

Enshrine the UN Convention on the Rights of Persons with Disabilities into Welsh Law and appoint a Disabled Persons Commissioner

Top Line

In 2009, the UK signed up to the UN Convention on the Rights of Persons (UNCPRD) with Disabilities.¹ But over a decade later the rights of disabled people are not enshrined in law, which means that they cannot take legal action if their rights are breached. It is also high-time to establish a Commissioner for Disabled People, whose responsibilities would include promoting and championing the rights of disabled people, and investigating breaches into such rights.

Key Asks

We are calling for all political parties to commit to:

- legislate to enshrine the rights of disabled people into Welsh law;
- establish a Commissioner for Disabled People, whose responsibilities will include investigation of any breaches of the rights of disabled people.

Stats

- In the year ending March 2019, disabled women were more than twice as likely to have experienced domestic abuse (17.3%) than non-disabled women (7.0%).²
- The proportion of disabled people (13.3%) who report feeling lonely “often or always” is almost four times that of non-disabled people (3.4%), with the greatest disparity for young adults, aged 16 to 24 years old.³

Context

In 2009, the UK signed up to the UN Convention on the Rights of Persons (UNCPRD) with Disabilities.⁴ But over a decade later the rights of disabled people are not enshrined in law, which means that they cannot take legal action if their rights are breached.

To its credit, the current Welsh Government’s framework for action on independent living sets out a vision for implementing the UNCPRD. But it is a policy rather than a law, and does not provide disabled people with a mechanism for redress.

¹ <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/un-convention-rights-persons-disabilities>

² Office for National Statistics, Improving disability data in the UK: 2019, <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/improvingdisabilitydataintheuk/2019>

³ Office for National Statistics, Improving disability data in the UK: 2019, <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/improvingdisabilitydataintheuk/2019>

⁴ <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/un-convention-rights-persons-disabilities>

Background information

In 2017, the UN Committee on the Rights of Persons with Disabilities made a series of recommendations, including that the Convention be enshrined into law by the different UK Parliaments.⁵

In 2018, the Members of the Senedd agreed without objection to the principles of a legislative proposal to incorporate the United Nations Declaration on the Rights of Disabled Persons into Welsh law.⁶

In 2019 and 2020, the Covid-19 pandemic has only highlighted the need for disabled people to have their rights established in law.⁷

It is time to put these rights into legislation.

And it is also time to establish a Commissioner for Disabled People, whose responsibilities will include both promoting and championing the rights of disabled people, and investigating breaches into such rights. Wales rightly has a Children's Commissioner, an Older People's Commissioner, a Future Generations Commissioner, a Welsh Language Commissioner, a Traffic Commissioner and Police and Crime Commissioners. Given the substantial number of people who are disabled, or who will become disabled in the course of their lives, it is entirely appropriate that legislation also now establishes a Commissioner for Disabled People.

⁵ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fGBR%2fCO%2f1&Lang=en

⁶ <https://record.assembly.wales/Plenary/5356#A45899>

⁷ <http://qpol.qub.ac.uk/disabled-peoples-rights-during-the-covid-19-crisis/>