What is this report about?

Scottish Civil Society means organisations that are:

- separate from the government
- work to make Scotland a better place
- do not try to make money

Civil society organisations usually work with groups of people or on specific issues.

The United Nations is an organisation that works with countries to keep peace and security across the world.

A Convention is a legal agreement between countries that they will do the things in the Convention.

The United Nations Convention on the Rights of People with Disabilities is called ‘the CRPD’ for short.

In 2023 a United Nations group called the CRPD Committee will check what is happening to disabled people’s human rights in the UK.

The CRPD has Articles that list disabled people’s human rights.
This report has been made by Inclusion Scotland with a group of Disabled People’s Organisations and civil society organisations in Scotland.

The CRPD Committee will use this report to decide what they want to ask the UK about.

To tell people about the Convention and the CRPD Committee’s check on the UK and to find out what people thought we:

• had 3 online events
• talked with groups of:
  o Black and minority ethnic disabled people
  o young LGBT+ disabled people
  o and disabled people living in an assessment and treatment unit
• had surveys for organisations
• had an online survey for disabled people.

127 people answered the survey for disabled people.

This information is called the ‘2021 CRPD survey’ in the rest of this report.
Articles 1-4 – the main things to do. What we believe in and how we want to work.

Main points:

- the Scottish Government will put the CRPD into Scottish law

- the UK Government have a consultation to ask the public what they think about changes to the Human Rights Act

Article 5 – Equality – treating people fairly

Nearly everyone who answered the 2021 CRPD survey said there are still negative attitudes and discrimination towards disabled people in Scotland.

Main points:

- negative attitudes to disabled people got worse in the coronavirus pandemic

- things that politicians and the media said about who was at risk from coronavirus and who would get treatment first made disabled people feel their lives were not important
there are not enough facts and figures about disabled people’s experiences of **intersectional discrimination**

**Intersectional discrimination** means being treated unfairly and differently because of your different identities.

For example, a Muslim disabled woman might experience:

- discrimination because she is disabled
- racism because of her skin colour
- sexism because she is a woman

These different types of discrimination might happen separately or at the same time.

**Article 6 – Disabled women**

Nearly three quarters of people who answered the 2021 CRPD survey said that they do not think the rights of disabled women and girls are given enough attention.

**Main points:**

- disabled women have taken on more responsibilities including caring, since the start of the coronavirus pandemic
• disabled women say they will have borrowed money and be in more debt after the pandemic

• there are not enough accessible services for disabled women about:
  o sexual health
  o pregnancy and birth

• disabled women with children and particularly women with a learning disability get more contact from social services

Article 7 – Disabled children

Most people who answered the 2021 CRPD survey said that they did not think children’s rights are protected.

Main points:

• parents of disabled children felt they got no support during the pandemic

• there was no educational support

• social care support services were cancelled
• disabled children were more worried. This affected their moods and how they behaved.

• children and young people had to wait longer for CAMHS mental health services

• the Scottish Government does not keep facts, figures and information about disabled children being bullied at school

• there has not been enough work to support families, carers and children to learn British Sign Language

• **restraint and seclusion** are used more often on disabled children in schools

**Restraint** means stopping someone from moving.

**Seclusion** means moving a child or young person so they are in a space on their own.
Article 9 – Accessibility

More than three quarters of people who answered the 2021 CRPD survey said buildings, housing, transport and information are still not accessible for disabled people.

Information

- UK government briefings were not accessible to British Sign Language users
- there was not enough British Sign Language information or Easy Read information during the pandemic
- physical distancing, face masks and online services made it more difficult for deaf or hard of hearing people to communicate and get services

Internet access

- more services are online but disabled people are still less likely to have access to the internet
- working and doing activities online has worked well for many disabled people
Public spaces
- schemes like ‘Spaces for People’ and ‘Low Emission Zones’ meant some public spaces were not accessible for disabled people.

People making these changes did not think about what disabled people need.

Low Emission Zones are areas where some vehicles cannot go because they create too much pollution.

Disabled people who need a car to get around cannot go to some areas.

Public transport
- changes in the pandemic and worries about safety stopped disabled people using public transport.

- buses do not have enough wheelchair access and many railway stations are not accessible.

This makes it difficult for disabled people to plan journeys or travel with other wheelchair users.

- there is not enough accessible transport in the countryside and places far from towns and cities.
• many disabled people do not travel because it is difficult to find and use public toilets

**Housing**

• many disabled people are still living in housing that is not right for them because there is not enough accessible and adapted housing

**Article 10 - Right to Life**

**Main points:**

• 6 out of 10 people who died with Covid-19 were disabled

People with learning disabilities were more likely than other people to catch Covid-19 and to die from it.

• before the pandemic children and young people with learning disabilities were more likely than other children to die young
disabled people and older people were given Do Not Resuscitate orders during the pandemic.

A Do Not Resuscitate order is a request not to be treated if your heart stops or if you stop breathing.

Article 11 - Situations of risk and emergencies

Most people who answered the 2021 CRPD survey said that there was not enough planning in place to protect disabled people in the pandemic.

Article 12 – being treated equally by the law

Just over half of the people who answered the 2021 CRPD survey felt disabled people’s right to make their own decisions is not protected.

Main points:
A court makes a Guardianship order to say who should have the power to make decisions for you.

• guardianship applications for people with learning disabilities tend to be granted

• the number of people with a guardianship order has got higher
• the Coronavirus (Scotland) Act 2020 meant that everyone who had a guardianship order in the pandemic will have it for an extra 176 days before it needs to be renewed

• a review decided learning disability should not be called a ‘mental disorder’ under mental health law

• a review is looking at changes to mental health law and practice

**Article 13 – Access to justice**

**Access to Justice** means being treated fairly by the law, and having access to police, courts and organisations that give advice.

**Nearly 3 quarters of people who answered the 2021 CRPD survey said it is hard for disabled people to get support with legal problems.**

**Main points:**

• Scottish judges get no training about disability

• online trials can make it harder for disabled people to understand and communicate
It is difficult for disabled people to access justice because:

- there is not enough advice
- information and buildings are not accessible
- they are not listened to
- they are not treated equally or fairly
- there is not enough legal aid

**Legal aid** is financial support for people who cannot afford legal representation.

- people who use British Sign Language are not allowed to serve on juries
- there is not enough high quality British Sign Language/English interpreters in courts and police stations

**Article 14 – Freedom and safety**

**Main points:**

- There were nearly twice as many people detained under the Mental Health Act compared to previous years

**Detained** means kept in hospital.
Some people are living in hospital because they have no home care support.

Some people are living in hospital far from their home area, sometimes for many years.

People who have lived in hospital for a long time said they would like to live in the community.

They said the extra restrictions during lockdown made their wellbeing worse. **Wellbeing** means feeling comfortable, healthy and happy.

**Article 16 - Freedom from violence and abuse**

**Main points:**

- there were more disability hate crimes in 2020/21
- there were hate crimes against disabled people who are exempt from wearing a facemask
- disabled people are more likely to suffer from domestic abuse
• there is not enough information about domestic abuse and disabled women
• there is not enough support for women experiencing domestic abuse who are:
  o British Sign Language Users
  o deaf or hard of hearing

**Article 19 – Living independently and being included in the community**

Most people who answered the 2021 CRPD survey said disabled people are still not given the support they need to live independently.

**Main points:**
• 1 in 20 people got social care support in 2018/19
• more people want to have Self-directed support so they have control of the support they get

Local councils do not have enough money to provide this.

• disabled people lost social care support during the pandemic

Some people did not have enough support or have not got their support services back.
The Scottish Government will make a National Care Service Bill

There will be a new National Care Service and standards for social care support will be better.

In the pandemic:
- the number of unpaid carers increased to over 1 million
- more disabled people had to get care from family and friends

Disabled people have also had their support services changed or stopped because of Brexit.

**Article 24 – Education**

More than half of the people who answered the 2021 CRPD survey said disabled people cannot fully take part in education.

**Main points:**
- disabled children do not do as well at school and leave school with less qualifications
- disabled children are much more likely to be excluded from school

An exclusion is when a student is not allowed to come to school because they have broken school rules.
• online learning during the pandemic was not accessible for some autistic children, Deaf children who use British Sign Language and children with a visual impairment

• the disability attainment gap could be worse because schools were closed

The disability attainment gap is the gap between how well non-disabled people do in school compared to how well disabled people do in school.

• there are not enough teachers with British Sign Language skills in mainstream schools

Article 25 – Health

Most people who replied to the 2021 CRPD survey said disabled people find it difficult to get health care.

Main points:

• disabled people and children lost access to health services in the pandemic and said their health got worse
• disabled adults with depression felt worse

• some children and young people are treated in places that are not right for them or sent to England

There are no NHS mental health inpatient units in Scotland for children and young people with learning disability and/or autism.

• staff do not always have enough time to listen to what people know about their own health condition

• there are not enough interpreters in health care

• older Deaf BSL users with conditions like dementia need accessible support

**Article 27 – Work and employment**

Most people who answered the 2021 CRPD survey said disabled people find it difficult to find and keep a job.
Main points:

- the **disability employment gap** is still very wide.

This is the gap between the number of:

- disabled people who have a job
- people who are not disabled who have a job

Disabled employees:

- earn less money than employees who do not have a disability
- were worried they were more likely to lose their job
- were negatively judged and treated unfairly during the pandemic
- working from home has been a good thing for many disabled people

Article 28 – A good standard of living

Almost three quarters of people who answered the 2021 CRPD survey said disabled people do not have enough money to have a decent life.
Main points:

- households with a disabled person living there are more likely to experience **poverty**

  **Poverty** means not having enough money to buy basic things.

- in the pandemic disabled people were more likely to say they had less money

- disabled people spend more on gas, electricity and heating

Disabled people will be affected the most when energy costs go up.

- the Scottish Government now has control of some disability benefits from the UK Government

  They have kept some rules that disabled people do not agree with.

- 1 in 4 disabled people get less money and support when they move from Disability Living Allowance to Personal Independence Payment

  More than half of new claims for Personal Independence Payment have been turned down.
• in the pandemic Universal Credit went up by £20 a week

Many disabled people did not get this because they had not been moved to Universal Credit yet.

• disabled people found it difficult to get support to apply for benefits or make appeals during the pandemic

An appeal means you can question the decision and ask if it can change.

• disabled people were at higher risk of food insecurity before the pandemic and it has got worse

Food insecurity means someone cannot always get enough good healthy food they can afford.

• some disabled people could not get food and medicine during the pandemic because there was not fair access to delivery times and systems were not accessible
Article 29 – taking part in political and public life

Just over half of people who answered the 2021 CRPD survey said disabled people have problems voting and taking part in politics.

Main points:
- the first Member of the Scottish Parliament who is a wheelchair user was elected in 2021
- there are not enough facts, figures and information about disabled politicians