

1 December 2017

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

Dear Minister

### **The UN CRPD Committee's recommendations for the UK**

On behalf of the UK Independent Mechanism (UKIM), established under Article 33.2 of the UN Convention on the Rights of Persons with Disabilities (CRPD), we wish to congratulate you on your appointment as Minister of State for Disabled People, Health and Work.

As you know, the UN Committee responsible for monitoring compliance with the CRPD recently reviewed the UK's progress in August 2017, and issued a comprehensive set of recommendations in its 'Concluding Observations'.<sup>1</sup> UKIM understands that the UK Government is currently considering its next steps on the Concluding Observations, and we look forward to hearing further details and to working constructively with you to take the recommendations forward.

UKIM is specifically writing at this time to follow up on the UN Committee's inquiry into the UK, published in 2016,<sup>2</sup> and the related recommendations in the Committee's Concluding Observations concerning the rights addressed by the inquiry, namely the right to an adequate standard of living and social protection (Article 28), employment (Article 27) and living independently and being included in the community (Article 19). A year ago, UKIM wrote to your predecessor to express serious concern at the inquiry's key finding of grave and systematic violations of disabled people's rights as a result of the cumulative impact of social security reforms. We also expressed our disquiet at the UK Government's wholesale rejection of the inquiry's findings and recommendations.<sup>3</sup> This is despite the fact that the government's own statistics recognise that a substantially higher proportion of individuals who live in families with disabled members live in poverty, compared to individuals who live in families where no one is disabled.<sup>4</sup>

Evidence published since the Committee's inquiry report underlines its conclusions and continues to raise concern. In UKIM's July 2017 submission<sup>5</sup> to inform the UK's August 2017 review, we presented new evidence of regression and gaps in implementation of the CRPD, including:

- Evidence of the high proportion disabled people resorting to the use of food banks.
- Ongoing evidence of issues related to Employment and Support Allowance (ESA), particularly the negative impact of Work Capability Assessments and ESA conditionality on the mental health of claimants.
- Continued evidence of regression in disabled people's right to live independently in the community, including the risk of re-institutionalisation posed by the funding cap policies of Clinical Commissioning Groups in England.

An analysis commissioned by the Local Government Association published in August 2017 highlights the disproportionate cumulative impact of social security reforms on disabled people and regression in their standard of living.<sup>6</sup> More recently, in November 2017 the interim results of a cumulative impact assessment of tax and benefit changes between 2010-2017, commissioned by the EHRC, show that householders with one or more disabled member will be significantly more adversely impacted than those with no disabled members. On average, tax and benefit changes on families with a disabled adult will reduce their income by about £2,500 per year; if the family also includes a disabled child, the impact will be over £5,500 per year. This compares to a reduction of about £1,000 on non-disabled families.<sup>7 8</sup>

The need for the UK Government to act on the UN Committee's inquiry report and related Concluding Observations becomes all the more urgent in light of this ongoing evidence of regression on disabled people's rights, and the UN Committee's request for a priority follow-up report on progress in relation to Articles 19, 27 and 28 in mid-2018.<sup>9</sup>

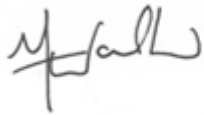
The International Day of Persons with Disabilities on 3 December provides an opportunity for The UK Government to demonstrate the seriousness of its commitment to advancing disabled people's rights by confirming its intention to engage with Deaf and Disabled People's Organisations and other relevant stakeholders to address the issues raised by the UN Committee.

In light of this evidence, we strongly urge the UK Government to reconsider its position on the UN Committee's inquiry report and the related Concluding Observations, and to urgently implement their recommendations. UKIM also

requests to meet with you in the New Year to further discuss our concerns and proposals for addressing them. We look forward to your response.

Yours sincerely

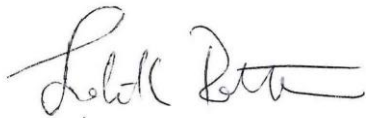
UK Independent Mechanism:



**Dr Michael Wardlow, Chief Commissioner  
Equality Commission for Northern Ireland**



**Les Allamby, Chief Commissioner  
Northern Ireland Human Rights Commission**



**Judith Robertson, Chair  
Scottish Human Rights Commission**



**David Isaac, Chair  
Equality and Human Rights Commission**

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<sup>1</sup> UN Committee on the Rights of Persons with Disabilities (2017) Concluding Observations on the initial report of the United Kingdom of Great Britain and Northern Ireland. Available [here](#) [accessed: 27 November 2017].

<sup>2</sup> UN Committee on the Rights of Persons with Disabilities (2016) Inquiry concerning the UK carried out by the Committee under article 6 of the Optional Protocol to the Convention, Report, p. 21. Available [here](#) [accessed: 27 November 2017].

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<sup>3</sup> UK Government (2016) Response to the Report by the UN Committee on the Rights of Persons with Disabilities under article 6 of the Optional Protocol to the Convention, p. 26. Available [here](#) [accessed: 21 November 2017]

<sup>4</sup> See Department for Work and Pensions (2016), 'Households below average income: An analysis of the income distribution 1994/95 – 2013/14'. DWP. Available [here](#) [accessed: 27 November 2017]

<sup>5</sup> UK Independent Mechanism (July 2017) Disability Rights in the UK. Available [here](#) [accessed: 21 November 2017]. The contents of the UKIM report are congruent to evidence presented to the CRPD Committee by Deaf and Disabled People's Organisations and other civil society organisations.

<sup>6</sup> Local Government Association (August 2017) The Cumulative Impact of Welfare Reform: A National Picture, available [here](#) [accessed: 21 November 2017]. Recent research commissioned by the Local Government Association on the cumulative impact of welfare reform found that around 900,000 disabled people will see their weekly incomes fall by at least £50 a week by 2020 whilst the average household containing a person with a disability under Universal Credit will be worse off in 2020 by £51.47 per week.

<sup>7</sup> Portes, J., Aubergine Analysis and King's College London (2017): Distributional results for the impact of tax and welfare reforms between 2010-17, modelled in the 2021/22 tax year – Interim findings. Available [here](#) [accessed: 21 November 2017].

<sup>8</sup> These reports come against a backdrop where many families with disabled people continue to be affected by the four year freeze in benefit rates (the main rates of income replacement benefits, the main tax credit elements and the ESA Work-Related Activity Component - or the Universal Credit equivalent - continue to be frozen). Real terms reductions in benefit levels are occurring in the absence of any official empirical study of the adequacy of existing benefits and the extent to which households dependent on out-of-work benefits, including those with disabled people, can meet minimum needs. See: Kennedy, S., Murphy, C. and Wilson, W. (2016) Welfare reform and disabled people, p 24 (House of Commons Library briefing paper Number 7571. Available [here](#) [accessed: 21 November 2017].

<sup>9</sup> UN Committee on the Rights of Persons with Disabilities (2017) Concluding Observations on the initial report of the United Kingdom of Great Britain and Northern Ireland, paragraphs 73 and 74. Available [here](#) [accessed: 27 November 2017].