



UNCRPD Special Inquiry

28th August 2023
Geneva



In 2022 UN Committee on CRPD launched special inquiry on the implementation of Articles 19, 27 and 28 by the UK Government.

UK Civic Society led by DPOs submitted evidence how UK Government is gravely and systematically violating disabled people's rights.

NI Civic Society produced separate shadow report due to unique situation in NI.

UK Government did not attend inquiry hearing in Geneva on 28th August 20223.



Northern Ireland overview



1 in 4 people in Northern Ireland are disabled people. Disability Action engaged with 1849 disabled people in the production of the shadow report and 335 member organisations.

Northern Ireland is experiencing a severe political and economic crisis which is having a severe, disproportionate and cumulative impact on disabled people.

Northern Ireland is experiencing austerity on overdrive. This combined with the impact of the cost of living emergency, health emergency and housing emergency has left disabled people in a precarious position.

The rights of disabled people are being gravely and systematically violated as result of the ongoing crisis.



The implementation of the budget in Northern Ireland by the Westminster Government has resulted in civil servants taking decisions to cut services which disabled people in Northern Ireland are reliant on for Independent Living.

These actions are in breach of Article 19 of the UN Convention on the Rights of People with Disabilities.

Article 19

Right to Living independently and being included in the community



Social care has been eroded in NI. Community and voluntary providers are at the forefront of prevention and early intervention. Despite this the Department of Health has withdrawn funding from 62 organisations. The cessation of this funding will place additional pressure on the health and social care system.

During the winter months patients were advised to discharge to care homes due to a shortage of care packages and the high volume of people in hospital. These actions have re-institutionalised disabled people. It is worrying due to ongoing investigations in abuse of disabled people in care settings.



NI Shadow report emphasises 6 key elements that contribute to breach of Article 19:

- Health and Social Care
- The Independent Living Fund
- Mental Health Legislation
- Abuse Scandals
- Housing
- Transport

Health and Social Care

Social care has been eroded in NI.

In common with other areas of healthcare, social care has been impacted negatively by short-term budgets.

During the winter months patients were advised to discharge to care homes due to a shortage of care packages and the high volume of people in hospital. These actions have re-institutionalised disabled people.

Access to services has been reduced in the context of the current public finance crisis.

Legislation required for the reform of Adult Social Care has not proceeded due to ongoing political crisis.



Independent Living Fund



The closure of the Independent Living Fund to new applicants has limited d/Deaf and disabled people's choice and control in Northern Ireland.

The roll out of Self-Directed Support as a model to promote choice and control has been limited.

Direct Payments do not fund many of the activities funded by the Independent Living Fund as the emphasis is upon addressing social care needs rather than promoting independence meaning that those in receipt have access to less support and have less control.

The Independent Living Fund has not been reopened as was promised to disabled people due to the absence of Ministers and the lack of functional political and legislative institutions in Northern Ireland.



Mental Health Legislation

Mental health legislation continues to authorise substitute decision-making, detention in psychiatric institutions, involuntary treatment and the use of community treatment orders.

The Mental Capacity Act (2005) is non-compliant with the UNCRPD.

The Mental Health (NI) Order (1986) provides criteria for involuntary treatment of 'mental disorder', which is defined as 'mental illness, mental handicap and any other disorder or disability of mind'



Abuse scandals

The potential for abuse is greater within institutional settings as demonstrated by the launch of a Public Investigation into events at Muckamore Abbey Hospital and the Older Person's Commissioner's report on Dunmurry Manor both of which include evidence of violence against and the abuse of d/Deaf and disabled people.

There is currently no legislative and decision making framework through which to advance the findings of the Muckamore Inquiry in an ethical and accountable manner.

Housing

Northern Ireland is experiencing a housing emergency- which is having a severe impact on disabled people.

52% of people on the social housing waiting list are older people, disabled people and people experiencing mental health challenges.

There is a significant deficit in the provision of accessible social homes. The reduction in building will further reduce opportunities for disabled people to access an accessible home.

Disabled people are trapped in unsafe and undignified housing.

Living in inappropriate housing has negative impacts on quality of life, and physical and mental health.





Adaptation grants are available, but they are means tested and the process for applying is complicated- it is our position that resources for adaptation should be available based on need and not income.

Disabled residents in the private housing sector have waited between nine and 20 months on average for home adaptations to be completed once they had received an 'approval of application' from the Housing Executive in 2020/21

The lack of access to housing, housing adaptations and housing support will lead to the reinstitutionalisation of disabled people.



Transport

8 out of 10 disabled people report that transport is inaccessible to them.

Disability Action Transport Service has been cut by 5%.

Reductions in public transport have been proposed alongside reductions in the concessionary fares scheme.

There is a shortage of wheelchair accessible taxis.

The combined result is that disabled people are living under curfew with limited access to accessible transport.



So what is next for Northern Ireland?