



Justin Tomlinson MP,
Minister of State for Disabled People, Health and Work
Department for Work and Pensions
Caxton House
Tothill Street
London SW1H 9NA

Sent via email to: minister.disabledpeople@dwp.gov.uk

23rd October 2020

Dear Minister,

We are writing as the UK Independent Mechanism (UKIM) to ask that future pandemic response planning and the development of national disability strategies across the UK are shaped by the rights and obligations set out in the UN Convention on the Rights of Persons with Disabilities (UN CRPD). We would welcome your response to a number of specific points we raise in this letter.

COVID-19

As you are of course aware, this has been a particularly challenging time for disabled people. It has highlighted the importance of human rights obligations, such as those set out within the UN CRPD. They provide a framework for laws, policies and practices to effectively promote and protect the rights of individuals.

There is extensive research which demonstrates the challenges that were already facing disabled people in the UK prior to COVID-19 (such as those highlighted in the UN CRPD Committee's 2016 Inquiry report and UN CRPD Committee's 2017 Concluding Observations to the UK). Through our continuous engagement with disabled people and their representative organisations, it has become apparent that these challenges have been exacerbated during the current global pandemic, particularly in the context of independent living, employment opportunities, access to

health and social care and access to food. Given the rising infection rate and restrictions, please confirm how the Government will ensure that the rights of disabled people are central to any new policies and announcements.

Disability Strategies

UKIM welcomes the commitment that the UK has made to developing an up-to-date Disability Strategy. We believe that this strategy should adopt a human rights based approach, in line with the UK Government's obligations and with a view to effectively implementing the UN CRPD and the recommendations made by the UN CRPD Committee in its 2016 Inquiry and 2017 Concluding Observations. We think that addressing these recommendations, alongside the input from disabled people and their organisations, will support the development of a strategy that improves the lives of disabled people.

As you are aware, a human rights approach covers not just the content of the strategy but the processes and practices used to develop it. UKIM hopes that this strategy will have a UK-wide element. Extensive consultation should be conducted with disabled persons and their representatives from across the UK, in co-operation and co-ordination with devolved administrations, and in line with the obligations under the UN CRPD.

It is also crucial that there are effective channels of communication and collaboration across the various governmental Disability Units within the UK, including within devolved administrations, and that these Units effectively engage with disabled people and UKIM. Please provide details of what the UK Government is doing to work with devolved governments to co-ordinate delivery of the UK's UNCRPD obligations and when this is planned to happen.

Government Forums for Disabled People

In line with the UN CRPD, there should be ongoing, long-term and sufficiently resourced mechanisms to ensure that disabled people and their representative organisations are engaged and involved in policy-making, across the whole of the UK. Ensuring effective participation is an obligation in international law, which will result in more effective laws, policies and practices.

UKIM welcomes the announcement in July 2020 that the UK Government's Disability Unit has established a new Disabled People's Organisations Forum, with the aim of strengthening its engagement with disabled people. To ensure that the UK Government's UN CRPD obligations are fully met in terms of ensuring the effective

participation of disabled people across the UK, it is imperative that consideration is given to how disabled people's experiences will best be reflected in policy-making on an ongoing basis across all parts of the UK with formal mechanisms of cooperation as required.¹ As the UN CRPD Committee clarifies: "Full and effective participation should be understood as a process, not as an individual one-time event".²

Such forums should offer genuine opportunities for disabled people to be actively involved in guiding government laws, policies and practices consonant with the requirements of UN CRPD. This includes active involvement in measures that directly or indirectly impact disabled people. Such forums should be fully accessible and accommodate reasonable adjustments, either on an individual or group basis. Such forums and similar opportunities are not only an obligation, but also a positive and effective way of approaching decision-making, as disabled people are able to "better identify and point measures that could either advance or hinder their rights, which ultimately yields better outcomes for such decision-making processes".³

Please provide details of the Government's long-term plan to ensure that disabled people and their representative organisations are engaged and meaningfully involved in policy-making across the UK.

UKIM is ready and available to engage with the UK Government on these matters and the UN CRPD more broadly. We look forward to receiving your response to the issues raised in this letter.

Yours sincerely,

UK Independent Mechanism:

¹ In particular, UN CRPD Art 4(3) makes clear that: 'In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations'. The obligations on State Parties are clarified further in the UN CRPD General Comment No 7, which makes clear that, the UK Government is required to "systematically and openly approach, consult and involve, in a meaningful and timely manner, organisations of persons with disabilities".

² CRPD/C/GC/7, 'UN CRPD Committee General Comment No 7: The Participation of Persons with Disabilities, Including Children with Disabilities, Through their Representative Organisations, in the Implementation and Monitoring of the Convention', 9 November 2018, at para 28.

³ Ibid.

Personal Data

Geraldine McGahey OBE, Chief Commissioner
Equality Commission for Northern Ireland

Personal Data

Les Allamby, Chief Commissioner
Northern Ireland Human Rights Commission

Personal Data

Judith Robertson, Chair
Scottish Human Rights Commission

Personal Data

Caroline Waters OBE, Interim Chair
Equality and Human Rights Commission