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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland\*

#### I. Introduction

1. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland (CRPD/C/GBR/1) at its 348th and 349th meetings (see CRPD/C/SR.348 and 349), held on 23 and 24 August 2017. It adopted the present concluding observations at its 356th meeting, held on 29 August 2017.

2. The Committee welcomes the initial report of the State party, which was prepared in accordance with the Committee's reporting guidelines. It also appreciates the State party's written replies (CRPD/C/GBR/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/GBR/Q/1). It further appreciates the clarifications provided in response to the questions posed orally by the Committee.

3. The Committee appreciates the constructive dialogue held during the consideration of the report and commends the State party for its delegation, which included delegates from various departments of the Government of the United Kingdom of Great Britain and Northern Ireland and from the governments of Northern Ireland, Scotland and Wales.

#### II. Positive aspects

4. The Committee commends the State party's withdrawal of the reservation to Article 12 (4) of the Convention.

5. The Committee welcomes the information about the adoption of legislative and policy measures that develop different aspects of the Convention, such as the National Plan of action to implement the Convention launched in 2016 and the Scottish Social Security System, which included the involvement of organizations of persons with disabilities in their design. It also welcomes the adoption of the Accessible Travel Framework in Scotland, in 2016, with provisions on accessibility for persons with disabilities and the Social Services and Well-being (Wales) Act 2015, which provides a framework for social services and health.

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\* As adopted during the eighteenth session of the Committee (14 -31 August 2017)

### III. Principal areas of concern and recommendations

#### A. General principles and obligations (arts. 1-4)

6. The Committee welcomes the information about the support of the State party's Government to the Crown Dependencies and Overseas Territories for the extension of the Convention. However, it observes with concern:

(a) The insufficient incorporation and uneven implementation of the Convention across all policy areas and levels within all regions, devolved governments and Overseas Territories;

(b) The lack of consistency across the State party in the understanding of, adapting to and applying the human rights model of disability and its evolving concept of disability;

(c) The absence of a comprehensive and cross-cutting review of the State party's legislation and policies, including within the devolved governments, in order to harmonise legal content and practice with the Convention;

(d) The existing laws, regulations, and practises which discriminate against persons with disabilities; and

(e) The lack of information on policies, programmes and measures that will be put in place by the State party to protect persons with disabilities from being negatively affected, upon triggering article 50 of the Treaty on European Union.

7. **The Committee recommends that the State party:**

**(a) Incorporate the Convention into its legislation, recognizing access to domestic remedies for breaches of the Convention, and adopt an appropriate and comprehensive response to the obligations enshrined in the Convention in its policies and programmes across the State party, including all devolved governments;**

**(b) Strengthen its efforts to extend the Convention and support its implementation in the Overseas Territories;**

**(c) Adopt legally binding instruments to implement the concept of disability, in line with article 1 of the Convention and ensure that new and existing legislation incorporate the human rights model of disability across all policy areas and all levels and regions of all devolved government and overseas territories;**

**(d) Undertake a comprehensive crosscutting review of its legislation and policies to bring them into line with article 1 of the Convention, and ensure that the legal framework protects persons with disabilities against discrimination on the grounds of disability. In this process, the State party should involve organisations of persons with disabilities and national human rights institutions;**

**(e) Expedite the process to develop a measurable strategic framework and plan of action, with sufficient financial resources aimed at abolishing laws, regulations, customs and practices that constitute discrimination against persons with disabilities and to ensure the equal protection of persons with disabilities; and**

**(f) Prevent any negative consequences for persons with disabilities by the decision of the triggering article 50 of the Treaty on European Union, in close consultation with organizations of persons with disabilities.**

8. The Committee is concerned at the lack of State party-led initiatives aimed at assessing and sufficiently addressing the inclusion of and living conditions for persons with disabilities, particularly in Northern Ireland and the overseas territories.

9. **The Committee recommends that the State party collect information and adopt a strategic and measurable plan of action for improving the living conditions of all persons with disabilities, including in close cooperation with authorities in Northern Ireland and the overseas territories.**

10. The Committee is concerned about:

(a) The challenges facing organisations of persons with disabilities, including organisations representing women, children and intersex persons with disabilities, to access support and be consulted and actively involved in the implementation of the Convention; and

(b) The lack of mechanisms to ensure effective participation of all organisations of persons with disabilities, in decision-making processes concerning policies and legislation in all areas of the Convention, such as the strategy “Fulfilling Potential: Making it Happen”.

11. **The Committee recommends that the State party:**

(a) **Allocate financial resources to support organisations representing persons with disabilities, including women and children with disabilities, and develop mechanisms to ensure an inclusive, strategic, and active involvement of organisations of persons with disabilities, including women, children and intersex persons in planning and implementing of all legislation and measures affecting the lives of persons with disabilities; and**

(b) **Establish mechanisms supporting the full participation of organisations of persons with disabilities in the design and implementation of strategic policies aimed at implementing the Convention across the State party, through objective measurable, financed and monitored strategic plan of actions.**

## **B. Specific rights**

### **Equality and non-discrimination (art. 5)**

12. The Committee is concerned about perceptions in society stigmatizing persons with disabilities as living a life of less value and the termination of pregnancy at any stage on the basis of foetal impairment.

13. **The Committee recommends that the State party changes abortion law accordingly. Women’s rights to reproductive and sexual autonomy should be respected without legalizing selective abortions on ground of foetus deficiency.**

14. The Committee is concerned that the anti-discrimination legislation does not provide comprehensive and appropriate protection, particularly against multiple and intersectional discrimination, including in access to housing. It is also concerned about the low level of redress in rulings adopted by the judiciary while adjudicating cases of discrimination against persons with disabilities.

15. **The Committee recommends that the State party, in line with Goal 10 of Sustainable Development Goals and targets 10.2 and 10.3, explicitly incorporate in its national legislation protection from, in particular multiple and intersectional discrimination on the basis of gender, age, race, disability, migrant, refugee and /or other status, and provide appropriate compensation, and redress for victims, and sanctions proportional with the severity of the violation.**

16. The Committee is concerned that the duty to make reasonable adjustments to the common parts of residential properties in the Equality Act 2010 is not yet in force, and that persons with disabilities living in Northern Ireland are not adequately protected against direct and indirect disability-based discrimination and against discrimination by association.

17. **The Committee recommends that the State party:**

(a) **Brings its anti-discrimination legislation into alignment with the Convention and speed up the process to bring into force all legislative provisions in the Equality Act 2010, including those concerning reasonable accommodation in the housing sector; and**

(b) **Take the necessary measures through the appropriate authorities to ensure that the Northern Ireland Executive reform on disability rights law reflects the recommendations made by Equality Commission for Northern Ireland in its 2012 Strengthening Protection for Disabled People report, to protect persons with disabilities in Northern Ireland from direct and indirect disability-based discrimination and discrimination through association.**

**Women with disabilities (art. 6)**

18. The Committee is concerned that the rights of women and girls with disabilities have not been systematically mainstreamed into both the gender equality and disability agenda. The Committee is also concerned at the lack of measures and available data concerning the impact of multiple and intersectional discrimination of women and girls with disabilities.

19. **The Committee recommends that the State party, in close consultation with organisations of women and girls with disabilities, mainstream the rights of women and girls with disabilities into disability and gender-equality policies. It also recommends that the State party, in line with the Committee's general comment No. 3 (2016) and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, adopt inclusive and targeted measures, including disaggregated data, to prevent multiple and intersectional discrimination of women and girls with disabilities, in particular those with intellectual and/or psychosocial disabilities, in education, employment, poverty, health, violence and access to justice.**

**Children with disabilities (art. 7)**

20. The Committee is concerned about:

(a) The lack of policy framework addressing poverty of families with children with disabilities;

(b) The failure to incorporate the human rights model of disability in public policies and legislation concerning children and young persons with disabilities;

(c) The lack of monitoring mechanisms and reliable indicators;

(d) The absence of a general statutory duty upon public authorities to ensure adequate childcare for children with disabilities; and

(e) The reported increase of incidents of bullying, hate speech and hate crime against children with disabilities.

21. **The Committee recommends that the State party, in close consultation with organisations of representing children with disabilities, develop and implement policies aimed at:**

(a) **Eliminating the higher level of poverty among families with children with disabilities;**

(b) **Incorporating the human rights model of disability into all laws and regulations concerning children with disabilities;**

(c) **Setting up an independent monitoring mechanism to oversee the development through reliable and meaningful indicators;**

(d) **Securing sufficient and disability-sensitive childcare as a statutory duty across the State party; and**

(e) **Strengthening measures to prevent bullying, hate speech and hate crime against children with disabilities.**

#### **Awareness Raising (art. 8)**

22. The Committee is concerned at the persisting occurring incidents of negative attitudes, stereotypes and prejudice against persons with disabilities, in particular towards persons with intellectual and/or psychosocial disabilities and persons with neurological and cognitive conditions such as dementia and Alzheimer, as well as concerning their social protection entitlements

23. **The Committee recommends that the State party, in close collaboration with organisations of persons with disabilities, strengthen its awareness-raising campaigns aimed at eliminating negative stereotypes and prejudice towards persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities and persons with neurological and cognitive conditions such as dementia and Alzheimer. The State party should include mass-media strategies and campaigns, with different target audience groups based on the human rights model of disability.**

#### **Accessibility (art. 9)**

24. The Committee is concerned by the lack of obligatory and implemented accessible standards relating to, among others, the physical environment, affordable housing, ICT, transport, and information in urban as well as rural areas. It is also concerned about the austerity measures that have hindered the advancement of accessibility for persons with disabilities.

25. **The Committee recommends that the State party, in close collaboration with organisations of persons with disabilities:**

(a) **Adopt and implement obligatory accessibility standards for designing affordable and accessible physical environments, housing, ICT, information-formats and transport infrastructure, including emergency services and green and public spaces relating to both urban and rural areas;**

(b) **Pay attention to the links between article 9 of the Convention and the Committee's general comment no. 2 (2014) on accessibility, and targets 9, 11.2 and 11.7 of the Sustainable Development Goals; and**

(c) **Monitor the development towards full inclusion through accessibility and sanctioning violations of accessibility regulations.**

#### **Right to life (art. 10)**

26. The Committee observes with concern the substituted decision-making in matters of termination or withdrawal of life-sustaining treatment and care that is inconsistent with the right to life of persons with disabilities as equal and contributing members of society.

27. **The Committee recalls that the right to life is absolute from which no derogations are permitted and recommends that the State party adopt a plan of action aimed at eliminating perceptions towards persons with disabilities as not having "a good and decent life", but rather recognising persons with disabilities as equal persons and part**

of the diversity of humankind, and ensure access to life-sustaining treatment and/or care.

**Situations of risk and humanitarian emergencies (art. 11)**

28. The Committee is concerned about the impacts on persons with disabilities in situations of emergencies, including floods and fire, and the absence of comprehensive policies related to disaster risk reduction that include persons with disabilities in the planning, implementation and monitoring processes of disaster risk reduction.

29. **The Committee recommends that the State party:**

**(a) Adopt a comprehensive disaster risk reduction plan and strategies that provide for accessibility and inclusion of persons with disabilities, in all situations of risk, in line with the Sendai Framework for Disaster Risk Reduction, in close consultation with organizations of persons with disabilities;**

**(b) Mainstream disability in all humanitarian aid channels and involve organizations of persons with disabilities in setting priorities on aid distribution in the context of risk and humanitarian emergencies, paying attention to the Charter on Inclusion of Persons with Disabilities in Humanitarian Action;**

**(c) Develop information and warning systems in humanitarian emergencies that are accessible for all persons with disabilities; and**

**(d) Ensure that organizations of persons with disabilities participate in the resilience teams at the local level and have an active role in advising on and formulating policies and guidelines regarding disaster preparedness and planning.**

**Equal recognition before the law (art. 12)**

30. The Committee is concerned about:

(a) The legislation restricting legal capacity of persons with disabilities on the basis of actual or perceived impairment;

(b) The prevalence of substituted decision-making in legislation and practice, and the lack of full recognition of the right to individualized supported decision-making that fully respects the autonomy, will and preferences of persons with disabilities;

(c) The lack of appropriate and independent support to all asylum seekers and refugees with psychosocial and/or intellectual disabilities, in exercising their legal capacity; and

(d) The high number of black people with disabilities compulsorily detained and treated against their will.

31. **The Committee recommends that the State party, in close consultation with organisations of persons with disabilities, including those representing persons from black and minority ethnic groups and in line with the Committee's general comment no. 1 (2014), abolish all forms of substituted decision-making concerning all spheres and areas of life by reviewing and adopting new legislation in line with the Convention to initiate new policies in both mental capacity and mental health laws. It further urges the State party to step up efforts to foster research, data and good practices of, and speed up the development of supported decision-making regimes. It further recommends that the State party ensure that asylum seekers and refugees can exercise all rights enshrined in the Convention.**

**Access to justice (art. 13)**

32. The Committee is concerned about:

(a) The low awareness among the judiciary and law enforcement officials concerning human rights of persons with disabilities;

(b) The information about persons with psychosocial and/or intellectual disabilities who do not receive appropriate support in exercising their legal capacity and access to justice;

(c) The barriers for persons with disabilities in access to civil legal aid as a consequence of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in England and Wales and the introduction of fees for employment tribunals in the State party; and

(d) The regulations excluding persons with hearing impairments from participation in jury-procedures, and that personal assistants/interpreters are not considered to be procedural accommodation.

**33. The Committee recommends that the State party, in close collaboration with organisations of persons with disabilities:**

**(a) Develop and implement capacity building programmes among the judiciary and law enforcement personnel, including judges, prosecutors, police officers and prison staff, about the rights of persons with disabilities;**

**(b) Design and implement a decision-making regime with guidelines and appropriate resources, focusing on respect of will and preferences of in particular persons with intellectual and/or psychosocial disabilities in court proceedings;**

**(c) Provide free or affordable legal aid for persons with disabilities in all areas of law and remove fees to access Court and Employment Tribunals;**

**(d) Ensure that all persons with disabilities are provided with the right and adequate procedural accommodation within the justice system, and enable in particular deaf persons through the use of sign language interpreters to fully and equally participate as jurors in court proceedings; and**

**(e) Take measures to empower persons with disabilities to work in the justice system as judges, prosecutors or other positions, with provision of all necessary support.**

**Liberty and security of the person (art. 14)**

34. The Committee is concerned that the State party legislation provides for involuntary, compulsory treatment and detention both inside and outside hospitals on the basis of actual or perceived impairment.

**35. The Committee recommends that the State party:**

**(a) Repeal legislation and practices that authorise non-consensual involuntary, compulsory treatment and detention of persons with disabilities on the basis of actual or perceived impairment; and**

**(b) Take appropriate measures to investigate and eliminate all forms of abuse of persons with disabilities in institutional facilities.**

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

36. The Committee is concerned about the continued use of physical, mechanical and chemical restraint, including the use of Taser guns and similar weapons on persons with

disabilities that affects persons with psychosocial disabilities, in prisons, the youth justice system, health-care and education settings, as well as practices of segregation and seclusion. The Committee is deeply concerned that these measures disproportionately affect black or other persons with disabilities belonging to ethnic minorities. It is also concerned about the absence of a unified State party strategy to review these practices. The Committee is further concerned at the permissible use of electro-convulsive therapy, across the devolved governments and particularly in Northern Ireland, and the excessive antipsychotic medication in England and Wales.

**37. The Committee recommends that the State party:**

**(a) Adopt appropriate measures to eradicate the use of restraint for reasons related to disability within all settings, and prevent the use of Taser guns against persons with disabilities, as well as practices of segregation and isolation that may amount to torture or inhuman or degrading treatment;**

**(b) Set up strategies, in collaboration with monitoring authorities and national human rights institutions, in order to identify and prevent the use of restraint for children and young persons with disabilities;**

**(c) Implement the outstanding recommendations of the Equality and Human Rights Commission inquiry into deaths in detention of adults with mental health conditions, aimed at enhancing art. 2 of the European Convention on Human Rights (See EHRC, (February 2015), Preventing Deaths in Detention of Adults with Mental Health Conditions: An Inquiry by the Equality and Human Rights Commission; and**

**(d) Prohibit and withdraw practices of non-consensual electro-convulsive therapy on the basis of any form of impairment, in all regions, and in particular work through appropriate authorities to ensure monitoring of this development in Northern Ireland.**

**Freedom from exploitation, violence and abuse (art. 16)**

38. The Committee is concerned about abuse, ill-treatment, sexual violence and/or exploitation to women, children, intersex people and elderly persons with disabilities, and the insufficient measures to prevent all forms of exploitation, violence and abuse against persons with disabilities. It is further concerned at the information on cases of disability hate crime, in absence of consistent data collection and differences in legal provisions for sentencing different types of hate crime, particularly in England and Wales.

**39. The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities, and in line with target 16.3 of the Sustainable Development Goals:**

**(a) Establish measures to ensure equal access to justice and to safeguard persons with disabilities, particularly women, children, intersex people and elderly persons with disabilities from abuse, ill-treatment, sexual violence and/or exploitation;**

**(b) Define comprehensively the offense of disability hate crime, and ensure appropriate prosecutions and convictions; and**

**(c) Ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities, in line with article 16 (3) of the Convention.**

**Protecting the integrity of the person (art. 17)**

40. The Committee is concerned that persons with disabilities, including women, intersex people, girls and boys with disabilities, are reported to continue to be subjected to involuntary medical treatment, including forced sterilization, and conversion surgeries.

41. **The Committee recommends that the State party repeal all types of legislation, regulations and practices allowing any form of forced intervention and surgeries, and ensure that the right to free, prior and informed consent to treatment is upheld and that supported decision-making mechanisms are provided, paying particular attention to women, intersex people, girls and boys.**

**Liberty of movement and nationality (art. 18)**

42. The Committee is concerned regarding the reservation to article 18 of the Convention.

43. **The Committee recommends that the State party withdraw its reservation to article 18 of the Convention.**

**Living independently and being included in the community (art. 19)**

44. The Committee is concerned about:

(a) That legislation fails to recognise living independently and being included in the community as a human right which enshrines individual autonomy, control and choice, as intrinsic aspects of the right to independent living;

(b) Policies and measures that affect the ability to live independently in the community, such as the lowering of social protection schemes related to housing, household income and budgets for independent living, as well as the closure of the Independent Living Fund.

(c) The transferred responsibility to the devolved administrations and local authorities for supporting independent living without providing appropriate and earmarked budget allocation;

(d) The fact that many persons with disabilities are still institutionalised and deprived of the right to live independently and being included within the community, when: i) persons with disabilities lack financial resources to afford personal assistance ii) local authorities are of the opinion that they can provide assistance within care homes, and iii) cost rationale constitutes the main parameter of an assessment; and

(e) The lack of support services and accessible public facilities, including personal assistance, for persons with disabilities, regardless of sex, gender, age and other status, to live independently and be included in the community.

45. **The Committee recommends that the State party, in line with the Committee's General Comment no. 5 (2017) Living independently and being included in the community and the Committee's Inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out by the Committee under article 6 of the Optional Protocol to the Convention (CRPD/C/15/R.2/Rev.1):**

(a) **Recognise the right to living independently and being included in the community as a subjective right and the enforceability of all its elements and adopt rights-based policies, regulations and guidelines for ensuring implementation;**

(b) **Conduct periodic assessments in close consultation with organisations of persons with disabilities to address and prevent the negative effects of the policy**

reforms through sufficiently funded and appropriate strategies in the area of social support and living independently;

(c) Provide adequate and sufficient and earmarked funding to local authorities and administrations, the devolved governments and overseas territories to be able to provide resources allowing persons with disabilities to live independently and be included in the community and to exercise their right to choose their place of residence and where, and with whom to live;

(d) Set up a comprehensive plan, developed in close collaboration with organisations of persons with disabilities, aimed at deinstitutionalisation of persons with disabilities, and develop community-based independent living schemes through a holistic and crosscutting approach, including education, childcare, transport, housing, employment and social security; and

(e) Allocate sufficient resources to ensure that support services are available, accessible, affordable, acceptable and adaptable sensitive to different living conditions for all persons with disabilities in urban and rural areas.

#### **Freedom of expression and opinion, and access to information (art. 21)**

46. The Committee notes with concern:

(a) The lack of accessible information from public services and authorities and obligatory standards for making websites accessible and monitoring of ICT-accessibility;

(b) The insufficient resources for education, training and availability of and access to high-quality educated sign language interpreters, especially in relation to education, employment, health and leisure activities; and

(c) The lack of training and education of families, classmates, co-workers in high-quality sign language communication providing better abilities for inclusion within the community.

47. **The Committee recommends that the State party, in consultation with organisations representing persons with disabilities:**

(a) **Develop obligatory standards securing accessibility to information channels based on ICT-technology;**

(b) **Ensure that legislation provides for the right to educated high-quality sign language interpretation and other forms of alternative communication in all spheres of life for deaf persons and hard of hearing persons in line with the Convention; and**

(c) **Allocate resources for education of children with hearing impairment, their families and others, such as classmates or co-workers in British Sign Language and tactile language.**

#### **Respect for private and family life (art. 23)**

48. The Committee is concerned that parents with disabilities do not receive appropriate services and support, resulting in children being removed from the family environment and placed in foster care, group homes or institutions. It is also concerned at the insufficient funding for parents of deaf children to learn sign language.

49. **The Committee recommends that the State party:**

(a) **Ensure appropriate support for parents with disabilities to fulfil effectively their role as parents and that disability is not used as a reason to place their children in care or remove their child from the home; and**

(b) **Ensure that local authorities have the legal duty to allocate and provide funds for parents wishing to learn sign language.**

#### **Education (art. 24)**

50. The Committee takes note of the information provided by the State party of the continuing process to assess the possibility to withdraw its reservation to article 24 Clause 2 (a) and (b) of the Convention.

51. **The Committee recommends that the State party speed up the process aimed at withdrawing its reservation to article 24 Clause 2 (a) and (b) of the Convention.**

52. The Committee is concerned at:

(a) The persistence of a dual education system that segregates children with disabilities to special schools, including based on parental choice;

(b) The number of children with disabilities in segregated education environments is increasing;

(c) The education system is not geared to respond to the requirements for high-quality inclusive education, in particular the practices of school authorities turning down enrolment of student with disability who is deemed ‘as disruptive to other classmates’; and

(d) Education and training of teachers in inclusion competences is not reflecting the requirements of inclusive education.

53. **The Committee recommends that the State party, in close consultation with organisations of persons with disabilities, especially organisations representing children and young persons with disabilities, and in line with the Committee’s general comment No. 4 (2014) on inclusive education, and Sustainable Development Goal 4, targets 4.5 and 4.8:**

(a) **Develop a comprehensive and coordinated legislative and policy framework for inclusive education, and a timeframe to ensure that mainstream schools foster real inclusion of children with disabilities in the school environment and teachers and all other professionals and persons in contact with children understand the concept of inclusion and are able to enhance inclusive education;**

(b) **Adopt regulation, monitor development and offer remedies in combating disability-related discrimination and/or harassment, including deciding upon schemes for compensation;**

(c) **Adopt and implement a coherent strategy, financed with concrete timelines and measurable goals, on increasing and improving inclusive education. The strategy must:**

(i) **Ensure the implementation of laws, decrees and regulations improving the extent and quality of inclusive education in classrooms, support provisions and teacher training, including pedagogical capabilities, across all levels providing for high-quality inclusive environments, including within breaks between lessons and through socialisation outside “education time”;**

(ii) **Setup initiatives raising awareness about and support to inclusive education among parents of children with disabilities; and**

(iii) **Provide sufficient, relevant data on the number of students both in inclusive and segregated education disaggregated by impairment, age, sex and ethnic background, and further provide data on the outcome of the education reflecting the capabilities of the students.**

**Health (art. 25)**

54. The Committee is concerned about the uneven access to health across the State party, including the devolved governments and overseas territories, and about:

(a) Systemic, physical, attitudinal and/or communicative barriers preventing persons with disabilities from accessing mainstream health services including: inaccessible furnishing, training and treatment equipment, medicine and supplies, means of information and communication, limited access to clinics and healthcare professionals, hospitals, dentists, gynaecologists and obstetricians;

(b) Barriers for persons with disabilities to obtain privacy regarding management of personal health-related data;

(c) Lack of access to sexual and reproductive health-care services and lack of information and family planning education in accessible formats for persons with disabilities, in particular women and girls with disabilities;

(d) The reports about cases of non-attempting resuscitation of persons with intellectual and/or psychosocial disabilities; and

(e) The suicide rate among persons with disabilities, its higher prevalence in particular in Northern Ireland.

55. **The Committee recommends that the State party, in close collaboration with representative organisations of persons with disabilities:**

**(a) Develop a targeted measurable and financed plan of action aiming at eliminating barriers in access to health care and services, monitor and measure its progress, especially in relation to persons with intellectual and/or psychosocial disabilities, and neurological and cognitive conditions;**

**(b) Set up protocols for medical services that respect the right to privacy in information about health of persons with disabilities;**

**(c) Ensure equal access to sexual and reproductive health-care services, as set out in target 3.7 of the Sustainable Development Goals, provide information and family planning education for persons with disabilities in accessible formats, including Easy Read;**

**(d) Ensure that medical professionals are under the obligation to enforce standards set up in guidance and criteria on 'Do Not Resuscitate' orders on an equal basis with others; and**

**(e) Address the high suicide rate among persons with disabilities, especially persons with intellectual and/or psychosocial disabilities.**

**Work and employment (art. 27)**

56. The Committee is concerned about:

(a) The persistent employment gap and pay gap for work of equal value of persons with disabilities unemployed especially women with disabilities, psychosocial and/or intellectual disabilities as well as persons with visual impairments;

(b) The insufficient measures of affirmative actions and provision of reasonable accommodation improving the possibility of employment for persons with disabilities on the open labour market, despite the obligations contained in the European Union Directive 2000/78/EC on non-discrimination in the work place;

(c) The process related to the Employment and Support Allowance and that the Work Capability Assessment emphasises a functional evaluation of skills and capabilities, rather than recognising the interactions between impairment and barriers in society faced by persons with disabilities; and

(d) The upholding of the reservation by the State party to article 27, which disproportionately affects persons with disabilities actively involved in military matters.

**57. The Committee recommends that the State party, in close collaboration with organisations of persons with disabilities, and in line with the Committee's Inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out by the Committee under article 6 of the Optional Protocol to the Convention (CRPD/C/15/R.2/Rev.1):**

**(a) Develop and decide upon an effective employment policy for persons with disabilities aimed at ensuring decent work for all persons with disabilities, bearing in mind the target of one million jobs for persons with disabilities and envisaged by the State Party, and ensure, equal pay for work of equal value, especially focusing on women with disabilities, persons with psychosocial and/or intellectual disabilities as well as persons with visual impairments, and monitor development;**

**(b) Ensure that reasonable accommodation is provided to all persons with disabilities who require it in the workplace, that regular training on reasonable accommodation is available to employers and employees without disabilities, and that dissuasive and effective sanctions are in place in cases of denial of reasonable accommodation;**

**(c) Ensure that legal and administrative requirements of the process to assess working capabilities, including the Work Capability Assessment, and those who conduct the assessments are qualified in line with the human rights model of disability, and take into consideration work related as well as other personal circumstances. The State party must ensure adjustments and support necessary to access to work and recognise financial support not subjected to sanctions or job seeking activities;**

**(d) Withdraw its reservation to article 27 of the Convention; and**

**(e) Bear in mind the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goals.**

#### **Adequate standard of living and social protection (art. 28)**

58. The Committee is concerned about:

(a) The impact of austerity measures and antipoverty initiatives, as a consequence of the financial crisis in 2008/2009, which resulted in higher levels of poverty among persons with disabilities and their families, in particular among families with children with disabilities;

(b) The negative impact on the standard of living of persons with disabilities, as a consequence of, among others, the reduction in social support, unemployment allowance, independent payment/budget, the Universal Credit and the insufficient compensation for disability-related costs;

(c) The tightening of eligibility criteria and local differences to social protection and support during the transition from Disability Living Allowance to the Personal Independence Payment (PIP) within the State party that has reduced the standard of living for persons with disabilities and their families; and

(d) The detrimental impact of the Employment and Support Allowance's conditionality and sanctions on persons with disabilities and the limited access to reconsideration and repeal procedures.

59. **The Committee recommends that the State party, in close collaboration with organisations of persons with disabilities across all territorial entities, including overseas territories, and in line with the Committee's Inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out by the Committee under article 6 of the Optional Protocol to the Convention (CRPD/C/15/R.2/Rev.1), guided by article 28 of the Convention and implementing target 10.2 of the Sustainable Development Goals:**

(a) **Introduce, adopt and implement legislative frameworks to ensure that social protection policies and programmes across the State party secure income levels for all persons with disabilities and their families, by taking into account the additional costs related to disability, and ensuring the possibility of persons with disabilities to exercise their parental responsibilities. The State party must ensure that persons under the new Employment and Support Allowance Work Related Activity Group access to full compensation of disability related costs.**

(b) **Carry out a cumulative impact assessment, with disaggregated data, about the recent and coming reforms on the social protection for persons with disabilities, and in close collaboration with organisations of persons with disabilities define, implement and monitor measures to tackle retrogression in their standard of living and use it as a basis for policy development across the State party; and**

(c) **Repeal the Personal Independent Payment (Amendment) Regulations of 2017 and ensure that eligibility criteria and assessments to access Personal Independent Payments, the Employment Support Allowance, and the Universal Credit are in line with the human rights model of disability;**

(d) **Ensure sufficient budget allocation for local authorities to accomplish their responsibilities regarding assistance for persons with disabilities, and extend support packages to mitigate negative impacts of the social security reform in Northern Ireland; and**

(e) **Conduct a review of the conditionality and sanction regimes concerning the Employment and Support Allowance, and tackle negative consequences on mental health and situation of persons with disabilities.**

#### **Participation in political and public life (art. 29)**

60. The Committee is concerned at the lack of information on accessibility and reasonable accommodation for persons with disabilities, during all stages of the electoral cycle, including the facilitating of their exercise of the right to vote, vote in private and be assisted by an assistant of one's own choice. It is also concerned about the low number of persons with disabilities running for or holding elected public office.

61. **The Committee recommends that the State party in close consultation with organizations of persons with disabilities, take appropriate measures to secure accessibility for persons with disabilities, regardless of type of impairment, and repeal all provisions restricting the right of persons with disabilities to vote and stand for election, and further to adopt measures to guarantee the right of universal, secret suffrage.**

**Participation in cultural life, recreation, leisure and sport (art. 30)**

62. The Committee is concerned that the State party has not ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. It is further concerned upon the low level of accessibility to sport stadiums allowing for individual seating for persons with disabilities and their families, friends and personal assistants; and to the national heritage buildings and environments, including those appointed as UNESCO heritage.

63. **The Committee recommends that the State party:**

(a) **Take all necessary steps to ratify and implement the Marrakesh Treaty as soon as possible; and**

(b) **Adopt a concrete plan of action with resources and measurable objectives to implement legislation, regulation and standardisation securing persons with disabilities access to inclusive participation and activities to all sports facilities, the heritage and UNESCO appointed environments.**

**C. Specific obligations****Statistics and data collection (art. 31)**

64. The Committee is concerned at the lack of unified data collection system and indicators across all devolved governments and overseas territories, concerning the situation of persons with disabilities. It also notes the limited disaggregated data collection in surveys and censuses on the general population.

65. **The Committee recommends that the State party, in line with Goal 17 of the Sustainable Development Goals, increase significantly the availability of high-quality, timely and reliable data disaggregated by, among others, income, sex, age, gender, race, ethnic origin, migratory asylum-seeking and refugee status, disability, geographic location and other characteristics relevant in national contexts, including in all general population surveys and censuses. It also recommends that the State party use the sets of questions and tools developed by the Washington Group on Disability Statistics for the collection of comparable disability statistics.**

**International cooperation (art. 32)**

66. The Committee is concerned that the State party is not yet systematically including the rights of persons with disabilities across their international cooperation and development programmes.

67. **The Committee recommends that the State party, in close collaboration with organisations of persons with disabilities in the countries where they work:**

(a) **Expedite the process to update the Department for International Development's Disability Framework, including by adopting measurable targets and specific commitments to advance the rights of persons with disabilities in the countries where they work;**

(b) **Put in place the necessary measures to ensure that all relevant departments of the State party spending Overseas Development Assistance systemically monitor and include persons with disabilities in their international development and cooperation; and**

(c) **Carry out a consultation process involving organisations of persons with disabilities into all policies and programmes aimed at implementing the 2030 Agenda and the Sustainable Development Goals, nationally as well as internationally.**

#### **National implementation and monitoring (art. 33)**

68. The Committee notes with concern the lack of comprehensive mechanisms and sufficient resources that limit the Office for Disability Issues in its mandate to coordinate the implementation of the Convention across the State party as provided by article 33 (1) of the Convention.

69. **The Committee recommends that the State party set up an appropriate coordinating structure of focal-points, sufficiently funded to strengthen the implementation of the Convention in all devolved governments and Overseas Territories.**

70. The Committee is concerned about the lack of resources available for the effective and comprehensive monitoring conducted by the independent monitoring framework established in accordance with article 33 (2) of the Convention, which hinder the support to organisations of persons with disabilities to participate in the monitoring process.

71. **The Committee recommends that the State party in all its entities, ensures the independence of and provide for sufficient funding of both established monitoring frameworks and organisations of persons with disabilities to be able to carry out the monitoring of the implementation of the Convention across the State party, bearing in mind the guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities (CRPD/C/1/Rev.1, annex).**

#### **Cooperation and technical assistance**

72. Under article 37 of the Convention, the Committee can provide technical guidance to the State party on any queries addressed to the experts via the secretariat. The State party can also seek technical assistance from United Nations specialized agencies with offices in the country or the region.

## **IV. Follow-up**

### **Dissemination of information**

73. **The Committee requests that the State party, within 12 months and in accordance with article 35, paragraph 2, of the Convention, provide information in writing on the measures taken to implement the Committee's recommendations as set forth in paragraphs 45, 57, and 59, above.**

74. **The Committee recommends that the State party, in close cooperation and collaboration with organizations of persons with disabilities, initiate a process to implement and follow-up the recommendations issued by the Committee on its report adopted pursuant to proceedings under article 6 of the Optional Protocol (CRPD/C/15/R.2/Rev.1) and provide information to the Committee on the progress and achievements of the process every 12 months until the next periodic examination takes place.**

75. **The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party**

transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, devolved administrations, Crown Dependencies, Overseas Territories, local authorities, organizations of persons with disabilities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

76. The Committee strongly encourages the State party to involve and financially support civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

77. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read formats, and to make them available on the government website on human rights.

### **Next periodic report**

78. The Committee requests the State party to submit its combined second, third, and fourth reports by 8 July 2023 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.

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