

Universal Periodic Review Submission

Disabled People Against Cuts (DPAC)

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DPAC is about disabled people and our allies. DPAC was formed by a group of disabled people after the 3rd October 2010 mass protests against cuts in Birmingham, England. The 3rd October saw the first mass protest against the austerity cuts and their impact on disabled people-It was led by disabled people under the name of The Disabled Peoples' Protest. DPAC co-founders are the original Disabled Peoples' Protest organisers.

DPAC is for everyone who believes that disabled people should have full human rights and equality. It is for everyone that refuses to accept that any country can destroy the lives of people just because they are or become disabled or have chronic health issues. It is for everyone against government austerity measures which target the poor while leaving the wealthy unscathed. It is for everyone who refuses to stay silent about the injustices delivered by wealthy politicians on ordinary people and their lives.



Submission by Disabled People Against Cuts (DPAC)

Universal Periodic Review - United Kingdom, March 2022

UKG = UK Government

EHRC = Equality and Human Rights Commission

DDP = Deaf and Disabled People

1. DPAC is deeply concerned at the systematic degradation of UK human rights protections which has been driven through a series of actions by UKG and with the complicity of the NHRI for Great Britain (EHRC). This has included, but is not limited to:
 - i. Planned 'reforms' of the Human Rights Act which would weaken the scope of rights, create legal uncertainty, and reduce access to justice in human rights cases - alongside legislating to reduce the effectiveness of and access to judicial review.
 - ii. Undermining the EHRC with budget cuts and political board appointments, seemingly driven by a motive to perpetuate a 'culture war', with casualties being trans and non-binary people in particular, as well as the EHRC's total loss of credibility and independence. We have submitted evidence to GANHRI and ENNHRI on this matter (see Annex).
 - iii. Failures to advance trans people's rights both directly by UKG through failure to legislate for self identification or a ban on conversion therapy and preventing EHRC in past years from publishing guidance for schools; as well as via UKG's proxy the EHRC - which has latterly started resisted progressive reform for trans and non-binary people.
 - iv. Failure to introduce anti-racist measures, instead conflating movements like Black Lives Matter and calls for equitable treatment into UKG's so-called culture war, to further minoritise and marginalise people of colour, alongside other social groups. UKG's hostility to the equal rights of racially minoritised groups is

exemplified by its creation of and response to the Windrush scandal. It shows in the worse outcomes and lack of rights for Gypsy, Roma and Traveller communities.

- v. The refusal to protect domestic abuse survivors with NO Recourse to Public Funds through the recent Domestic Abuse Act - alongside UKG's continued abrogation of responsibility for the justice gap in cases of gender based abuse, including violence and abuse against DDP.
- vi. Attacks on DDP's rights dating from 2010 - causing marginalisation, stigmatisation, poverty, ill-health including mental ill-health, and numerous documented deaths among DDP. The scandal of 'benefits deaths' and widespread detriment among DDP, resulting from UKG's social security policies, is one of the key issues that the EHRC has failed to investigate under successive leaderships.
- vii. The United Nations reporting mechanisms and HRC have been aware of the evidence concerning the status of DDP in the UK, through successive reports including the last UPR, but have failed to address this.
- viii. UKG's longstanding austerity regime coupled with its response to the pandemic amounts to a war on DDP:
 - There has been continued retrogression, with worse conditions across many aspects of DDP's lives
 - Compound disadvantage and barriers affect, in particular, disabled women, people of colour and LGBTQ+ DDP
 - DDP have been silenced; we have seen the further marginalisation of DDP and our voices, in the face of continued retrogression
 - Institutionalisation is a specific aspect of retrogression that reinforces, and is underpinned by, the undervaluing of DDP's lives
 - The response to the pandemic, and other policy responses, show that DDP are seen as lives less worthy
 - UKG has entirely failed to consider DDP in fundamental aspects of public policy development, particularly Disaster Planning and Humanitarian Emergencies

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2. We urge the UK Parliament, with the support of MPs and Peers who value our human rights and equality infrastructure, to reject attacks on the Human Rights Act, Judicial Review and the right to protest; and to legislate to rectify the founding statute of the EHRC in the Equality Act 2006, in order to re-establish it as a Paris Principles-compliant NHRI and as an effective champion of equality.

ANNEX:

Statement to GANHRI

Disabled People Against Cuts (DPAC)

March 2022

The status of the GB Equality and Human Rights Commission

3. The Equalities and Human Rights Commission (EHRC) was established to be the National Equality Body and National Human Rights Institution for Great Britain. However the EHRC is not fit for purpose and is a feeble body whose primary mission only seems to be to avoid rocking the boat.
4. We endorse Stonewall's statement that "failings in our national human rights body are a threat to us all"¹.
5. For over 11 years DPAC and other Deaf and Disabled People's Organisations (DDPOs) have asked EHRC to investigate serious issues of disability discrimination to be met with a wholly inadequate response and failure to act by the EHRC.
6. EHRC has "de-prioritised" any inquiry into the potential link between UK Government welfare policies and numerous deaths of benefits claimants in spite being provided with ample evidence of cases where disabled benefit claimants lost their lives due to welfare reforms².

¹ [The Guardian](#), February 2022

² [Letter from Debbie Abrahams to EHRC](#), June 2019, via twitter; [Disability News Service](#), June 2020

7. They further failed to act regarding the imposition of Do Not Resuscitate (DNR) orders for almost 1/3 of people hospitalised in the UK during the first Covid lockdown. DNRs were disproportionately applied to disabled people, particularly people with learning impairments³.
8. The ramifications of this included death rates of people with learning disabilities anywhere between 6 and 30 times the rate of non disabled people depending on age and month⁴.
9. To date approximately 120,000 disabled people in the UK have died from Covid without anyone being held to account.
10. The EHRC's continuing failure to act reflects an organisation that has fundamentally de-prioritised and ignored key disability issues. That is borne out by these decisions and further evidenced by the downgrading of the role of Disability Commissioner and disbanding of the Disability Advisory Committee⁵. Moreover, the EHRC has no robust mechanism for involving user-led Deaf and Disabled People's organisations to inform its approach.
11. This hasn't happened in a vacuum.
12. The EHRC is being co-opted by the UK Government⁶ at the same time as the Government is introducing some of the authoritarian anti-protest legislation we have ever seen⁷. The UK Government is

³ [Each Other](#), June 2021

⁴ [Public Health England](#), November 2020

⁵ [Disability News Service](#), March 2022

⁶ See for example a [speech by Liz Truss](#), December 2020: "That is why I am appointing a new chair and a wide variety of commissioners to the Equality and Human Rights Commission to drive this agenda forward."

⁷ [JUSTICE](#), 2022

additionally consulting on proposals to chip away at the universality and indivisibility of rights contained in the Human Rights Act 1998⁸, and to reduce access to those rights through the courts. And it is legislating to weaken the process of judicial review and access to justice⁹. This is the time we need a strong guardian of civil liberties and our human rights infrastructure, not a weak and compliant one.

13. The EHRC's current leadership and policy direction represents a serious threat to not just the rights of disabled people, but all communities targeted by this Government. We have seen this in the EHRC's backhanded treatment of complaints by the Muslim Council of Britain concerning Islamophobia within the Conservative Party¹⁰. And in its lack of support for the rights of Gypsy, Roma and Traveller communities. We have seen it in the EHRC framing anti-racism as 'political' and therefore outside its remit. Its leadership consequently gaslit staff of colour who proposed an equity and rights-based approach to an inquiry on race and the pandemic - and refused to acknowledge institutional and structural racism¹¹.

14. We see it in the EHRC's current treatment of trans and non-binary people.

15. DPAC stands in solidarity with trans and non-binary people; and we recognise and support the many Deaf and Disabled people who are also trans and non-binary. There is so much common ground in the fights for disability liberation and trans liberation: we stand for bodily autonomy, against unnecessary medicalisation, and against hate, stigma and discrimination.

⁸ [Equally Ours](#), March 2022

⁹ [Law Society](#), February 2022

¹⁰ [EHRC](#), January 2022

¹¹ [The Guardian](#), September 2021; [Oral evidence](#) to Women & Equalities Committee, October 2021: questions 83-92

16. The EHRC has undermined Scotland's proposals for reform of our intrusive and medicalised gender recognition process¹², and resisted a ban on trans conversion therapy¹³. The equality body also backed the designation of transphobic 'gender-critical' views as a protected aspect of Religion or Belief under the Equality Act 2010¹⁴. It has failed to publish guidance for schools to support trans children and young people¹⁵. This shift among the EHRC leadership to deny the rights of trans people echoes UK Government attitudes towards the rights of trans and non-binary communities¹⁶.
17. Collectively these actions lead us to believe the EHRC no longer has credibility in its role to uphold human rights and equality or to act independently. It has betrayed the communities that need it most. It does not have the confidence of Deaf and Disabled people.
18. The EHRC has willfully ignored and neglected its overarching duties under the Equality Act 2006¹⁷: **working towards a society** that respects and protects equality, human rights, dignity and worth, where people are not limited by prejudice or discrimination and can participate equally, with mutual respect and valuing of diversity.
19. The EHRC's profound failure as a defender of rights stems from egregious political interference, and deliberate under-funding, alongside an absolute lack of effective mechanisms to involve and prioritise the needs of the communities that it was established to support, particularly Deaf and Disabled People and our organisations.

¹² [EHRC letter](#) to Shona Robison, January 2022

¹³ [EHRC consultation response](#), January 2022

¹⁴ [EHRC blog](#), June 2021 [submission to the court can no longer be located online]

¹⁵ [Vice](#), February 2022

¹⁶ See for example Liz Truss on gender affirming treatment, [cited by Gendered Intelligence](#), May 2020

¹⁷ [Equality Act 2006](#), section 3

20. We submit that the EHRC is an NHRI under threat, and in crisis. The UK Parliament must legislate to address the founding statute of the EHRC in the Equality Act 2006. In the meantime the EHRC's 'A' status accreditation must be revoked.

21. A new, Paris Principles-compliant EHRC must have:

- guarantees of independence and freedom from political interference
- no political appointees, and an independent appointments process that ensures the board reflects and represents the communities it needs to serve;
- a line of accountability to, and direct communication with, UK Parliaments
- guarantees of adequate funding to deliver its full remit (including direct support for individuals experiencing discrimination or human rights breaches);
- additional powers and duties to hold government, public authorities and the private sector to account, and advance **equitable** treatment and **substantive equality** for all protected characteristic groups, as well as in relation to social class;
- proper mechanisms for the institution to involve marginalised communities and enable them to hold it to account.