



International Day of Persons with Disabilities: What rights in the UK for 2022?

About the International Day of Persons with Disabilities

The International Day of Persons with Disabilities takes place on the 3rd of December each year; it was proclaimed in 1992 by the United Nations General Assembly resolution 47/3 and aims to promote an understanding of disability issues and mobilise support for the dignity, rights and well-being of persons with disabilities.

The 2022 International Day of Persons with Disabilities will be around the overarching theme of innovation and transformative solutions for inclusive development in terms of employment, reducing inequalities and good practice such as access to sports activities.

The United Nations Convention

The United Nations Convention on the Rights of Persons with Disabilities established that Human rights are a set of basic rights and freedoms that everyone is entitled to. They are about how the government must treat people. They recognise that everyone is of equal value, has the right to make their own decisions and should be treated with fairness, dignity and respect. Human rights have been written down in international agreements such as the Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (1950)¹.

The aim of a convention was to set out the steps which every country should take to remove these obstacles. Many countries – including the UK – agreed that there should be a specific convention to drive forward real dignity, equality and inclusion for disabled people. It was signed in 2009 by the UK government and it sets²:

- It should **give disabled people a stronger say in the policies that affect their lives;**
- The **UK and devolved governments will be held to** account for how they are upholding disabled people's rights by the UN Committee on the Rights of Persons with ;
- It puts wide-ranging responsibilities on governments to take practical action to strengthen disabled people's **control over their own lives and ensure their full participation in society;**
- It can be used **to interpret the Human Rights Act 1998**, and used alongside the Public Sector Equality Duty to challenge failures to respect human rights and to work towards disability equality;

¹ Equality and Human Rights Commission, 2017

² Equality and Human Rights Commission, 2009

- Disabled people and their organisations can use it as a framework to **negotiate and influence national and local matters**;
- It should help **promote positive attitudes** towards disabled people;

UK's commitment to the UN Committee

Nevertheless, in an inquiry concluded in 2016 in the UK, the UN Committee on the Rights of Persons with Disabilities (UN Committee) found evidence of systematic violations of disabled people's rights to: an adequate standard of living and social protection, work and employment, and independent living.

The Committee raised concerns and made recommendations about these three issues and a range of others – such as barriers to disabled people's rights in education, access to justice, participation in public life, and healthcare - as part of its first review of the UK's compliance with the UN Convention on the Rights of Persons with Disabilities (UN Convention) in August 2017.

In June 2018, evidence presented by UKIM (the United Kingdom Independent Mechanism) to the UN Committee shows³:

- a high proportion of disabled people resorting to the use of food banks;
- a higher proportion of disabled people being disadvantaged as a result of the introduction of the Employment and Support Allowance (ESA), particularly the negative impact of Work Capability Assessments and ESA conditionality on the mental health of claimants;
- disabled people being disproportionately affected by the new sanctions regime;
- continued regression in disabled people's right to live independently in the community, including the risk of reinstitutionalisation posed by the funding cap policies of Clinical Commissioning Groups in England;

Finally, in December 2021, the government issues a report that responds to the recommendations issued by the Committee on its 2016 inquiry, committing to supporting and improving the lives of disabled people.

³ Briefing by the United Kingdom Independent Mechanism (UKIM), October 2018

The report provides an update on policies and services that are delivered nationally by the UK government, and on policies which enable the devolved administrations to reflect the particular needs of their populations. This includes the publishing of the green paper⁴, which sets the frame for the future amendments to the Health and Care Act 2022⁵, the Mental Health Act, the Social Housing Act⁶, and the Online Safety Bill - tackling hate crimes.

The new Health and Care Act 2022 commits to reduce inequalities between persons with respect to their ability to access health services, to reduce reliance on mental health and specialist inpatient care and to ensure there is suitable community support available for people with a learning disability and autistic people.

On-going challenges for persons with disabilities

Nonetheless, post-pandemic era and the current cost of living crisis brought new challenges to the welfare and social care of disable people. Disability Rights UK raises awareness on the most pressuring campaigns for tackling inequalities and advocating for people's rights⁷:

1. **COVID-19:** In November 2022, the UK Covid-19 Inquiry has launched a new online form which anyone can use to share their experiences of the pandemic directly with the Inquiry. According to the Inquiry, during COVID, there were a high number of deaths of Disabled people - around 60% of all deaths; the pandemics also negatively impacted experienced by Disabled people including emotional distress, loneliness, unequal access to health services, lack of social care, challenges in securing food and accessing public services.
2. **Social/Accessible Housing:** Building new homes that are not accessible to all would imply effectively investing more in costs and adaptations needed in the future, more cost in terms of NHS and care spending, and more carbon costs as homes aren't fit for purpose in the long term. Therefore, raising the standard of accessibility has the potential to change millions of lives and to cut some of the huge societal costs, particularly from reduced demand on health services.
3. **Social innovation in health and care:** Local innovation has the potential to genuinely support the engagement with people who use services. In its annual assessment of the system, the care regulator voiced particular concern around care

⁴ GOV.UK, Green Paper, August 2021

⁵ Brezeanu, SJOG, October 2022

⁶ Brezeanu, SJOG, September 2022

⁷ <https://www.disabilityrightsuk.org>

services for people with a learning disability and autistic people, suggesting inspections continue to find issues with culture, leadership and lack of proper engagement. However, this can only happen in conjunction with a real focus on planning, investment, and workforce, supported by the Government through grants and regulations.

4. **SEND:** Despite the Government's efforts to improve the diagnoses of young autistic people, a report from DRU shows that 46% of Disabled People had their disability undiagnosed throughout school, that 65% of Parents, Carers and Guardians "had to fight" for their child's Education Health and Care Plan (EHCP). In some Local Authorities, we find up to 100% of the pupils in the Pupil Referral Units, while Alternative Provision settings were identified as having a Special Educational Need or Disability (SEND).
5. **Cost of living Crisis:** Inflation and the increase costs of living might affect people with disabilities, especially those relying on benefits and social housing. Advocates urge the Government to increase the amount for DWP benefits and to freeze the rental costs.

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