The United Nations Convention on the Rights of Persons with Disabilities
What does it mean for you?
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What this guide covers


This Part explains what the Convention is, and what it means for you. It describes the obligations of governments who have signed up to the Convention, and the role of the Equality and Human Rights Commission and the Scottish Human Rights Commission in the implementation of the Convention. It also explains how the Convention works in relation to the Human Rights Act 1998 and disability discrimination legislation including the Public Sector Equality Duty.

**Part 2: Know your rights**

This Part sets out the key principles of the Convention, what each right says and what it means, with examples.

**Part 3: Making rights a reality**

This Part shows you how to make the Convention work for you. It explains how disabled people and disabled people’s organisations can get involved in the monitoring and implementation of the Convention, and how you can use it to bring about change at a local and national level. It also sets out how you can use the Convention to make a complaint.

**Part 4: Further information and resources**

There are many places where you can get help or find more information. This Part lists some useful resources.
Part 1
Introducing the United Nations Convention on the Rights of Persons with Disabilities

This Part gives you an introduction to the Convention. It provides answers to the following questions:

• What is the United Nations Convention on the Rights of Persons with Disabilities?
• How and why did the Convention come about?
• Why is the Convention important for disabled people in Britain?
• Who has rights under the Convention?
• What obligations does the Convention place on governments?
• What reservations have been made to the Convention?
• How does the Convention relate to our domestic laws in the UK, particularly those on human rights and equality?
• Whose job is it to implement the Convention?
• What role do the Equality and Human Rights Commission and the Scottish Human Rights Commission have?
• What can disabled people and their organisations do?
• What role does the United Nations have?
The United Nations Convention on the Rights of Persons with Disabilities is an international agreement about protecting and promoting the human rights of disabled people throughout the world.

In this guide we use the term ‘Convention’ for short. There are other conventions, for example the European Convention on Human Rights¹ and the United Nations Convention on the Rights of the Child.² If we talk about a convention other than the United Nations Convention on the Rights of Persons with Disabilities, we will use its full name.

Human rights are a set of basic rights and freedoms that everyone is entitled to. They are about how your government must treat you. 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).

The Convention describes the steps that governments must take to make sure disabled people enjoy their human rights to:

• equality before the law without discrimination
• make their own decisions
• have their family life respected
• freedom from exploitation, violence and abuse
• an inclusive education
• a decent standard of living
• support to participate in society and live in the community
• accessible physical environments and information

These rights and others not listed above are contained in ‘Articles’ of the Convention. We explain what the rights contained in all the Convention’s Articles mean in Part 2.
How and why did the Convention come about?

Disabled people campaigned for over 20 years to get their own human rights convention. Many disabled people and their organisations across the world were involved in agreeing its contents.

Human rights for everyone were written down in the Universal Declaration of Human Rights in 1948, and in other human rights treaties including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1966.

The Convention does not give disabled people ‘new’ human rights. However, it was recognised that there are still many obstacles to disabled people securing their rights. The aim of a convention on disability rights 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.

The text of the Convention was agreed at the United Nations in December 2006. The UK signed the Convention on 30 March 2007 and ratified it on 8 June 2009.

When a country ‘signs’ the Convention it means it agrees with what the Convention says about human rights for disabled people.

When a country ‘ratifies’ the Convention it agrees to do what the Convention says and make changes to ensure that the rights in the Convention are respected in practice.
Why is the Convention important for disabled people in Britain?

1. **It sets new standards for how governments and public bodies should ensure that disabled people’s human rights are protected and promoted.** This is the first human rights agreement that talks in detail about things like inclusive education and having a choice about where you live.

2. **It should give disabled people a stronger say in the policies that affect their lives.** Governments are expected to involve disabled people in their plans to implement the Convention, and when making new laws and policies that affect disabled people.

3. **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 Disabilities (the ‘UN Committee’).

4. **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.

5. **It could lead to stronger and fuller protection against disability discrimination.** To comply with the Convention, the UK Government needs to take action to close gaps in the law on disability discrimination.

6. **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.**

7. **Disabled people and their organisations can use it as a framework to negotiate and influence national and local matters** – for example, if a local authority is proposing changes to social support services which will affect disabled people’s right to live independently.

8. **It should help promote positive attitudes towards disabled people.** It requires governments to raise awareness and foster respect for the rights and dignity of disabled people, to tackle prejudice and abuse against disabled people, and to promote awareness of what disabled people can contribute to society.
The UN Convention on the Rights of the Child in Wales

The Rights of Children and Young Persons (Wales) Measure 2011 (‘the Wales Measure’) places a duty on Welsh Ministers to have due regard to the requirements of the UN Convention on the Rights of the Child when making decisions on legislation, and when forming or changing policies.

The Housing (Wales) Act 2014 provides an example of the Wales Measure influencing Welsh Government proposals. This Act includes duties on local authorities to secure accommodation for applicants who are homeless or threatened with homelessness. During the review of homelessness legislation in Wales, a team of academics recommended that the Act should include a duty on local authorities to prevent people from becoming homeless. They also suggested that the Wales Measure ‘may require that children aged 16-17 years cannot be found intentionally homeless’.6 This was possible under the previous test applied by local authorities, according to which they did not have a duty to secure accommodation for 16- or 17-year-olds who were considered to have become homeless, or been threatened with homelessness, because of something they did or failed to do.

As a result, the Minister responsible accepted the need to make provisions for early intervention to prevent homelessness and also to provide local housing authorities with the option to disregard the previous test of intentional homelessness. These two changes are reflected in the Act, and because of this three local authorities in Wales were able to opt out of the intentional homelessness test where applicants for housing are 16 or 17 years old.
Who has rights under the Convention?

The Convention is about the human rights of disabled people. That can be a person who has an impairment, illness, injury or health condition and who may face barriers to being included in society. It includes deaf people, people with learning disabilities, people with sensory impairments, people with physical impairments, people with mental health conditions, people with autism, people with epilepsy and people who are HIV-positive. The Convention says that ‘a person with a disability’ includes people with long-term impairments. However, it could also cover people with short-term impairments. There are around 13 million disabled people in Britain who have rights under the Convention.

The Convention is based on the ‘social model’ of disability. It recognises that people with impairments are excluded by obstacles created by society, and so are disabled by inaccessible services, barriers in the built environment or prejudice and stigma. It also recognises that these barriers change over time for the individual.

What obligations does the Convention place on governments?

Article 4 of the Convention says what practical action governments should take to make rights a reality for disabled people in everyday life. Governments that have ratified the Convention should:

- avoid doing anything that infringes disabled people's Convention rights
- abolish laws and practices that discriminate against disabled people
- look at existing laws and policies, and make any changes needed to comply with the Convention
- pass new laws and make new policies where necessary
- take account of disabled people’s human rights in all policies and initiatives (people often call this ‘mainstreaming’ disability rights)
- involve disabled people in decisions about laws and policies that affect their lives
- ensure that professionals who work with disabled people have training to understand how to respect disability rights
- take steps to help ensure that individuals and the private sector respect the rights of disabled people
- gather information and statistics about the position of disabled people in society, in order to track progress and develop better policies.
The Convention places obligations on the ‘State Party’; for Britain this is the UK Government. However, protecting and promoting many of the rights under the Convention depends on action by the devolved governments, local authorities and other national and local bodies. The UK Government should take steps to ensure that all relevant bodies (such as health boards, local authorities, inspectorates and the police) are doing what is necessary to implement the Convention. The Scottish and Welsh Governments should also take steps to ensure compliance with the Convention in matters where responsibility for the law, policy and service delivery is devolved.

If the relevant government fails to take these steps, then it may be in breach of the Convention. In Part 3 we explain how you can deal with this, and also how you can use the Convention in relation to other public bodies and anyone delivering public services on their behalf.

It is worth noting that the Convention has different types of rights. Some rights give governments flexibility; others do not. For example, taking somebody’s life or torturing a person is never allowed. Other rights can be restricted in some situations which must be set out in law, for example people have the right to liberty, but they can be sent to prison if they have been found guilty of committing a crime.

The Convention contains a number of rights known as economic, social and cultural rights, such as the right to education, the right to health, and the right to an adequate standard of living and social protection. The Convention recognises that many countries may not be able to make these rights a reality for all disabled people immediately. However, governments should still make every effort, using all available resources, to make sure disabled people can enjoy all their human rights as soon as possible. This is often called ‘progressive realisation’. The UN Committee is likely to expect a relatively wealthy country like Britain, which has already got many of the basics in place, to be doing better than a developing country. It is important to note that the concept of ‘progressive realisation’ only applies to those rights classed as economic, social and cultural rights.

While governments are working on continually improving economic, social and cultural rights for disabled people they should still:

- avoid taking steps which deny disabled people their enjoyment of human rights
- ensure that discrimination against disabled people in relation to the rights is prohibited
- ensure everyone has the minimum essential level of support they need in terms of food and shelter, and basic levels of healthcare and education.
What reservations have been made to the Convention?

When the UK Government ratified the Convention, it made ‘reservations’ against some Articles and one ‘interpretative declaration’. A reservation is a statement that says that the State Party will not (or not yet) take steps on a certain issue. An interpretative declaration sets out the State Party’s understanding of what a particular Article means, and it agrees to ratify the Convention on the condition that it is interpreted this way.

The reservations and the interpretative declaration are discussed in Part 2 under the right to liberty of movement and nationality (Article 18), the right to education (Article 24), and the right to work and employment (Article 27).

The Equality and Human Rights Commission, the Scottish Human Rights Commission, the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission believe the reservations and declaration made by the UK Government are either unnecessary or invalid and should be withdrawn.

How does the Convention relate to our domestic laws, particularly our laws on human rights and equality?

The UK Government needs to make sure that the laws we have at home meet the Convention’s requirements. If they do not, then it should change the laws. There are some ways you can hold the Government to account if it fails to do this. You can find out more about this in Part 3.

Under the legal system in the UK, international law does not have direct enforceability unless it is incorporated into domestic law. The Convention has not been incorporated directly into our domestic law, so a disabled person cannot take the UK Government or any other public body to court under the Convention if they believe their Convention rights have been breached.

However, the domestic courts have accepted that the Convention can be used as an aid to interpretation of relevant domestic laws where there is uncertainty about how the domestic law should be interpreted, and the Convention can play an important supporting role when cases are taken to court involving the Human Rights Act 1998 and the Equality Act 2010 (in particular the Public Sector Equality Duty).

The **Human Rights Act** is a law passed in the UK in 1998 that says public authorities must respect the human rights of everyone in Britain and Northern Ireland. The rights it protects are based on an agreement called the European
Convention on Human Rights. That agreement includes some of the same rights as the Convention, such as the right to life and the right to a fair trial. However, the Convention also includes a broader range of rights, in particular social, economic and cultural rights such as the right to an adequate standard of living and the right to work.

The Convention sets out in more detail the steps that the UK Government must take to ensure disabled people’s human rights are protected and promoted. For example, Article 8 of the Human Rights Act protects people’s right to private and family life, including the right to take decisions about their own lives and to participate in the community. Article 19 of the Convention sets out some of the steps that governments must take to ensure that disabled people enjoy this right, for example by ensuring disabled people have an equal choice to decide where and with whom they live, and that they have the support needed to live independently in the community.

When public authorities are thinking about how they support human rights they should also look at the Convention. When interpreting the Human Rights Act, courts should take account of international law as well as decisions of the European Court of Human Rights. In 2009, the European Court of Human Rights referred to the Convention in a decision about whether disabled people were treated unfairly.

The **Equality Act** is a law passed in 2010 that prohibits unlawful discrimination, harassment and victimisation on the basis of disability in a wide variety of fields, including employment, education, the exercise of public functions and the provision of services. Prohibited conduct includes the following:

- **Direct discrimination**: less favourable treatment of a person because of their disability compared with others who are not disabled.

- **Indirect discrimination**: where a policy, practice or criterion is applied to everyone (or would be), but in fact puts (or would put) disabled people at a particular disadvantage when compared with others who are not disabled. Indirect discrimination can be lawful if objectively justified as a proportionate means of achieving a legitimate aim.

- **Discrimination arising from disability**: unfavourable treatment of a disabled person, because of something arising in consequence of their disability, where the treatment is not a proportionate means of achieving a legitimate aim. Discrimination arising from disability does not occur if the person does not know and could not reasonably be expected to know that the disabled person has the disability.
• **Failure to make reasonable adjustments:** discrimination occurs where there is a failure to make reasonable adjustments. The duty on public authorities comprises three requirements:
  > Where a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with those who are not disabled, to take reasonable steps to avoid that disadvantage.
  > Take reasonable steps to remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared with those who are not disabled.
  > Take reasonable steps to provide an auxiliary aid where a disabled person would, but for the provision of that auxiliary aid, be put at a substantial disadvantage compared with those who are not disabled.

• **Harassment:** unwanted conduct related to a person’s disability that has the purpose or effect of violating the person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

• **Victimisation:** subjecting someone to a detriment because they have, in good faith, carried out a ‘protected act’, such as:
  > making an allegation of discrimination
  > bringing proceedings under the Equality Act 2010
  > giving evidence or information in relation to such proceedings, or
  > doing anything else in connection with the Equality Act 2010.

The Equality Act 2010 permits proportionate positive action measures which aim to overcome disadvantage connected to a particular protected characteristic. The Equality Act 2010 goes further in relation to the protected characteristic of disability: it is not discrimination to treat a disabled person more favourably than a non-disabled person.

The Equality Act 2010 places a duty, known as the Public Sector Equality Duty (PSED), on public authorities including ministers and government departments, local authorities, health and social services, the police and the armed forces, and applies to everything they do. It also places the duty on those who are not public authorities but exercise public functions (but only in respect to those functions). This could include, for example, a private contractor carrying out functions of a public nature, such as providing healthcare services.
The **PSED** requires that public authorities must have due regard to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity for disabled people
- foster good relations between disabled people and non-disabled people.

Advancing equality of opportunity involves, in particular, having due regard to the need to:

- remove or minimise disadvantages connected to disability
- take steps to meet the needs of disabled people where these differ from those of others
- encourage disabled people’s participation in public life or activities in which their participation is disproportionately low.

The steps to meet the needs of disabled people include steps to take account of their disabilities.

If the Equality and Human Rights Commission thinks that a public body has taken a decision or acted (or failed to act) in a way that breaches the Equality Act 2010 or the Human Rights Act 1998, it can take action through something called **judicial review**. Disabled people can also challenge the public body in court through judicial review. Following the standards set out in the Convention would help public authorities to meet their duty. The Convention can also be used as an interpretative tool in relation to disability discrimination legal cases.

There are many other laws and policies in Britain, such as those relating to social care and mental capacity, that are very relevant to the lives of many disabled people. These laws and policies need to be measured against the requirements of the Convention.

The use of the Convention, together with the Human Rights Act and equality legislation, in advocacy and legal cases could help strengthen disabled people’s rights.
Whose job is it to implement the Convention?

The UK Government along with the devolved governments of Scotland, Wales and Northern Ireland are responsible for ensuring that the Convention is implemented throughout the UK.

The Convention requires each State Party to set up what is called a ‘focal point’ and a ‘co-ordinating mechanism’ to help ensure that this happens. The Office for Disability Issues (ODI) is currently the focal point and co-ordinating mechanism within the UK Government. Its function is to co-ordinate action across different government departments in the UK and the devolved administrations.

Because Scotland and Wales decide many of their own laws and policies (on ‘devolved matters’ – for example on health, social care and education), the Scottish Government and the Welsh Government have worked on their own plans to implement the Convention in those areas.

What role do the Equality and Human Rights Commission and the Scottish Human Rights Commission have?

The Convention requires each State Party to put in place an independent framework to promote, protect and monitor implementation of the Convention. It prefers that this framework includes one or more bodies, known as ‘National Human Rights Institutions’ (NHRIs), which can demonstrate their independence from government.

The Equality and Human Rights Commission and the Scottish Human Rights Commission are both NHRIs. Together with another NHRI – the Northern Ireland Human Rights Commission – and also the Equality Commission for Northern Ireland, they form a body known as the United Kingdom Independent Mechanism (UKIM). UKIM monitors and promotes progress on implementing the Convention throughout the UK.
What role do disabled people and their organisations have?

The Convention says that ‘civil society’, in particular disabled people and their organisations, must be closely involved in monitoring how well the Convention is being put into practice. When governments are monitoring progress on implementing the Convention, they must ensure disabled people play a full part in that process.

‘Civil society’ means individuals and organisations that are not part of government. This includes:

- people directly affected by human rights violations
- voluntary organisations working with them, including self-advocacy groups, access groups and local disability organisations
- other voluntary organisations such as faith groups, youth groups, older people’s groups, women’s groups and groups for people who identify as lesbian, gay, bisexual or transgender
- parents and families of disabled people
- human rights organisations
- trade unions, and
- professional groups.

Disability groups can use the Convention in advocacy efforts and initiatives, and to inform arguments in legal cases. A powerful way to influence the monitoring and implementation of the Convention is to write ‘shadow’ reports. Through these reports, disabled people and their organisations can set out their views on what the UK Government is doing (or not) to respect, protect and promote the rights under the Convention. Anyone can write a shadow report. There is information on how to produce these in Part 3.
The United Nations has set up a group of 18 experts on disability rights to monitor what each country that has ratified the Convention is doing to put it into practice. This group is called the Committee on the Rights of Persons with Disabilities, which we will refer to here as the ‘UN Committee’.

The UN Committee:

• monitors the compliance of a State Party with the Convention through periodic reviews (every four years), based on a report submitted by the State Party and shadow reports from civil society, the UK Independent Mechanism, and National Human Rights Institutions
• issues recommendations about the steps the State Party should take to deliver disabled people’s human rights. These recommendations, called ‘Concluding Observations’, are made following the UN Committee’s review of the State Party
• can issue ‘General Comments’, which are documents that give the UN Committee’s interpretation of certain rights in the Convention, and what steps they would expect each State Party to take.

The UN Committee has a powerful role in holding governments to account. Although they cannot force a government to implement their recommendations, governments don’t want to lose their good reputation, and will often follow up the UN Committee’s recommendations. In addition, disabled people and their organisations can use the UN Committee’s recommendations to strengthen their own advocacy at a national level. The fact that countries know that their track record on disabled people’s human rights will be held up for international scrutiny and publicity at regular intervals can help them focus on delivering real change.

Some of the UN Committee’s powers come from a second agreement connected with the Convention called the ‘Optional Protocol’. The UK Government has also ratified this agreement.

You can read more about the UN Committee’s work in Part 3.
Part 2
Know your rights

This Part tells you about:

- Key principles that governments should adopt and use in their policies and practices
- Your rights under the Convention

If you think that your human rights have been breached, or that more should be done to protect your rights, then you should think about all the rights that may apply to your situation. Often, more than one right applies.

In this section, we have used examples where possible to help explain what each Article of the Convention could mean in practice. Some of the Articles involve more detailed actions for governments or public bodies to take or cover more complex issues. We have therefore included more explanation and examples for some of the Articles than others.
Article 3 of the Convention sets out some key principles that governments and public bodies must take into account when they are carrying out their work. Generally, public authorities should follow these principles. They should also identify what they can do to positively promote them. These principles are:

- **Respect.** Every person is of equal worth and should be treated with dignity and respect. Disabled people have the right to choose how to live their own lives and the freedom to make their own choices. These rights must be respected.
- **Non-discrimination.** Disabled people must never be treated less favourably than others, excluded from or denied access to services, education, work or social life on the basis of their disability.
- **Participation and inclusion.** Disabled people’s full and effective participation and inclusion in society must be supported.
- **Respect for difference and acceptance of disabled people as part of human diversity.**
- **Equality of opportunity.** Taking positive action to ensure barriers are removed.
- **Accessibility.** Ensuring disabled people can access buildings, housing, services, information, leisure (and other areas listed in the Convention) on an equal basis to non-disabled people.
- **Equality between men and women.**
- **Respect for disabled children as they grow up.**

Key principles that governments should adopt and use in their policies and practices
Rights under the UN Convention on the Rights of People with Disabilities

The rights the Convention covers are listed in Articles 5 through to 30, as follows:

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Each of these rights is set out and explained in more detail below.
Equality and non-discrimination

Article 5 says:

- Everyone is equal before and under the law.
- Governments should outlaw all forms of discrimination on the basis of disability and ensure effective protection against disability discrimination.
- Governments should ensure that reasonable adjustments are made for disabled people.
- Specific measures are often needed to create equality for disabled people in practice and are permitted under the Convention.

What does this mean?

Our existing disability discrimination law, including the Equality Act 2010, gives disabled people protection against most forms of discrimination. It also gives disabled people rights to reasonable adjustments, and it allows employers and service providers to treat disabled people more favourably than non-disabled people as this is often necessary to deliver equality in practice (for example, reserving parking bays outside an office for disabled employees).

The Human Rights Act 1998 sets out the rights that everyone has. It also says those rights must be protected and applied in the same way for everyone.

However, the Convention is broader than current anti-discrimination law in Britain. For example, unlike the Equality Act 2010, the Convention might also apply to people with a one-off but severe mental health condition lasting less than 12 months.

Often you can use the right to equality and non-discrimination together with other rights in the Convention as in the example below concerning Article 30, which sets out the right to take part in leisure.

Example: Equality and participation in leisure

A local authority decides to close a car park which gives easy access to a beach, resulting in visitors having to park further away and to use an alternative route which is steep. This means that people with mobility impairments and their family/friends cannot go to that beach anymore. This is a regressive step and also it puts disabled people at a disadvantage in comparison with other people. Disabled people could highlight Articles 5 and 30 in their discussions with, or a case against, the local authority in such a situation.
Governments must take steps specifically related to disabled women – not just think about ‘women’ as a group and ‘disabled people’ as another group. This could help you to highlight issues that affect disabled women in particular, and get the UK Government to address these issues. For example, disabled women are disproportionately likely to be victims of domestic violence, and often have limited access to support services.

It is important to note that there is another relevant international convention for disabled women called the Convention on the Elimination of All Forms of Discrimination Against Women. The UN Committee has produced a ‘General Comment’ on this Article, providing a detailed interpretation of what the right requires.

What does this mean?

Disabled women

Article 6 says:

- Governments should recognise that disabled women and girls may face discrimination on the basis of both their sex and their impairment. This is often called multiple or intersectional discrimination.

- Governments should ensure disabled women can enjoy their human rights in full and should do everything possible to empower disabled women to claim their rights.

Example: Violence against disabled women

A local women’s group becomes aware that there is a lack of refuge provision specifically accessible for disabled victims of domestic violence within the local area. The group could highlight their concerns to their Member of Parliament and local council, making specific reference to Article 16 on freedom from exploitation, violence and abuse, along with Article 6 of the Convention.
Disabled children

Article 7 says:
• Governments should do everything necessary to ensure disabled children enjoy their human rights on the same basis as non-disabled children.
• Decisions about disabled children must be in their best interests.
• Governments should ensure that:
  > disabled children are supported to express their views, and
  > disabled children’s views are listened to and taken seriously.

What does this mean?
This makes it clear that disabled children also have full human rights, and that governments should take proactive steps so that disabled children can enjoy these rights and reach their full potential in education and in the community.

It also says that governments should take account of the age of the child in their right to express their views.

It is important to note that there is another relevant international convention for disabled children called the Convention on the Rights of the Child.

While Articles 6 and 7 specifically protect disabled women and disabled children, the Convention also talks about the importance of recognising diversity among disabled people, and highlights the fact that disabled people may experience multiple forms of discrimination.
Example: Training about disabled people and their rights

It is very important that doctors and other medical professionals are aware of disabled people’s rights under the Convention. For example, if they place a ‘Do Not Resuscitate’ order on disabled people’s medical records without their consent, this may breach their right to life. Also, doctors should not make assumptions about the quality of life of disabled people.
Accessibility

Article 9 says:

• To enable disabled people to live independently and take part in all areas of life, governments should take action to ensure accessibility equal to that of non-disabled people. This includes taking action in relation to the built environment, transport, public services or facilities, housing, as well as information and communication services, and emergency services.

• Governments should take steps to:
  > develop and monitor minimum access standards and guidelines for public services and facilities
  > ensure that the private sector makes services to members of the public accessible
  > provide accessibility training
  > ensure that signs in public buildings are in Braille and easy to read formats
  > ensure more assistance and sign language interpreters are available to support access to public buildings and facilities
  > promote accessible information and access to Information and Communication Technology (for example, computers and the internet) for disabled people
  > promote inclusive design for new information and communication technologies so that these are designed to be accessible to disabled people from the outset.

What does this mean?

Disabled people need to be able to access the physical environment, goods, services and information if they are to participate in society on an equal basis with others.

Disabled people can use this Article to measure whether governments and public bodies are doing enough to ensure accessibility.

The UN Committee has produced a ‘General Comment’ on this Article, providing a detailed interpretation of what the right requires.15

Example: Local development strategies

If a local authority is writing a local development strategy, then they should include an accessibility statement which underpins the rules and standards for new buildings, businesses and the transport network. This statement could reflect the rights set out in the Convention.
Article 10 says:
• Every human being has the right to life.
• Governments must do everything necessary to ensure disabled people enjoy this right on an equal basis with other people.

What does this mean?
Governments must not take away anyone’s life, and must take appropriate steps to protect your life. For example, there should be adequate laws in place to protect you from others who might try to take away your life.

There have been legal cases about ‘right to life’ under Article 2 of the European Convention on Human Rights. The right to life only applies once people are born. Authorities must protect life where they know, or ought to know, of immediate risk to life from oneself or from another (for example, a stalker). Doctors must provide life-prolonging treatment, such as water and artificial feeding, if a terminally ill patient with capacity to make this decision asks for it. Also, if a disabled person dies an unnatural death while living under the care of the State, for example by committing suicide in prison or a mental health institution, an investigation must be carried out.
Situations of risk and humanitarian emergencies

Article 11 says:

- Governments must take all necessary steps to make sure that disabled people are protected and safe in situations of risk – such as war, famine and natural disasters.

What does this mean?

When governments and public bodies are planning for emergencies they should think about safety for disabled people. Also, when there is an emergency they should take steps to make sure that disabled people are safe.

Governments and public bodies should also think about accessible communications around emergencies. For example, it would not be good enough to set up a helpline which is not accessible for groups of disabled people, including deaf people and people with speech impairments.

Example: Preparing for emergencies

In areas that are at higher risk of flooding, Local Strategic Partnerships – which bring together representatives from all parts of a community – should identify risk factors for disabled people (residents and visitors) and make plans to address the risks.

In a case of an unexpected emergency, such as flights being grounded because of volcanic ash, governments should work together to make sure that disabled people are not put at risk. For example, if disabled people need access to medicine every effort should be made to provide this.
Equal recognition before the law

Article 12 says:

- Disabled people have the right to equal recognition as people before the law.
- Disabled people have the right to make their own decisions in all areas of life, on the same basis as other people.
- Governments should provide access to support that might be needed by disabled people in making their own decisions.
- If decisions are made that relate to a person’s capacity to understand, then there must be safeguards against abuse: your rights and choices must be respected, and someone else should only be speaking for you to the extent that it is necessary and for as long as is appropriate. There should be a regular and independent review of the steps taken to make sure that there is no conflict of interest and that the disabled person’s rights are properly respected.
- Government must do everything they can to ensure disabled people can own and inherit property like anyone else, manage their own money and access bank loans and mortgages.

What does this mean?

Disabled people should not be denied the right to make their own decisions. They should be provided with support to help them make their own decisions, if they need it. It also means that disabled people should be able to control their own finances, and to have access to financial services on an equal basis with others.

The UN Committee has produced a ‘General Comment’ on this Article, providing a detailed interpretation of what the right requires.16

Example: Making decisions about your money

If your council gives you a direct payment, but they say that the bank account must be looked after by another person or group (for example, the Independent Living Service), then you can use this Article to demand that the council explains why they think this would be necessary. You could use this Article together with the laws on mental capacity to challenge their reasons if you do not agree. If you have someone else to speak for you in certain situations (for example, financial matters), then the UK Government must make sure that the person speaking on your behalf cannot abuse their position.
Access to justice

Article 13 says:

- Disabled people must have the same rights as everyone else to go to court, take other people to court, act as witnesses and take part in what happens in courts.
- Disabled people must be given support to do this which may include the provision of sign language interpretation.
- There should be appropriate training for courts, police and prison staff to support this right.

What does this mean?

Disabled people have the same rights to access justice as everyone else. This means that they must be able to participate fully in legal proceedings, and provided with any adjustments they require to support their participation.

Current equality law places a duty on courts to treat disabled people fairly and give them extra help to take part on an equal basis. For example, the court should send out information in an accessible format for a court user who has a visual impairment, or should arrange a visit to the court in advance if this will help a person with autism understand what to expect when the actual court case takes place.

It also means that sometimes the UK Government should give extra help to disabled people to enable them to participate in the court as claimant, defendant, witness or appropriate adult. This support could be, for example, through ‘intermediaries’, legal aid or specialist services.

In 2009, the High Court said that if a witness with a mental health condition is not given appropriate support but instead treated as an unreliable witness because of stereotyping or false assumptions, then this may amount to a breach of the right to be free from degrading treatment.17

The Equality and Human Rights Commission can support discrimination cases. It has limited resources, and therefore usually decides which cases to support on the basis of its strategic litigation policy. There are a number of other organisations that can assist. These are listed in Part 4.
Liberty and security of the person

Article 14 says:

- Governments must make sure that:
  > disabled people enjoy the same right to liberty and security as everyone else
  > disabled people are never deprived of their liberty just because they are disabled
  > disabled people are protected from arbitrary detention

- if a disabled person is detained or deprived of their liberty they are provided with reasonable adjustments and measures are in place to safeguard their other human rights (for example, the right to a fair hearing, the right to be free from degrading treatment).

What does this mean?

Disabled people have the same rights as everyone else not to be locked in a room or cell, or otherwise deprived of their liberty.

The right to liberty is not an absolute right. It can be limited in a few very specific circumstances, such as if you are convicted of a crime that carries a prison sentence. However, the Convention is clear that disabled people should never be deprived of their liberty on the grounds of their impairment, or perceived impairment.

If a disabled person is deprived of their liberty in a place of detention, such as a prison, they have the same right as everyone else to safeguards that protect their dignity and security. Disabled people in detention must also be treated according to the principles of the Convention, which includes meeting accessibility requirements and ensuring that reasonable adjustments are made where required.
Freedom from torture or cruel, inhuman or degrading treatment or punishment

Article 15 says:

- No one should be tortured or treated in a way that is cruel, inhuman or degrading.
- Disabled people must never be made to participate in medical experiments they have not freely agreed to be part of.

What does this mean?

This right is about protecting human dignity. Inhuman treatment means treatment that causes severe mental or physical harm. Degrading treatment means treatment that is grossly humiliating and undignified.

There are many situations where inhuman or degrading treatment can occur. Disabled people often find themselves in situations that place them at greater risk of inhuman or degrading treatment, such as living in institutions or being reliant upon others for intimate personal care.

Governments should ensure that there are effective laws and systems in place to prevent anyone being tortured, or treated in an inhuman or degrading way.

In Britain, there are systems in place to protect disabled people against degrading or inhuman treatment. Public bodies have a duty to make sure you are not treated in this way by private care providers or indeed members of your own family. If public bodies find out about – or should be aware of – such treatment, they have a duty to act. In relation to health and social care, there are regulators in each country in Britain which check whether health and social care providers are treating service users in a dignified way. In England this is the Care Quality Commission, in Wales it is the Care and Social Services Inspectorate Wales, and in Scotland the Care Inspectorate. Other inspectorates, for example, Her Majesty’s Inspectorate of Prisons, also have a role.
Freedom from exploitation, violence and abuse

Article 16 says:

- Governments must:
  - Protect disabled people from all forms of exploitation, violence and abuse at home and in the community.
  - Prevent all forms of violence and abuse against disabled people.
  - Ensure disabled people know how to recognise and report violence and abuse.
  - Support the recovery of disabled people who have been victims of violence and abuse. This should be done in a way that supports people to regain control over their lives.
  - Put in place strong laws to make sure instances of violence and abuse against disabled people are identified, investigated and prosecuted.

What does this mean?

This Article sets out detailed steps of how to prevent or address exploitation, violence and abuse. This includes ensuring that laws are in place to protect disabled people from exploitation, violence and abuse, and that steps are taken to ensure disabled people know how to avoid and report such treatment. In addition, services must be available to help disabled people recover if they experience exploitation, violence or abuse, and there must be laws to bring perpetrators to justice.

In Britain, disabled people are more likely to be the victim of a crime than other people, and disabled people continue to experience disability hate crime, which remains under-reported. Any crime involving disability hostility or prejudice should be treated as a hate crime and attract a stiffer sentence.

Britain has disability hate crime legislation (separately for England/Wales and Scotland), and the Public Sector Equality Duty also requires that public authorities, in exercising their functions, must have regard to the need to eliminate discrimination, harassment and victimisation.

Article 16 of the Convention says that there needs to be independent monitoring of facilities and programmes for disabled people, in order to prevent all forms of exploitation, violence and abuse. In Britain this role is usually carried out by inspectorates and regulators, for example Her Majesty’s Inspectorate of Constabulary.
Protecting the integrity of the person

Article 17 says:
• Every disabled person has the same right as anyone else to respect for their physical and mental integrity.

What does this mean?
Disabled people’s minds and bodies are their own. No one should ever treat a disabled person as less of a person or interfere with their minds and bodies. People have the right to be respected by others just as they are.

Sterilising a disabled person against their will or without their knowledge, over-medicating residents in care homes or forcing a disabled person into a marriage would violate this right.
Liberty of movement and nationality

Article 18 says:

• Governments must recognise that disabled people have equal rights to decide where they live and to move between countries, and that they have a nationality. They should do this by making sure that disabled people:
  > can obtain or change a nationality
  > have papers, like passports
  > can leave any country including their own
  > can enter their own country without discrimination on the basis of disability.

• Disabled children have the right to a name from birth, the right to a nationality, and if possible the right to know and be cared for by their parents.

What does this mean?

This means that disabled people should be able to go to another country or to come back to their country of permanent residence in the same way as non-disabled people. For example, airport security measures or passport requirements should not discriminate against disabled people.

When it ratified the Convention the UK Government made a reservation to Article 18, which limits the impact of this Article and indeed the whole Convention in the UK, with respect to immigration. It means that the UK Government will continue to apply whatever immigration rules it thinks are necessary (regardless of whether they would conflict with the Convention). The Equality and Human Rights Commission believes that this reservation is incompatible with the object and purpose of the Convention and should be withdrawn by the UK Government.

The UK made a similar reservation on immigration and citizenship to the UN Convention on the Rights of the Child. However, in 2008 the UK Government withdrew the reservation. This followed strong criticism in two reports by the United Nations Committee on the Rights of the Child, combined with campaigning by children’s rights organisations. Withdrawing the reservation gave vulnerable children seeking asylum, those trafficked into the UK and others subject to immigration control, the same rights to education, health and support services as British children.
Living independently and being included in the community

**Article 19 says:**

- Disabled people have an equal right to live in and take part in the community.
- Disabled people have the right to the same choice and control as non-disabled people.
- Governments should do everything they can to ensure disabled people enjoy these rights.
- Governments should ensure that:
  - disabled people have the right to choose where they live and who they live with – no disabled person should be forced into a particular living arrangement (for example, be forced to live in a care home against their will)
  - disabled people have access to a wide range of support services (at home and in the community) including personal assistance to prevent isolation and support inclusion
  - disabled people can access the same community services as everyone else.

**What does this mean?**

This right makes clear that the aim of social support services should be to enable genuine and meaningful participation of disabled people in the community. When carrying out assessments, social services should not just look at the ability of disabled people to carry out daily living activities, such as washing and getting dressed, but also whether disabled people need support to participate in the community. It is important to note that ‘living independently’ does not mean that disabled people should be expected to do things on their own without support.

The steps that a government can take to enable independent living and full participation in the community are wide-ranging and are also detailed in other rights listed in the Convention. For example the right to be free from violence and the right to participate in leisure.

**Example: A framework for action from the Welsh Government**

In 2013, following consultation with a number of stakeholders, the Welsh Government published its ‘Framework for Action on Independent Living’, which set out how it aimed to implement the Convention, with a particular focus on Article 19. Making Convention Articles central to strategies and frameworks is one way to help embed disabled people’s rights in policy and practice.
Personal mobility

Article 20 says:

- Governments should do everything possible to ensure disabled people can get around as independently as possible, including by:
  > ensuring disabled people can travel when they want at a price they can afford
  > ensuring disabled people have access to quality, affordable mobility aids including new technology or help from other people with getting around
  > providing mobility training to disabled people and staff working with them
  > encouraging manufacturers of mobility aids and technologies to think about all aspects of mobility for disabled people.

What does this mean?

Governments and public bodies should take steps to help ensure that disabled people can get around, and can decide for themselves when and how they wish to move around.

When planning for a transport infrastructure, public authorities should think about how disabled people are affected, particularly those who rely on one type of transport.

You could use this Article to highlight the need for public bodies to think about the availability of good quality and affordable mobility aids. This right is an important part of ensuring that disabled people can live independent lives and be included in their communities.
Freedom of expression and opinion, and access to information

Article 21 says:

- Governments should take steps to ensure that disabled people can express their views freely and access information on an equal basis to everyone else by doing things like:
  > providing disabled people with information in accessible formats and technologies at no extra cost and in a timely way
  > ensuring people can use sign language, Braille and many other types of communication when they are dealing with public services
  > urging private service providers to supply accessible information including accessible websites
  > encouraging the mass media, including internet providers, to make their services accessible
  > recognising and promoting the use of sign language.

What does this mean?

Governments and public bodies should take extra steps to make sure that disabled people can access information and express their views.

This includes complaints procedures. If a deaf person wants to make a complaint in British Sign Language, then that should be possible. It also includes websites which should be made accessible and easy to use.

Disability discrimination legislation covers many of these steps, for example section 20 of the Equality Act 2010 (reasonable adjustment duty) includes a duty to make information available in accessible formats.

It is important to note that Article 21 of the Convention makes it clear that disabled people should receive information in an accessible format at the time they need it. In addition, governments have a significant role to play in encouraging private sector providers to make information accessible.
Respect for privacy

Article 22 says:

- Disabled people have the right to a private life and private communications, regardless of where they live.
- No one should interfere with or get in the way of this right without a lawful justification.
- Governments must make sure that personal information about disabled people is kept confidential in the same way as everyone else’s.

What does this mean?

The right to privacy is a very broad right. It means, for example, that staff or support workers should not open your post without your permission or come into your home whenever they like. This right applies within all types of accommodation – whether you live in your own house, supported accommodation, or in a care home, for example.

It also means that no one should see or touch your body unless you want them to; no one should stop you from having personal and sexual relationships; information given to public bodies about your life is not disclosed to other people unless you explicitly agree; and you shouldn’t have to tell anyone about your disability if you don’t want to.
Respect for home and the family

Article 23 says:

- Disabled people have the same right as anyone else to marry and start a family. That includes deciding whether, when and how often to have children.
- Disabled people must have access to appropriate information and support to make sure these rights are respected and upheld in practice, including any support they need as parents.
- Governments must ensure there is no discrimination against disabled people in laws about adoption or marriage.
- Governments must ensure there is no forced sterilisation of disabled people.
- Governments must ensure that disabled children have equal rights to respect for their family life. This includes ensuring that disabled children are protected against neglect or abandonment, and that they are not concealed or segregated from their communities.
- Governments must provide early and comprehensive information, services and support to disabled children and their families.
- No child must be separated from their parents simply on the basis of a parent’s impairment.

What does this mean?

Disabled people have the same right to relationships as everyone else and that their family life should be respected. Disability in itself cannot be a ground for interference from the UK Government or for denying opportunities to have relationships.

For example, many parents with learning disabilities have their children taken into care by social services departments. Before this is done, social services departments should provide support to the parents to meet their childrearing responsibilities.

It also means that disabled people are allowed to have sexual relationships. Sometimes disabled people need support to go out and meet people, and this support should be provided regardless of the beliefs of the support worker (for example, no sex before marriage, or no same-sex relationships).
Article 24 says:

• Governments must ensure the education system at all levels is inclusive and geared towards supporting disabled people to achieve their full potential and participate equally in society.

• Disabled people should be able to access free, inclusive primary and secondary school education in the communities in which they live.

• Disabled people must not be excluded from the general education system (at any level) because of their disability.

• Disabled people have the right to reasonable adjustments and extra support to take part in education.

• Governments must enable disabled people to learn life and social development skills to support their participation in education within their communities. This includes facilitating the learning of Braille and other forms of communication, promoting peer mentoring, and promoting the linguistic identity of deaf people.

• Governments should also take steps to ensure that enough teachers are trained in alternative communication methods, and that education professionals receive disability awareness training.

What does this mean?

This is about education at all levels, including life-long learning.

It places an obligation on the UK Government and relevant authorities to provide inclusive education, which means that disabled children and adults can access education in mainstream settings with the right support.

The UK Government did not accept this Article in full. When it ratified the Convention it made two statements which limit this Article’s impact in Britain. One statement was a ‘reservation’, which said that disabled children could carry on being educated outside their local community. The other was an ‘interpretive declaration’, which said the UK interpreted the term ‘general education’ to mean special schools as well as mainstream schools. The Equality and Human Rights Commission and many disabled people’s organisations oppose these statements on grounds that they were not necessary and not compatible with the Convention’s firm commitment to the full inclusion of disabled people in all aspects of life.

The UN Committee has produced a ‘General Comment’ on this Article, providing a detailed interpretation of what the right requires.18
Health

Article 25 says:

• Disabled people have the right to enjoy the best possible health.

• Disabled people have the right to the same range, quality and standard of free and affordable healthcare as everyone else – including sexual health and fertility services.

• Governments should ensure healthcare professionals are trained to provide an equal service, on a human rights basis. This includes making sure that disabled people have access to information about treatment so that they know what treatment they are agreeing to.

• Governments should provide the health services and treatment disabled people need for their specific impairments, including services that help people regain their independence after they have developed an impairment. They should ensure impairments and health conditions are identified early and that people get early support. These services need to be close to where people live – including in rural areas.

• Governments should take steps to make sure health and life insurance policies do not discriminate against disabled people.

What does this mean?

This is not a right to be healthy but a right to conditions that support the best possible health and healthcare. This involves ensuring that disabled people have access to quality healthcare in the same way as everyone else, and also have timely access to healthcare that is needed in relation to their impairment.

This right could be used in arguments for equal healthcare services for disabled people. For example, it could support advocacy for better information about and access to contraception for disabled people, while Article 23 (Respect for home and the family) makes it clear that disabled people should not be forced to use contraception.
Habilitation and rehabilitation

Article 26 says:

• Governments must take effective steps to enable disabled people to maximise their independence and participation in all areas of life.
• Governments must make sure disabled people have access to services which take account of all their needs and strengths, and which are available as and when people need them, and as close as possible to where people live.
• Professionals and staff working in these services should be properly trained.
• Governments should also ensure everyone is aware of and can use the range of equipment and technology available to support independent living.

What does this mean?

This right is about ensuring that disabled people develop skills for independent living and to support full participation in their communities.

Habilitation means learning a new skill that you didn’t have before, while rehabilitation means re-learning a skill, for example walking or talking. Another word for rehabilitation is ‘re-ablement’. 

This right could be used to encourage social services to provide modern aids and equipment, rather than relying on old, recycled stock which may meet a need but does not do it as well as modern technology.
Work and employment

Article 27 says:

- Disabled people have the right to earn a living through work that they freely choose and in workplaces that are accessible and inclusive.
- Governments should promote this right to work by:
  > ensuring disabled people are protected against discrimination in employment and are entitled to reasonable adjustments
  > ensuring disabled people can access work experience
  > ensuring disabled people enjoy fair working conditions, the same union rights as others and protection against harassment
  > employing disabled people in the public sector
  > promoting career development for disabled people including through access to training opportunities
  > promoting self-employment and employment in the private sector
  > supporting disabled people to stay in or get back to work.
- Disabled people should be protected against forced or compulsory labour.

What does this mean?

This is not a right to employment, but a duty on governments to create conditions that promote equal opportunities for disabled people to earn a living through work. It also prohibits forcing disabled people to work, and it gives disabled people the right to access and non-discrimination in work. For example, it could be used to support demands for more action to address discrimination during recruitment. It can also be used to argue that more should be done to ensure that disabled people can stay in their jobs and access opportunities for progression and promotion.

When the UK Government ratified the Convention it made a statement about this Article which limits its impact.

The statement was a ‘reservation’ and it said that the exemption of the armed forces from the employment duties in equality law would continue because it was needed to ensure the forces were always ready and able to go into combat. The Joint Committee on Human Rights, the Equality and Human Rights Commission and disabled people’s groups opposed this. They said the armed forces should be subject to disability discrimination law.
Adequate standard of living and social protection

**Article 28 says:**

- Disabled people have the right to decent food, drink, clothing and housing. There should not be big gaps between the standard of living of disabled people and non-disabled people. Disabled people should expect to see continuous improvements in their standard of living.
- To make this right real, governments should take action to ensure that:
  - disabled people can afford any equipment, aids or services they need
  - disabled people – and disabled girls, women and older people in particular – can access benefits and schemes to help them get out of poverty
  - disabled people living in poverty get enough help from the UK Government with their extra costs
  - disabled people have access to social housing programmes
  - disabled people get the same chance as other people to access retirement pensions and initiatives for older people.

What does this mean?

The Convention says that disabled people should be able to enjoy decent living conditions, and should see improvements to their living standards over time. This could mean that it is not enough for governments to meet the bare minimum standards of care or housing.

Ensuring decent living standards also means that governments must make sure that disabled people can access social security programmes if they need to.

Disabled people could use this Article to show that housing authorities need to think more about housing allocation to meet their needs.

Disabled people could also use this Article to press the UK Government to do more to address disproportionate levels of poverty among disabled people.
Participation in political and public life

Article 29 says:

• Disabled people have the same rights to participate in public and political life as everyone else.

• Governments must ensure that it is easy for disabled people to:
  > access polling stations
  > access material about elections and candidates
  > vote in secret or with whatever help they need from another person
  > take up and carry out important roles in government and public life, for example as a councillor, Member of Parliament, a magistrate or a school governor.
  > form and join disabled people’s organisations.

What does this mean?

It means that disabled people have the right to vote, stand for election and fully and effectively participate in public life. It also means that they have the right to be involved in decisions affecting their human rights.

This Article also recognises that disabled people’s organisations are important for giving disabled people a voice at a local, regional, national and international level.

Public appointments are an important way of involving disabled people in policy-making and decision-making. However, only a small number of public appointments in the UK are filled by disabled people.
Participation in cultural life, recreation, leisure and sport

Article 30 says:

- Disabled people have the right to access books, plays, films and television in accessible formats (for example books in large print, audio or Braille).
- Disabled people have the right to access libraries, cinemas, theatres, museums and other places of historical or cultural interest.
- Disabled people have the right to develop and use their creative, artistic and intellectual potential – for their own benefit and because it enriches society.
- Governments should ensure laws protecting copyright of books and music do not stop disabled people enjoying real access.
- Disabled people’s different cultures and languages – including Deaf people’s language and culture – must be respected and supported.
- Governments should do everything they can to support disabled people to take part in mainstream sport and disability sport.
- Governments should do everything they can to make sure disabled children can take part in play, leisure and sporting activities in and out of school on an equal basis with non-disabled children.

What does this mean?

Disabled people should be able to access and to participate in cultural life, recreation, leisure and sport.

Disabled people should not be excluded from these activities, and steps should be taken by governments to support disabled people’s ability to participate in such activities on an equal basis with others.
Part 3
Making rights a reality

This Part tells you about the different things you can do to help ensure the Convention is put into practice – at a local, national and international level. It covers:

- What can I do to promote the Convention among disabled people and public bodies?
- How can I use the Convention to improve my life and that of other disabled people in Britain?
- What is meant by monitoring and reporting on the Convention, and how can I get involved?
- How do I make a complaint about a violation of the Convention?
What can I do to promote the Convention?

Raising awareness among disabled people

Raising awareness of the Convention is very important. The more people know about the Convention and feel confident using it, the bigger the difference it can make. This section will explain how you can promote it among disabled people.

Simple things you can do:

• Tell disabled people in your family, your workplace or your community about this guide and encourage them to read it.

• If you have a website, set up webpages that tell people about the Convention – you can use text from this guide to help you. Provide links to the full text of the Convention and some of the useful contacts at the end of this guide.

• If you have a newsletter or blog or write for someone else’s, you could use this guide to help you write an article about the Convention.

• If you are part of a group (for example, a trade union, disability or other voluntary organisation), you could suggest your group produces a leaflet about the Convention.

• If you are part of a local access group or disability association or Centre for Independent Living, talk about the Convention at one of your members’ meetings. You could ask one of the national disability rights groups to send a speaker or do a talk yourself. You could use some of the resources from Part 4 of this guide.

• As well as raising awareness about the rights in the Convention, you can also raise awareness about the ‘Concluding Observations’ made by the UN Committee. These are recommendations the UN makes to governments after reviewing their compliance with the Convention. More information about the review process and how you can participate is included later in this part of the guide.
Help raise awareness among bodies that deliver public services

If public bodies are aware of the Convention, then they are more likely to understand how to respect the human rights of disabled people.

Ask your local public bodies (that means your council, local health board or NHS Trust, schools and colleges, police authority, housing associations, day centres, care homes):

• if staff have information about the Convention
• if they have trained staff on the Convention
• what plans they have to look at all their policies and practices to make sure they support the Convention.

Remind them that doing so will help them comply with the Human Rights Act and disability discrimination legislation. Remind them that they could look at this as part of their Public Sector Equality Duty and that they should involve disabled people.

Get creative. You could make a short film, write and perform a song or a play or create art based on the rights in the Convention, highlighting the barriers people face. This could help raise awareness among disabled people and get the message home to public bodies.

Example: Get creative

In 2006 a disabled woman, Sian Vasey, who runs the Ealing Centre for Independent Living, wrote a play entitled ‘Flowers for Geeta’ about a disabled woman in a care home who wants to leave and get married. It showed how professionals failed to respect her human rights to marry, decide where to live and who to live with. These are all Convention rights. Staff from the Disability Rights Commission (which has now been replaced by the Equality and Human Rights Commission) performed it at a big conference for professionals working in health and social care. It was a much better way of getting the message across than just having a meeting with speakers.
How can I use the Convention to improve my life and the lives of other disabled people in Britain?

As well as raising awareness there are several ways that you can use the Convention to influence individual cases or to change services and policies. This includes the way that a public authority makes decisions, for example about social care charges or road infrastructure.

You could write a letter, go to a meeting, talk to the press, or put together a report and publish it. Whatever you do, make sure that you know what the Convention says and have evidence of how disabled people’s human rights are affected.

Influencing local services

While the Convention does not place direct legal obligations on public bodies they must still act in a way that is compatible with disabled people’s human rights. This might include taking positive steps to meet the standards set out in the Convention. When public bodies commission services from private or voluntary sector organisations they should ensure those organisations are respecting disabled people’s human rights. Local authorities must also act in line with the Human Rights Act 1998 and the Equality Act 2010, and the Convention can be used to interpret these laws.

Disabled people have been using the Human Rights Act to change things in their daily lives, both through legal cases and outside the courtroom. For example, a disabled woman who needed a particular type of bed (so she could get up easily) was told by her local occupational therapy department they would only pay for a single bed. But this would mean she could not sleep next to her husband. Eighteen months later, following legal advice, she reminded the authority that they must respect her right to private and family life. Within three hours, the occupational therapy department had secured funding to buy her the double bed.

For other examples go to: www.ourhumanrightsstories.org.uk

The Convention can be very powerful for individual advocacy as it sets clear benchmarks for the way that public authorities should treat you, especially where there is no equivalent right in the Human Rights Act, such as the right to health.

The Convention is an internationally agreed and accepted set of standards to respect, protect and promote the human rights of disabled people. For these reasons, local authorities should pay full attention to the Convention.
Ways you can use the Convention include:

- If you are frustrated about local services, whether it is not having enough disabled parking spaces, staff attitudes or long waiting times for treatments to help with mental health conditions, you can use the Convention to promote positive changes. Work out which Article or Articles of the Convention, and which recommendations of the UN Committee, are relevant. Set out how local services fall short of the standards promised in the Convention and what practical changes public bodies could make to resolve the problem.

- Ask the officer or elected member responsible for equalities at your local council and health body to come and talk to your local disability group about what they are doing to implement the Human Rights Act, and how they use the Convention. You may have to give them information about the Convention first!

- Write or talk to your MP, MSP and/or Welsh Assembly member – they are there to represent you.

- Under the Convention, UK governments have obligations not to cut back on essential support for disabled people, and there are only very limited circumstances where any regression in service provision can be justified. If you are facing the prospect of cuts to local services don’t forget to make that point strongly. Get advice from one of the organisations listed in Part 4 of this guide about how you could use the Convention together with the Human Rights Act and the Public Sector Equality Duty to challenge cuts to local services that affect disabled people.

- You can ask the council to adopt the Convention as a sign of their commitment to implementing it – write to the chief executive’s department.
Influencing law and policy

Whether you are an individual or a small or large disability organisation, you can use the Convention to influence law and policy at the UK or devolved level. However, you could try to join up with others – because the more there are of you, the stronger your voice will be. Here are some ways you could influence law or policy:

• If you are responding to a government consultation, use the relevant parts of the Convention and recommendations of the UN Committee to back up your points.

• If you are campaigning for a change in the law to get a better deal for disabled people, check what the Convention and the UN Committee say about the issue, and use it to strengthen your arguments for change. You could include points from the Convention and the UN Committee in your briefings for parliamentarians.

• Draw attention to the implications of bills for disabled people’s Convention rights when you are writing a submission to a Select Committee Inquiry or to a Public Bill Committee. There are also Scottish Parliamentary Committees which call for evidence to scrutinise bills and as part of Committee Inquiries.

• The Scottish Human Rights Commission and the Equality and Human Rights Commission in Scotland give advice to the Scottish Parliament. Brief them about issues of concern that the Scottish Parliament needs to address.
The United Nations Committee on the Rights of Persons with Disabilities (referred to in this guide as the ‘UN Committee’) is a group of 18 experts set up to monitor what governments who have ratified the Convention are doing to implement it. See the section on the role of the United Nations in Part 1 for more information about the Committee.

Reviewing reports from the State Party and civil society stakeholders is a central way in which the Committee monitors the State’s performance against the Convention. States should submit an initial report on their implementation of the Convention two years after accepting it, and every four years after that.

National Human Rights Institutions, such as the Equality and Human Rights Commission, and civil society organisations can submit ‘shadow’ reports. These are also called ‘alternative’ or ‘parallel’ reports – in this guide we use the term ‘shadow reports’. The Convention places particular importance on the involvement of disabled people and their organisations in the monitoring of the Convention, under Article 33.

The UN Committee takes a close look at State Party reports alongside shadow reports. They assess whether governments are meeting their obligations under the Convention. They rely heavily on the shadow reports to get a comprehensive picture of how far disabled people’s rights are being protected in practice.

After looking at all the evidence and questioning representatives of the State Party at a public examination in Geneva, the UN Committee will issue their ‘Concluding Observations’. These set out specific recommendations for government action.

Shadow reports are an important tool that disabled people can use to flag up where progress has been made or where disabled people’s human rights have not yet been secured.
State party report

State Party reports should cover the following:

- Whether – and to what extent – disabled people actually enjoy each right in the Convention in practice (with statistics broken down according to sex, age, type of impairment, ethnic origin and other categories).

- What policies, strategies and laws the State Party has put in place to ensure each Convention right becomes a reality. They should say what resources have been identified to support this and what progress has been made.

- Whether it has adopted comprehensive disability anti-discrimination legislation.

- What systems are in place to monitor progress towards ensuring each Convention right becomes a reality for disabled people, including details of how progress will be measured.

- How each Convention right is protected in law in the UK and details of any laws which exclude or single out disabled people for worse treatment.

- How disabled people can get justice if their Convention rights have been violated.

- Whether there are any barriers beyond their control which are making it difficult to make the Convention rights a reality, including details of what steps are being taken to overcome them.

Shadow reports

While there is no set approach, shadow reports from civil society organisations and National Human Rights Institutions should aim to:

- Provide an independent assessment of the extent to which the Convention rights are a reality for disabled people.

- Identify gaps in the implementation of the Convention, and highlight priority areas where change is needed.

- Draw on reliable evidence to demonstrate the extent to which the Convention has been implemented, and the remaining barriers to securing disabled people’s rights.

- Make recommendations for concrete changes that the State Party should make to improve implementation of the Convention.

Shadow reports can provide an important opportunity to:

- Fill gaps in the information provided by the State Party report.

- Provide information on groups of disabled people who may be particularly marginalised, such as disabled women or disabled people in black and ethnic minority groups.

- Build coalitions between organisations, who can then work together to call on the State Party to implement the Concluding Observations of the UN Committee.
The Committee on the Administration of Justice (CAJ) is a small voluntary organisation that monitors human rights in Northern Ireland. In the 1990s it wanted to end human rights abuses against people detained in custody on suspicion of being involved in paramilitary violence. These people were being interviewed without lawyers present, locked up without a fair hearing and subjected to physical ill-treatment.

It used the reporting process under the United Nations Convention Against Torture to achieve this goal. This process helped it to generate publicity and put pressure on the UK Government. When the UK Government appeared before the Committee Against Torture in 1991, 1995 and 1998, CAJ made detailed, high quality submissions and attended the Committee meetings to brief members on each occasion.

Paul Mageean of CAJ said: ‘Almost all of the recommendations the Committee has made over the course of those years concerning Northern Ireland can be traced directly to the submissions we made. The key specific objectives and the overall goal have been achieved. It is our view that the use of this tactic had a considerable impact in changing the way the UK, and particularly the police in Northern Ireland, operated in relation to the detention of those suspected of being involved in paramilitary violence in Northern Ireland’.

Case study: How reporting can make a difference
You have the right to be involved in monitoring

Governments must ensure that disabled people and their organisations can get involved in monitoring how well the Convention is being implemented, for example through producing shadow reports and engaging in ongoing monitoring of the impact of laws and policies on disabled people. They should also involve disabled people in putting together their State Party reports to the UN Committee.

Being involved in something means a lot more than just being ‘consulted’ about it. Involvement needs to be:

• planned in advance
• co-ordinated
• fully accessible and inclusive
• diverse: lots of different disabled people should be able to engage in a range of different ways
• meaningful: people need to be clear what is expected of them and what the outcomes will be and to feel their expertise has been properly recognised, and
• influential: it should be clear how disabled people’s views and priorities have shaped future plans.

Disabled people’s input and involvement is essential. Without it, it is not possible to properly measure or assess progress or to develop better policies, laws and plans.

The Office for Disability Issues (ODI) coordinates the process of monitoring and reporting for the UK Government, in conjunction with the governments of Scotland, Wales and Northern Ireland on matters of devolved responsibility. Contact details for ODI are given in Part 4. As part of its role of coordinating work on the Convention across Government, ODI should encourage government departments to engage with disabled people.

The Equality Unit within the Scottish Government coordinates the work and information required to report on and implement the Convention in Scotland. If you live in Scotland you can be involved in their work.

Similarly if you live in Wales there are opportunities to inform the Welsh Government’s work related to the Convention. The Equality and Prosperity Division works with disabled people and Welsh Government departments to put the Convention into practice and monitor progress.

The Scottish and Welsh Governments will contribute their assessment of the progress they have made in their areas of responsibility to a single UK report.

But don’t wait to be asked to be involved! Here are things you can start doing now as an individual or as part of a group.
As an individual you can:

- Look at the rights described in Part 2. Think about what each of the rights means for you and which are most important to you. Do you have those opportunities in your own life? What would help you enjoy the rights in practice? For example, if you are not working but want to, think about: what things are proving helpful to you? What things are getting in your way? If you could change something what would it be?

- Write down or record your thoughts and then share them. You could send them to the Equality and Human Rights Commission or the Scottish Human Rights Commission, or one of the national disability organisations. This will help them work out what is going well and what more needs to be done. They may use your evidence in their shadow report.

- You could also share your thoughts with ODI, or with the Scottish or Welsh Government, depending on what the issue is and where you live. This could make them aware of what more needs to change or improve.

As a group you can:

- Gather evidence from your members about their experiences. Pick out the rights you think will be most relevant to them from Part 2 and ask them to tell you about any barriers they face and what action would help them enjoy those rights in practice.

- Use that evidence to produce a shadow report for the UN Committee, or send it to the Equality and Human Rights Commission, the Scottish Human Rights Commission, or a national disability network you are involved with or know of. They may use the evidence for their shadow reports. You could also send your evidence to ODI or the Scottish and Welsh Governments to highlight the gaps in disability rights protections.

- Ask to see your MP (England/Britain), MSP (Scotland) or AM (Wales) to discuss your findings. They could pick up some of the issues and start putting pressure on the relevant government to act. If you’re not sure how, then a national disability organisation may be able to help you.
Why get involved in producing a shadow report?

Quite simply this is one of the most effective ways to use the Convention to help bring about positive change for disabled people.

Even when governments are being self-critical, their reports on the implementation of UN conventions can sometimes paint a rosy picture about people’s rights – a picture that does not always reflect the reality for disabled people. This is why UN monitoring committees encourage civil society groups to provide them with reports of their own. They use this information to assess what progress is really being made and decide what the gaps and problems are and where further action is needed. The shadow reports also help them think about what questions to ask each government. Sometimes they adopt civil society groups’ recommendations for change in their ‘Concluding Observations’.

Writing the report also helps the civil society organisations to collect evidence and to identify what needs to be done to make the Convention rights a reality.

The UN Committee will make recommendations (‘Concluding Observations’) to tell the UK Government what steps it needs to take to comply with the Convention. You can use these recommendations to press the UK Government into action. Also, when the UK Government submits its next report, the UN Committee will be expecting detailed information about action that has been taken.
Guide to writing a shadow report

The following is a brief guide to writing a shadow report. You can find full guidelines on the website of the International Disability Alliance (details in Part 4).

Use this guide if you are a group of disabled people feeding into another, bigger group’s shadow report, or a voluntary organisation representing disabled people that has consultative status with the UN.

The UN Committee says that it is very keen to receive reports from disabled people and their organisations. However, it’s a good idea to work together so that the UN Committee doesn’t get an excessive number of reports to read – particularly because they review reports from many other countries. Reports that represent the views and perspectives of lots of people may also be more likely to be read by the UN Committee and have more impact.

You could write a report without having seen the UK Government’s report, or write it as a response to any gaps or inaccuracies in the UK Government’s report. Either is useful, but filling in gaps left by the UK Government report can help the UN Committee gain a fuller picture of the reality for disabled people.

How to go about it

**Step 1:** Check the process, timetables and arrangements on the website of the UN Committee (see Part 4).

**Step 2:** Think about who you could work with to write the report. For example, whether you’re a big organisation or a small self-advocacy group, it would be a good idea to contact other groups and ask if they would like to work with you.

**Step 3:** Work out what your report will cover and how you will structure it.

- Make sure you focus on the issues and rights that you and other disabled people in your group feel are most important – you don’t have to cover every right in the Convention (use Part 2 of this guide to help).

- Look at the extent to which disabled people are currently able to enjoy their Convention rights. You must use real evidence. Evidence can be from surveys, research reports, official statistics and newspaper articles.
You could also include case studies – real examples of how the problem affects disabled people.

• Make clear what the barriers are and how they relate to the rights in the Convention.

• If there are good things the UK Government or another public authority are doing in a particular area then say so. If nothing has been done then also report this.

• Make specific recommendations for change. For example, if you want action on disability hate crime, try to suggest specific actions different bodies like the police, local councils, housing associations or the Ministry of Justice could take.

• Be as clear as you can about which part of the UK or devolved governments should be making these changes, and how you want to be involved in making the changes happen.

• If there is some information or evidence that is too long to include in the main part of your report, but you think will be useful for the UN Committee to read, then put it in an appendix at the end.

**Step 4:** Now write your report! Follow clear print guidelines so that it is accessible to most people. Remember to use plain English and short sentences. Don’t use jargon or acronyms that Committee members won’t be familiar with. Remember that, as an international expert group, many Committee members don’t have English as their first language, and are not familiar with the political and social context in the UK. Use numbered paragraphs or clear sub-headings. Keep it short.

**Step 5:** Get some people you trust to read through the report and give you some feedback so you can improve it. Think about whether there are groups that might want to support it and, if appropriate, get their permission to add their logo. Also arrange for the report to be made available in a range of accessible formats.

**Step 6:** Publish the report and send it to the UN Committee.

**Step 7:** Follow up. Find out how else you can ensure your key points reach the UN Committee. For example, you could participate in briefing the UN Committee when they meet in Geneva. See Part 4 for details about how to get in touch with the UN Committee.

**Step 8:** Don’t forget to put a copy of your report on your website. You could put out a press release about the report and distribute copies to your members.

**Remember** – the UK Government has a duty to report on other Conventions, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women and the International Convention on the Elimination of All Forms
of Racial Discrimination. These reports should also cover disabled people. You could work with women’s, children’s or ethnic minority groups to ensure that disabled people’s issues on any of the conventions are covered in their shadow reports.

**Informal reporting** – you can also follow the above steps to write an informal report based on the Convention to use in your campaigning work. Simply change ‘UN Committee’ to ‘Scrutiny committee of the council’ or ‘NHS Board’, for example. Ensure you check when the relevant body is meeting, and how to send them the report. Also make sure you follow up – if you are writing an informal report and sending it to a local committee, find out if you can attend one of their meetings to talk about your findings and recommendations.

**What is the current status of the Convention and monitoring process?**

At the time of updating this guide in July 2017, the UK is currently undergoing its first review by the UN Committee, following a delay in the review of its initial report, which was produced in 2011.

In September 2013, the UN Committee adopted a process called the ‘simplified reporting procedure’. This means that the Committee prepares a ‘List of Issues’ based on evidence received from various sources including the UK Independent Mechanism (UKIM) and disabled people’s organisations. The List of Issues is effectively a list of questions the State Party must reply to, and the reply is considered to be the State Party’s report. This simplified reporting procedure aims to facilitate targeted and effective reporting.

Once the List of Issues is published by the UN Committee, the State Party will respond, and civil society organisations can submit shadow responses. At the time of writing, a public examination of the UK before the UN Committee in Geneva is due to take place in August 2017.

For the most up-to-date information about the status of the Convention in the UK and the current stage of the reporting cycle, the following information may be useful.

The UN Committee’s webpage contains links to information about upcoming sessions of the Committee, links to shadow reports already submitted and links to the List of Issues and Concluding Observations that have already been published: [http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx)

How do I make a complaint about a violation of the Convention?

At UN level the Optional Protocol to the Convention enables the UN Committee to look at individual complaints as well as systematic violations of disabled people’s rights by governments (see below for more information). However, before considering a complaint at UN level you should first look at your options at local or national level.

At national or local level, even though you cannot take the UK Government to court over a breach of the Convention alone, there are several ways in which you can use the Convention to strengthen your case – whether you are challenging the government or another public authority. This could be:

- **Where you believe that the issue you are facing is covered by another piece of legislation that is directly enforceable in the UK courts** (for example, the Human Rights Act 1998 or the Equality Act 2010).

- **Where you make a complaint against a public authority**, either through internal procedures or through inspectorates such as the Care Quality Commission.

This section explains how you can go about making a complaint if you believe your rights have been breached.

**Step 1:** If you can, talk to someone you trust about it. It could be a friend, a relative, an advocate or a colleague at work. Work out what is going wrong, which rights are affected and what you want to change. If you are unsure whether the Convention applies to your situation, don’t be afraid to ask for advice. If the problem you are facing is being treated badly at work or when trying to use services, it may be that the body concerned is breaching your rights under equality legislation. Talking to the Equality Advisory and Support Service, or a national disability group or advice service, could help you figure out which Convention rights are relevant to your situation and whether any other rights are being infringed. See Part 4 of this guide for contact details.

**Step 2:** Try to resolve it with the person or body causing the problem first, if possible. There are lots of examples of disabled people using human rights arguments to get a public body to change something. See Part 4 for places to find those examples.

**Step 3:** If that doesn’t work ask about their complaints process. All public bodies have a complaints process. All employers must have a grievance procedure for employees.

**Step 4:** If this doesn’t resolve matters, you can try writing to or contacting your local...
councillor or your MP, MSP or Assembly Member. They might write a letter to the public body on your behalf. A useful website for finding out who your local representative is, and to write to them is: https://www.writetothem.com/

A disability group might also help make representations on your behalf. Sometimes this can resolve things.

**Step 5:** You might want to consider legal action, but first seek advice from the Equality Advisory and Support Service, or one of the other organisations listed in Part 4. Bringing legal action can be very expensive and difficult unless:

- **you qualify for legal aid** (legal aid is where the UK Government pays your legal costs). You will not qualify for legal aid if it’s an employment case
- **the Equality and Human Rights Commission or another body is willing to support your case** (the Commission can only support cases involving human rights that also raise issues under equality legislation – but see below for other powers they have to take action against human rights abuses).

If you want to bring a legal case, it will need to be a case under domestic legislation, such as the Human Rights Act or the Equality Act. You can’t bring a legal case under the Convention, but you can certainly use the Convention to strengthen your case.

You need to identify which rights in the Human Rights Act or equality law are affected in your case. Then look at the relevant Article(s) of the Convention to see what it says about your human rights in that area and use that in your argument. Your legal representative should be able to identify these issues – if they don’t you should raise it with them.
Pratibha has been receiving home care from her local authority. She has very high support needs. She asks for her needs to be assessed again as she feels she needs more help. Her local authority agrees her needs have increased. The only way they can meet those needs, they say, is if she moves into a residential care home. Their budget is under pressure and they say it would be too expensive for them to pay for home support. Pratibha feels strongly that she wants to stay in her own home. She is very active in her local community and has lots of friends and interests.

Pratibha can use the Convention together with other laws to argue that the local authority should support her to live at home.

She can argue that:

- **Article 8 of the European Convention on Human Rights** imposes a duty on her local authority to respect her right to private and family life. This right includes being able to have friends and take part in social and cultural activities and leisure. When people go into residential care they can be cut off from friends and access to the wide range of activities they would normally pursue if they lived at home. This right is also about protecting a person’s mental and physical wellbeing. Pratibha is certain that she would become depressed if she was uprooted and deprived of her independence.

- **Article 19 of the UN Convention** says very clearly that she has the right to choose where she lives and who she lives with. It says she has the right to live in the community and the right not to be forced into any particular kind of living arrangement such as a residential care home. This will strengthen her case.

- **Under the Public Sector Equality Duty** her local authority also has a duty to promote equality of opportunity for disabled people. That duty applies when decisions about individuals are being made. Moving her to a care home would remove her opportunities to take part in all the things she currently does. She can remind them of this and ask them whether they have done a disability equality impact assessment, to share the findings of it with her or ask them to do one and involve her in the process.

If you are a child – There are Commissioners for Children and Young People in England, Scotland and Wales responsible for promoting your interests. You can tell them about your problems.
How the Equality and Human Rights Commission can help tackle human rights violations

The Equality and Human Rights Commission can:

- undertake research and provide education or training
- conduct inquiries, investigations and assessments
- bring legal proceedings called ‘judicial review’ against a public body (for example a council or government department) in relation to any matter in connection with which the Commission has a function – that is its equality, human rights and good relations mandates
- intervene in legal cases involving human rights that other people have started. This means that the Commission can give the court expert advice.

For advice, information or guidance on equality, discrimination or human rights issues, you can contact the Equality Advisory and Support Service. The contact details are contained at the end of this guide.

### How the Scottish Human Rights Commission can help

The Scottish Human Rights Commission can:

- intervene in legal cases in Scottish courts to give expert advice
- undertake inquiries into Scottish public authorities and, as part of an inquiry, can inspect a place of detention
- conduct research, provide advice or guidance, education or training
- review or recommend changes to any area of Scottish law or in the policies or practices of Scottish public authorities.

If you are pursuing a legal case involving human rights and the Convention let the Commissions know about this:

- in case they are able to intervene with helpful arguments
- so that they have evidence to use to help them advise government on action needed to protect disabled people’s human rights.

If you have been through all the available routes for redress in Britain and have not got justice, you can consider making a complaint to the UN Committee.
How do I make a complaint to the UN Committee?

The **Optional Protocol** to the Convention establishes the communications procedure and the inquiry procedure. The UK Government is a party to the Optional Protocol, which means that it recognises the competence of the UN Committee to receive complaints in relation to the UK.

The **communications procedure** allows people to bring a petition to the UN Committee if they believe that their Convention rights have been breached and they have exhausted means of redress via the UK courts.

The **inquiry procedure** allows the UN Committee to undertake inquiries, when reliable information is received into allegations of grave or systematic violations of Convention rights.

**You can complain to the UN Committee about a violation of your rights under the Convention if:**

- **You are the (alleged) victim.** If you are not the victim you must have permission to act on the victim’s behalf. You can also make a complaint as a group.
- **The complaint is against the UK Government.** It cannot be brought against other authorities, for example your council. If you believe that the Welsh Government or the Scottish Government is in breach of the Convention, then you must still complain against the UK Government although it would be best to first use any available complaints mechanisms including the relevant ombudsperson.
- **The complaint is well-founded.** This means you need evidence that a human rights violation has taken place. The violation must clearly relate to one or more Articles of the Convention.
- **You have used all possible domestic remedies.** For example, you have pursued all possible legal remedies in Britain without success, or there is no law you can use in Britain to enforce the Convention right concerned. For example, there is no law in Britain that gives disabled people a right to an adequate standard of living or an accessible home. However, if you are living in real hardship or conditions that cause you loss of dignity, even after claiming all the social security payments you are entitled to or because of very inadequate housing, you may be able to complain to the UN Committee.
There are other important rules about bringing a complaint:

- The issue you are complaining about must have either happened after the UK ratified the Convention, or if the issue started before the date of ratification (8 June 2009) it must still be continuing at the time you want to make the complaint.
- You cannot make an anonymous complaint (in other words you need to say who you are).
- The issue must be one the UN Committee has not looked at before.
- The issue must be one that is not being looked at by another international rights body like the European Court of Human Rights.

Other important things to remember:

- Try to find out about other people affected by this issue. Groups of people can make a complaint as well as individuals. It might be easier if there is a group of you to support each other. Contact disabled people’s organisations locally or nationally just in case they know of other people who are affected.
Assuming your complaint meets all the criteria and you have been advised to go ahead, how do you make your complaint?

You will need to put it in writing and send it to the UN Committee. Go to the Committee’s website to find information about making a complaint. You can find links in the back of this guide.

What happens then?

If the UN Committee accepts your complaint, they will ask the UK Government to respond. The Committee then meets in private and decides what finding to make.

The UN Committee gives you and the UK Government a copy of its recommendations, and a summary is included in its annual report.

The UN Committee’s findings and recommendations are not enforceable but they carry a lot of moral authority and can be very persuasive with governments who often wish to avoid criticism by an expert international body. It may force the UK Government to pass new legislation, change a policy or find the money to sort the issue out.
In 2004 two Austrian women’s organisations filed complaints under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on behalf of two women, Şahide and Fatma. Each woman had been killed by their husband after suffering repeated abuse. They had each brought various violent incidents to the attention of the Austrian authorities, did not get sufficient support, and were ultimately murdered. The women’s groups argued that the Austrian state had failed to do enough to protect the lives of the two women and that this violated their rights guaranteed under CEDAW.

The CEDAW Committee agreed with them. In August 2007 they found that Austria had failed to protect the women’s lives and made clear recommendations about what Austria should do to avoid the same violations of women’s human rights in the future. As a result a series of new policy measures were introduced and the process of legal reform to protect Austrian women from violence gained momentum.19

Case study: Using the complaints procedure to tackle violence against women
How do you get the UN Committee to launch an inquiry into human rights violations?

The UN Committee can launch an inquiry into severe or widespread violations of the Convention by any country that has ratified the Convention and Optional Protocol. ‘Widespread’ means the violations affect a lot of disabled people and/or appear to be part of a deliberate policy.

The UN Committee would need reliable evidence about the alleged violations before deciding an inquiry is needed. Individuals or organisations can submit evidence or use the ‘individual communications procedure’ to bring such breaches of rights to the attention of the UN Committee.

If you think there is evidence of severe or widespread violations of Convention rights that the UN Committee should investigate you need to:

• work together with other disability groups and the national human rights commissions to assemble detailed evidence about the rights violations, and
• write to the UN Committee asking them to investigate.

You should check if either the Equality and Human Rights Commission or the Scottish Human Rights Commission would be willing to conduct an inquiry instead.

Experience of inquiries under other Conventions shows that they can be an effective way of stopping human rights abuses and bringing about change.
In 2014 the UN Committee launched an inquiry into the UK under Article 6 of the Optional Protocol to the Convention. The inquiry was established on the basis of information received from a variety of sources since 2012, in particular disabled people’s organisations.

The inquiry examined the cumulative impact of changes to law and policy adopted by the UK Government since 2010 on disabled people’s rights to live independently and be included in the community (Article 19 of the Convention); to an adequate standard of living and social protection (Article 28 of the Convention); and to work and employment (Article 27 of the Convention).

On 7 November 2016, the UN Committee published its report, which concluded that there was reliable evidence of grave or systematic violations of the rights of disabled people in the UK. It made a number of recommendations, including a recommendation for the UK Government to carry out a cumulative impact assessment of the measures adopted since 2010, and to ensure access to justice for disabled people. The UK Government’s response to the inquiry, also published on 7 November 2016, rejected the inquiry’s conclusions.

While it is too early to judge the impact of the inquiry for disabled people’s rights in the UK, the inquiry process provided an independent international platform for disabled people to voice their grievances, and can now be used in ongoing advocacy efforts to seek action from the UK Government.
Part 4
Further information and resources

This Part tells you where you can find out more about the Convention or where you can find help, including:

• Key resources and organisations relating to the Convention
• UN Committee on the Rights of Persons with Disabilities
• Convention guides and toolkits

• The Convention in England and Great Britain
• The Convention in Scotland
• The Convention in Wales
• Legal advice about human rights

Your local or national disability organisation may also have further information. Your council should be able to give you contact details of local disability organisations.
Key documents and resources relating to the Convention

> **UN Enable**: the UN’s website is all about the UN Convention on the Rights of Persons with Disabilities. This website has the full text of the Convention and the Optional Protocol, as well as a plain English version and Easy Read version: [https://www.un.org/development/desa/disabilities/](https://www.un.org/development/desa/disabilities/)


> The **Office of the United Nations High Commissioner for Human Rights (OHCHR)** has published several guides and factsheets about human rights and working with the UN: [http://www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx](http://www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx)

UN Committee on the Rights of Persons with Disabilities

> **UN Committee on the Rights of Persons with Disabilities** is an independent group of experts, which monitors implementation of the Convention by States Parties.

**Website**: [http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx)

**Postal address**: CRPD secretariat, UNOGOHCHR, CH-1211 Geneva 10, Switzerland. Visiting address: Palais Wilson, 52 Rue des Pâquis, 1201, Geneva, Switzerland

**Telephone**: +41 (0)22 917 9703

**Email**: crpd@ohchr.org

**For individual complaints**:

Petitions Team
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
1211 Geneva 10 (Switzerland)

**Fax**: + 41 22 917 9022
(particulalry for urgent matters)

**E-mail**: petitions@ohchr.org

> **UN Department of Economic and Social Affairs** (for information about ‘consultative status’ with the United Nations)

**Website**: [http://esango.un.org/paperless/Web](http://esango.un.org/paperless/Web)

**Postal address**: NGO Branch, United Nations, S-2540, New York, NY 10017, USA

**Telephone**: +1 212 963 8652
Convention guides and toolkits

Many European and international organisations have developed Convention guides and toolkits. Here are a few:

> The European Disability Forum is the umbrella organisation for European disability organisations and national disabled people’s organisations. Their website has information about how the Convention relates to the European Union.
Website: http://www.edf-feph.org/

> The International Disability Alliance (IDA) is the network of international disabled people’s organisations promoting the effective implementation of the UN Convention on the Rights of Persons with Disabilities. Their website has information related to capacity-building of disabled people’s organisations as well as background to the Convention.
Website: www.internationaldisabilityalliance.org


Also see their guide on shadow or parallel reporting against the Convention: http://www.internationaldisabilityalliance.org/resources/guidance-document-parallel-reporting

> Making It Work! For the exchange of good practice and promoting advocacy about ending poverty, social exclusion and discrimination against disabled people over the world.
Website: http://www.makingitwork-crpd.org/


The Convention in England and Great Britain

> Equality and Human Rights Commission: The Commission is Great Britain’s national equality body and has been awarded an ‘A’ status as a National Human Rights Institution (NHRI) by the United Nations. Our job is to help make Britain fairer. We do this by safeguarding and enforcing the laws that protect people’s rights to fairness, dignity and respect.

London office:
Address: Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX
Telephone: 020 7832 7800

Cardiff office:
Address: Block 1, Spur D, Government Buildings, St Agnes Rd, Gabalfa, Cardiff CF14 4YJ

We welcome correspondence in Welsh. We will respond to it in Welsh.
Corresponding in Welsh will not lead to delay.

**Telephone:** 02920 447710 (We welcome phone calls in Welsh)

**Email:** wales@equalityhumanrights.com

**Glasgow office:**
**Address:** 151 West George Street, Glasgow G2 2JJ

**Telephone:** 0141 228 5910

**Email:** scotland@equalityhumanrights.com

The telephone numbers above are not helplines. Please contact the Equality Advisory Support Service (contact details below) if you need advice or information on discrimination or human rights matters.

> **Office for Disability Issues:** The Office for Disability Issues is the focal point in UK Government for the implementation and monitoring of the Convention.

**Address:** Caxton House, 6-12 Tothill Street, London SW1H 9NA

**Website:** http://www.officefordisability.gov.uk

**Email enquiries concerning the Convention:** UN.CRPDINBOX@DWP.GSI.GOV.UK

> **Ministry of Justice:** The Ministry of Justice is the focal point for human rights in general, and the Human Rights Act in particular.

**Website:** http://www.justice.gov.uk/guidance/humanrights.htm

> **British Institute of Human Rights:** BIHR provides a range of information about human rights, including guides to the Human Rights Act for disabled people and people with mental health conditions. It supports people to use human rights to improve their own lives, through awareness-raising events, training, information and policy work. It does not provide individual advice.

**Address:** BIHR, School of Law, QMUL, Mile End, London, E1 4NS

**Telephone:** 0207 882 5850

**Website:** www.bihr.org.uk

> **Our Human Rights Stories** is a website with stories of how disabled people and other people are using the Human Rights Act.

**Website:** www.ourhumanrightstories.org.uk

**The Convention in Scotland**

> **Scottish Government Equality Unit:** The Scottish Government Equality Unit coordinates the information required to report compliance and progress in Scotland.

**Address:** Area 2G, Victoria Quay, Edinburgh EH6 6QQ

**Telephone:** 0131 556 8400 or 08457 741741 (for UK local rate)

**Website:** http://www.scotland.gov.uk/Topics/People/Equality

> **The Scottish Parliament’s Equalities and Human Rights Committee:** The Committee examines equality and human rights issues in Scotland. It can review key issues and produce reports.
Address: The Equalities and Human Rights Committee, T3.40, The Scottish Parliament, EH99 1SP
Telephone: 0131 348 5223 or 348 6040
Email: equalities.humanrights@parliament.scot
Website: http://www.parliament.scot/parliamentarybusiness/
CurrentCommittees/Equalities-Human-Rights-Committee.aspx

Address: Governor’s House, Regent Road, Edinburgh, EH1 3DE
Telephone: 0131 244 3550
Email: hello@scottishhumanrights.com
Website: www.scottishhumanrights.com

The Convention in Wales

Address: Equality and Prosperity Division, Welsh Government, Cathays Park, Cardiff CF10 3NQ
Telephone: 0300 0604400
Email: CustomerHelp@Wales.GSI.Gov.UK

National Assembly of Wales Equality, Local Government and Communities Committee: The Equality, Local Government and Communities Committee’s remit includes holding the Welsh Government to account in relation to equality of opportunity and human rights.
Address: Equality, Local Government and Communities Committee, The National Assembly for Wales, Cardiff Bay, Cardiff CF99 1NA
Telephone: 0300 200 6565
Email: SeneddCommunities@assembly.wales
Website: http://www.assembly.wales/en/bus-home/committees/PagesCommittee-Profile.aspx?cid=447

Legal advice about human rights

You may be able to seek legal advice from:

Liberty: Liberty is one of the UK’s leading civil liberties and human rights organisations. They give information and support to individuals who want to understand and use their rights under the Human Rights Act 1998.
Telephone: 0845 123 2307
Website: https://www.liberty-human-rights.org.uk/

Advice UK: A membership organisation of independent advice centres. They do not give out advice themselves but their website has a directory of advice centres.
Telephone: 020 7407 4070
Email: general@adviceuk.org.uk
Website: www.adviceuk.org.uk
> **Citizens Advice:** Provides free, independent and confidential legal advice, and can help you find a solicitor.

  **Telephone:** 020 7833 2181 (no advice is available on this line, but they will be able to give you details of your local Citizens Advice Bureau that can give you advice).

  **Website:** www.citizensadvice.org.uk

> **Civil Legal Advice (CLA):** Civil Legal Advice is a government-funded advice service set up by the Legal Services Commission as part of the Community Legal Service. It aims to help people in England and Wales deal with civil legal problems, and is part of the legal aid programme in those nations. It comprises a telephone helpline, advice centres and a series of advice leaflets.

  **Helpline:** 0345 345 4 345

  **Website:** www.gov.uk/civil-legal-advice

> **Law Centres Federation (in England and Wales):** Law Centres provide a free and independent professional legal service to people who live or work in their catchment areas. The Law Centres Federation itself does not provide legal advice, but can provide details of your nearest law centre.

  **Telephone:** 020 7387 8570

  **Email:** info@lawcentres.org.uk

  **Website:** www.lawcentres.org.uk

> **Public Law Project:** Public Law Project is a voluntary organisation that supports disadvantaged groups to take legal action against public authorities if they have infringed people's human rights. Their website has several leaflets. The Public Law Project does not take enquiries from the general public but they can take referrals from another lawyer or adviser.

  **Website:**
  www.publiclawproject.org.uk

> **Disability Law Service:** The Disability Law Service provides information and advice about disability discrimination and provides a helpline, casework service, and can offer support at any level of the legal system.

  **Address:** Disability Law Service, The Foundry, 17 Oval Way, London, SE11 5RR

  **Telephone:** 020 7791 9800

  **Email:** advice@dls.org.uk

  **Website:** http://www.dls.org.uk/

### Scotland

> **Scottish Legal Aid Board:** The Scottish Legal Aid Board is responsible for managing legal aid in Scotland. Their website has information about getting legal help.

  **Website:** http://www.slab.org.uk/

> **Scottish Association of Law Centres:** The Scottish Association of Law Centres represents law centres throughout Scotland. They do not provide individual advice, but they can tell you where to find your nearest law centre.

  **Website:**
  http://www.govanlc.com/salc
> **Citizens Advice Scotland:** The Scottish CAB Service helps you find your local CAB.

*Website:* http://www.cas.org.uk/

> **Scottish Child Law Centre:** Scottish Child Law Centre (SCLC) provides free legal advice for and about children and young people.

*Address:* 54 East Crosscauseway, Edinburgh, EH8 9HD

*Advice line:* Mon-Fri 9.30-4.00

*Telephone:* 0131 667 6333

*Email:* Enquiries@sclc.org.uk or Advice@sclc.org.uk

*Website:* http://www.sclc.org.uk/

> **Clan Childlaw:** Clan Childlaw provides free legal advice and representation in Edinburgh, the Lothians and Glasgow.

*Address:* Norton Park, 57 Albion Road, Edinburgh, EH7 5QY

*Telephone:* 0808 129 0522

*Email:* info@clanchildlaw.org

> **Govan Law Centre:** Govan Law Centre is a free legal resource and provides advice, court and tribunal representation in Scotland.

*Address:* Orkney Street Enterprise Centre, 18-20 Orkney Street, Glasgow G51 2BZ

*Telephone:* 0141 440 2503

> **Govan Law Centre Education Law Unit:** GLC Education Law Unit provides legal resource in the field of school education, with a particular focus on tackling discrimination, promoting human rights and the rights of disabled pupils and pupils with additional support needs.

*Address:* Education Law Unit, Govan Law Centre, 18-20 Orkney Street, Glasgow, G51 2BZ

*Telephone:* 0141 445 1955

*Email:* advice@edlaw.org.uk

*Website:* www.edlaw.org.uk

> **Cairn Legal:** Cairn Legal provide legal advice and representation in the areas of education and adults with incapacity law.

*Address:* 1st Floor, Regent House, 113 West Regent Street, Glasgow, G2 2RU

*Telephone:* 0141 221 7948

*Website:* www.cairnlegal.co.uk

> **South East Glasgow Community Legal & Advice Service:** Provide free advice and representation service and have seven centres in South East Glasgow providing advice in a range of areas including: disability rights, welfare benefits, housing and anti-discrimination.

Their website provides contact details for each advice centre:

http://www.castlemilklawcentre.co.uk/contact_us.php
Endnotes

1. The **European Convention on Human Rights (ECHR)** protects the human rights of people in countries belonging to the Council of Europe. All 47 Member States of the Council, including the UK, have signed the Convention.

2. The **United Nations Convention on the Rights of the Child (CRC)** is an international treaty setting out the civil, political, economic, social and cultural rights of all children. By ratifying this Convention in 1991, the UK agreed that public bodies should consider the best interest of the child when doing anything that affects children. The CRC protects the rights of children in all areas of their life, for example in relation to health, education and freedom from violence, abuse and neglect.

3. The **Universal Declaration of Human Rights** was adopted by the General Assembly of the United Nations in 1948. It represents the first international agreement on the basic principles of human rights. In an introduction and 30 ‘Articles’ that express the obligations of Member States, it sets out a range of rights and freedoms to which everyone, everywhere in the world, is entitled. Examples of these are the right to life and freedom from torture, inhuman or degrading treatment.

4. The **International Covenant on Civil and Political Rights (ICCPR)** is an international human rights treaty adopted by the United Nations in 1966. It commits the states signed up to it to protect, respect and fulfil the civil and political rights of individuals. Examples of the rights it covers are those relating to freedom from torture and other cruel, inhuman or degrading treatment or punishment; freedom from slavery or forced labour; freedom of thought, religion and expression; privacy, home and family life; and political participation. The UK ratified ICCPR in 1976.

5. The **International Covenant on Economic, Social and Cultural Rights (ICESCR)** is an international human rights treaty adopted by the United Nations in 1966. It commits the states signed up to it to respect, protect and fulfil the economic, social and cultural rights of individuals. Examples of the rights it covers are those relating to work, social security, health, housing and education. The UK ratified ICESCR in 1976.

7. ‘A ‘State Party’ to a treaty is a country that has ratified or acceded to the treaty, and is therefore legally bound by the treaty’s provisions.

8. The **European Court of Human Rights** is an international court set up in 1959, which supervises and enforces the European Convention on Human Rights.


10. Under the Equality Act 2010, protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

11. In the United Kingdom, judicial review is a procedure by which a person who has been affected by a particular decision, action or failure to act of a public authority may make an application to the High Court, which may provide a remedy if it decides that the authority has acted unlawfully. Judicial review is concerned not with the merits of the decision, but whether the public body has acted lawfully. A public authority may be acting unlawfully if it has made a decision or done something:
   • Without the legal power to do so (unlawful on the grounds of illegality)
   • So unreasonable that no reasonable decision-maker could have come to the same decision or done the same thing (unlawful on the grounds of reasonableness)
   • Without observing the rules of natural justice (unlawful on the grounds of procedural impropriety or fairness)
   • In breach of European Community Law or the Human Rights Act

12. **National Human Rights Institutions (NHRIs)** are organisations set up by national governments to protect and promote human rights. These bodies should operate independently from their government in fulfilling their mandate.

13. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international human rights treaty that focuses specifically on equality between women and men in all areas of life, including education, employment, healthcare and political and public life. It is often referred to as the ‘women’s bill of rights’. The UK ratified CEDAW in 1986.


17. The full name of this case is R (B) v Director of Public Prosecutions (Equality and Human Rights Commission intervening) [2009] EWHC 106 (Admin) [2009] WLR (D) 25 QBD.


Contacts

This publication and related equality and human rights resources are available from the Commission’s website: www.equalityhumanrights.com.

For advice, information or guidance on equality, discrimination or human rights issues, please contact the Equality Advisory and Support Service, a free and independent service.

Website  www.equalityadvisoryservice.com
Telephone  0808 800 0082
Textphone  0808 800 0084
Hours  09:00 to 19:00 (Monday to Friday)
       10:00 to 14:00 (Saturday)
Post  FREEPOST Equality Advisory Support Service FPN4431

Questions and comments regarding this publication may be addressed to: correspondence@equalityhumanrights.com. The Commission welcomes your feedback.

Alternative formats

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