Convention under all devolved governments and territories under its jurisdiction and/or control.  | Disability Unit was established in the Cabinet office as part of the Equality Unit. |
| The Committee recommends that the State party ensure in all its entities the independence of, and provide sufficient funding for, both established monitoring frameworks and organizations of persons with disabilities to enable them to monitor the implementation of the Convention across the State party, taking into account the guidelines on independent monitoring frameworks and their participation in the work of the Committee |  |
| **Follow-up** **Dissemination of information** The Committee requests the State party to provide information, within 12 months of the adoption of the present concluding observations and in accordance with article 35 (2) of the Convention, on the measures taken to implement the Committee’s recommendations contained in paragraphs 45 (living independently and being included in the community), 57 (work and employment) and 59 (adequate standard of living and social protection).The Committee recommends that the State party, in close cooperation and collaboration with organizations of persons with disabilities, initiate a process to implement and follow-up the recommendations issued by the Committee in its report on its inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out under article 6 of the Optional Protocol to the Convention, and provide the Committee with information on the progress and achievements made in that regard every 12 months until the consideration of the next periodic report takes place.The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, devolved administrations, Crown Dependencies, Overseas Territories, local authorities, organizations of persons with disabilities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.The Committee strongly encourages the State party to involve and financially support civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights. |  |

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The Government’s response available at <https://publications.parliament.uk/pa/cm201919/cmselect/cmwomeq/96/9602.htm> [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/publications/post-implementation-review-of-part-2-of-laspo> [↑](#footnote-ref-2)
3. <https://www.bailii.org/ew/cases/EWHC/Admin/2020/336.html> [↑](#footnote-ref-3)
4. The document available here: <https://www.gov.uk/government/publications/national-disability-strategy> analyses available here: <https://www.disabilitynewsservice.com/national-disability-strategy-new-analysis-shows-document-is-just-cynical-repackaging/> [↑](#footnote-ref-4)
5. See Inclusion London’s research <https://www.inclusionlondon.org.uk/wp-content/uploads/2021/07/Understanding-the-needs-of-DDPOs-in-England-HQ.pdf> [↑](#footnote-ref-5)
6. <https://www.bindmans.com/news/consultation-on-the-national-strategy-for-disabled-people-legal-proceedings-issued> [↑](#footnote-ref-6)
7. <https://www.disabilitynewsservice.com/government-announces-fresh-set-of-exemptions-from-transport-access-laws/> [↑](#footnote-ref-7)
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9. See as if Expandable, Amnesty International, 2020 <https://www.amnesty.org.uk/files/2020-10/Care%20Homes%20Report.pdf> [↑](#footnote-ref-9)
10. See MCODP Big Disability Survey <https://manchestercommunitycentral.org/sites/manchestercommunitycentral.co.uk/files/GMDPP%20Big%20disability%20Survey%20report.pdf> [↑](#footnote-ref-10)
11. The DWP repeatedly refuses to agree to independent inquiry into benefit related deaths. <https://www.bbc.co.uk/news/uk-57726608> [↑](#footnote-ref-11)
12. See for example evidence from DDPOs: <https://www.inclusionlondon.org.uk/disability-in-london/coronavirus-updates-and-information/campaigns-news-during-coronavirus-crisis/abandoned-forgotten-and-ignored-the-impact-of-covid-19-on-disabled-people/>

<https://manchestercommunitycentral.org/sites/manchestercommunitycentral.co.uk/files/GMDPP%20Big%20disability%20Survey%20report.pdf> [↑](#footnote-ref-12)
13. <https://consult.justice.gov.uk/digital-communications/revising-the-mca-2005-code-of-practice/> [↑](#footnote-ref-13)
14. In 2020 the High Court found that the Home office failed to monitor its private contractors, which resulted in systemic delays and poor conditions for Disabled and destitute asylum seekers <https://www.matrixlaw.co.uk/judgments/court-finds-systemic-unlawfulness-and-disability-discrimination-in-the-asylum-support-accommodation-system/> [↑](#footnote-ref-14)
15. See response to a consultation published in July 2021 <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004881/jr-reform-government-response.pdf> Proposals include restricting remedies and limiting decisions that could be challenged. [↑](#footnote-ref-15)
16. <https://www.localgovernmentlawyer.co.uk/adult-social-care/391-adult-care-news/42550-law-society-warns-of-catastrophic-legal-aid-deserts-for-community-care-work> [↑](#footnote-ref-16)
17. See the EHRC inquiry report <https://www.equalityhumanrights.com/en/our-work/news/criminal-justice-system-failing-disabled-people> [↑](#footnote-ref-17)
18. See NHS data sets <https://digital.nhs.uk/data-and-information/publications/statistical/learning-disability-services-statistics/provisional-statistics-at-june-2020-mhsds-april-2020-final> [↑](#footnote-ref-18)
19. See the EHRC’s Human Rights Tracker <https://humanrightstracker.com/en/progress-assessment/mental-health-detention-uk-government-assessment/> [↑](#footnote-ref-19)
20. See for example CQC’s report, which found “too many examples of undignified and humiliating treatment in hospital and community settings” <https://www.cqc.org.uk/sites/default/files/20201218_rssreview_report.pdf> [↑](#footnote-ref-20)
21. <https://humanrightstracker.com/en/progress-assessment/violence-abuse-and-neglect-and-child-sexual-exploitation-uk-government-assessment/> [↑](#footnote-ref-21)
22. <https://www.communitycare.co.uk/2021/05/07/more-demand-less-supply-and-less-personalisation-finds-five-year-analysis-of-adult-social-care/> [↑](#footnote-ref-22)
23. Health and Social Care Committee report: The treatment of autistic people and people with learning disabilities

<https://publications.parliament.uk/pa/cm5802/cmselect/cmhealth/21/2102.htm> [↑](#footnote-ref-23)
24. See for example Scope’s research revealing that 9 out oif 10 large council websites do not comply: <https://www.scope.org.uk/media/press-releases/councils-fail-public-sector-accessibility-duty/>

The Government issued a guidance for public sector bodies on how to comply with regulations <https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps#who-has-to-meet-the-2018-accessibility-regulations> [↑](#footnote-ref-24)
25. See report from Support Not Separation from page 44 onwards <http://legalactionforwomen.net/wp-content/uploads/2017/01/LAW-Dossier-18Jan17-final.pdf> [↑](#footnote-ref-25)
26. See King’s Fund assessment for example, which says at least 4% increase is needed to meet growing demand. <https://www.kingsfund.org.uk/publications/nhs-long-term-plan-explained> [↑](#footnote-ref-26)
27. For example BBC survey <https://www.bbc.co.uk/news/uk-57652173> [↑](#footnote-ref-27)
28. <https://disabilityunit.blog.gov.uk/2021/07/28/jobs-national-disability-strategy-explained/> [↑](#footnote-ref-28)
29. <https://www.gov.uk/government/consultations/health-is-everyones-business-proposals-to-reduce-ill-health-related-job-loss/outcome/government-response-health-is-everyones-business> [↑](#footnote-ref-29)
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32. https://www.tuc.org.uk/research-analysis/reports/disability-pay-and-employment-gaps-2020 [↑](#footnote-ref-32)
33. https://www.tuc.org.uk/research-analysis/reports/disability-pay-and-employment-gaps-2020 [↑](#footnote-ref-33)
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36. https://committees.parliament.uk/publications/1558/documents/14743/default/ [↑](#footnote-ref-36)
37. https://www.gov.uk/government/publications/royal-courts-of-justice-cause-list/royal-courts-of-justice-daily-cause-list [↑](#footnote-ref-37)
38. https://disabilitybenefitsconsortium.com/campaign-news/ [↑](#footnote-ref-38)
39. https://www.gov.uk/government/consultations/shaping-future-support-the-health-and-disability-green-paper [↑](#footnote-ref-39)
40. <https://www.theyworkforyou.com/wms/?id=2020-07-09.HCWS353.h> [↑](#footnote-ref-40)
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43. https://www.disabilitynewsservice.com/election-post-mortem-number-of-disabled-mps-may-have-fallen-to-just-five/ [↑](#footnote-ref-43)
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45. <https://disabilityunit.blog.gov.uk/2021/07/28/leisure-national-disability-strategy-explained/> [↑](#footnote-ref-45)
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