

Being part of Scotland's story under the Disability Convention

The report of the joint Commissions' participation event with disabled people in Scotland about the United Nations Convention on the Rights of Persons with Disabilities



**Equality and
Human Rights
Commission**

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Being part of Scotland's story under the Disability Convention

The United Nations (UN) Convention on the Rights of Persons with Disability (the Convention) is an international human rights treaty that the UK and Scottish Government have signed up to. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights by all disabled people and to promote their inherent dignity.

The Convention includes 'civil and political' human rights and Governments that have signed up to the Convention must take action to make sure that disabled people can enjoy these rights on an equal basis with people who are not disabled. It also includes 'economic, social and cultural' rights and Governments must be making progress towards achieving a society where disabled people enjoy these rights on an equal basis with others.

Therefore, the UK and Scottish Governments should be taking a range of steps to allow disabled people to enjoy their human rights.

The Scottish Human Rights Commission (SHRC) and the Equality and Human Rights Commission (EHRC) have a role under the Convention to raise awareness and encourage the involvement of disabled people in implementing the Convention. As part of this work, on Monday 28 March 2011 the Commissions hosted an event for disabled people in rural areas of Scotland.

This report provides an overview of what disabled people participating in the event told us. This information does not necessarily reflect the views of the Commissions, but it is an accurate record of the discussions. It also explains what the Convention says disabled people can expect the UK and Scottish Government to have done and be doing in relation to the points that they raised during the event.

By setting out what action the Convention expects Governments to have taken and to be taking we hope this will help to raise awareness of how the Convention can be used to press for change and make human rights a reality for all disabled people in Scotland.

Background to the day

Participation is at the very heart of the Convention and Article 33 requires the UK and Scottish Governments and the Commissions to involve disabled people in their work to make the rights in the Convention a reality.

On 28 March 2011, the two Commissions held a nationwide event to hear the views of disabled people. The event was part of the Commissions' efforts to involve and encourage meaningful participation of disabled people throughout the length and breadth of Scotland.

The Commissions decided to use 'webcasting technology' to achieve widespread participation. Webcasting is a way of holding a conference with people in different places, linked through the internet. The central location for the event was in Inverness, there were two satellite locations in Inverurie and Oban and participants logged on to the webcast from their home computer or in smaller groups in offices or community centres all over the country.

The event started with a series of presentations from the Commissions, the Scottish Government and the UK Government nominee to the UN Committee. All participants were able to put questions to the speakers and a lively discussion took place, involving all participants, about what the Convention means for disabled

Participants were then asked to consider questions for discussion in the afternoon. Those in Inverness, Inverurie and Oban provided a summary of their discussions that were broadcast live through the webcast.

People joining the event from their home or office computer contributed questions and comments through an online text box. A chat room, or 'forum' space, has remained open on the webcast site. Once the forum has closed, this report will be updated to reflect these discussions.

So far around 200 people have taken part in these events, but there is still a chance to take part using webchat. To find out how, visit <http://www.scottishhumanrights.com/ourwork/crpd/crpdparticipation>

What you told us is most important to allow disabled people to enjoy their human rights?

A society that understands disability

You told us:

There is a lack of understanding in society in general about disability. There needs to be more and better communication to allow society to understand disability.

We need to educate from an early age about acceptance and tolerance of disabled people.

Ignorance amongst non-disabled people of the perspectives and situations of disabled people is a major barrier to achieving a mutual understanding and disability equality.

There is a great need to actively address negative attitudes, assumptions and stereotypes about disabled people.

Both disabled and non-disabled people should be encouraged to share perspectives honestly, not least because fear of causing offence is a major inhibitor preventing non-disabled people from engaging with disabled people.

People need to be educated to make sure they consider other people's rights and understand that disabled people have the same human rights as them.

It is important that adults are educated as well as children. An example was discussed where a manager of a charity shop had been seen treating learning disabled volunteers unfairly and in a discriminatory way.

There should be a duty on employers to provide training on disability to all their staff. Awareness raising and training initiatives are necessary in the public and commercial sectors to overcome ignorance and ensure fairer and equal access for disabled people. This is particularly important in front-line services.

It is really important that those who are involved in designing spaces, policies and services empathise with the situation of disabled people. An example of when this has worked is that deaf people or people with hearing impairments can arrange for BSL support in advance of train travel. When a train is cancelled this allows people to communicate and

make alternative arrangements. This would have been a real struggle if the BSL support had not been prearranged.

There is a tendency to put down and attempt to normalise impairments. We should be celebrating the differences of disabled people.

It is important to provide information and support to those caring for disabled children and people with severe impairments. This should include providing support for parents to increase their understanding of disability and to help them address the ignorance of others who may regard the behaviour of their children as evidence of poor parenting. Major public information campaigns to educate the public about the realities of being a disabled person are also needed.

Disabled people's organisations need to be supported financially to facilitate skills development and capacity building of disabled people so they have the self confidence, skills and knowledge to be active in addressing issues around discrimination.

What the Convention says about raising awareness

Article 4 of the Convention requires Governments to commit to promoting the training of professionals and staff working with disabled people in the rights that are recognised in the Convention.

Article 8 requires Governments to take immediate, effective and appropriate action to:

- Raise awareness throughout society of disabled people and to foster respect for their rights and dignity.
- Confront stereotypes, prejudice and harmful practices affecting disabled people in all areas of life.
- Promote awareness of the capabilities and contributions of disabled people.

The immediate, effective and appropriate action Governments are expected to take includes:

- Beginning and maintaining effective public awareness raising campaigns about disabled people and their rights. These campaigns should aim to promote positive opinions and greater social awareness of disabled people and their rights and should recognise their skills, abilities and contribution to the workplace.

- Developing at all levels of the education system, including very young children, an attitude of respect for the rights of disabled people.
- Encouraging the media to portray disabled people in a way that promotes their full and equal human rights and dignity.

Accessible transport

You told us:

Transport is a key issue for disabled people, particularly those in rural Scotland. Disabled people are often trapped by limited public transport options and the high cost of transport when it is available. Living in isolated and rural areas is very difficult and expensive.

Transport issues are a priority for disabled people in rural areas because it affects every aspect of your lives. Being unable to travel from place to place hurts your ability to access services, to participate in society and be involved in democracy.

Petrol and diesel in the Western Isles and in Northern rural areas are significantly more expensive than the rest of Scotland. This has a particularly negative impact on disabled people who often cannot access public transport.

To get information about welfare benefits you need to travel but disabled people are increasingly poor and transport is getting increasingly expensive.

You have to rely more in rural areas on friends and family because there is a real lack of local transport. Often, if friends and family are not available the next option is to rely on transport provided by volunteers.

There is a social enterprise project called 'MyBus' in Fife. It is a community transport group that provides a range of affordable, reliable, accessible transport to groups and individuals who are unable to access suitable public transport. There could be a lot more support provided to encourage and allow similar kinds of services in rural areas.

You doubt whether there really are the resources available to support the voluntary sector and a strong view that providing transport should be a statutory obligation because voluntary support can fall away at anytime. There needs to be a Government response, such as a statutory obligation on public service providers to provide transport facilities to allow disabled people to access services. Another suggestion was a disability dividend or allowance to recognise the real difficulties faced by disabled people who cannot afford to travel.

There needs to be consistently good quality service across the different transport providers who operate in different parts of the country.

One woman who uses a wheelchair and a small scooter told us that she is not allowed to take her scooter on all trains because of the policies of

some train companies. This means she is unable to travel to certain places in England. In Scotland, she can travel on trains but when she gets to England she cannot travel onwards to her final destination because of the policy of one rail company and their rule that her scooter is hand luggage, therefore she or a companion must carry it onto the train. So far they have refused to provide assistance. She usually travels alone and is unable to carry the scooter on.

The failure to provide accessible transport is rarely enforced. Local authorities have service level agreements with private transport companies (including those providing bus, ferry and taxi services). These agreements are not monitored effectively and it is very difficult for disabled people to raise concerns with the local authorities or to encourage them to take action.

In remote rural areas disabled people often have to travel over 100 miles for a health appointment but little or no consideration appears to be given to the logistics or effort required to achieve this.

What the Convention says about providing accessible transport

Article 9 of the Convention says that Government should be taking appropriate action to make sure disabled people have as much access to transportation as non-disabled people. To make this a reality, Government should identify and remove barriers to accessible transport.

Article 9 also requires Governments to take appropriate steps to:

- Develop, communicate and implement minimum standards and guidelines to make facilities and services (including transport) accessible.
- Make sure private companies that provide public facilities and services take into account all aspects of accessibility for all disabled people.
- Provide training about the accessibility issues facing disabled people.

Article 20 requires Governments to take effective action to allow personal mobility and the greatest possible independence for disabled people. This includes making the personal mobility of disabled people possible and doing so in a way and at a time when they choose and at cost that is affordable.

Involvement and consultation

You told us:

You feel excluded from decision-making and advisory groups and organisations. Disabled people in remote areas are cut off, with limited options available, so they cannot participate nationally or at local authority level even when thought is given to offering the opportunity to participate.

Rural areas are missing out in the consultations run at the highest levels of the Scottish Government.

Disabled people from rural areas are not represented at the highest levels. This should not be the domain only of 'city slickers.'

Representation of disabled people at Scottish Government level and within public sector partnership structures needs to be improved and facilitated more.

Smaller groups of disabled people need to be in touch with larger national groups such as Inclusion Scotland who have the expertise and resources to facilitate involvement in Scottish Government consultation and decision-making processes.

In some rural towns there seems to be a lack of initiatives led by disabled people or disabled people's organisations. Strength could come from groups of disabled people coming together. There is a need for more awareness among disabled people of the different groups and organisations that there are and what support they can provide.

Formal consultations are time limited and this can be a barrier to active participation for many disabled people.

Some disabled people have periods of illness or treatment that mean that they need their energy to live and so can't use the energy they have to continually fight decisions and ask to be consulted.

You suggested that local community councils could and should be more in tune to disabled people and have more disabled people represented on them.

Local authorities have got better at consulting disabled people. However, they are consulting at the wrong point. They consult disabled people at the end or later stages of a proposal or project, when decisions have already been set in track and changes that need to be made to ensure equal access will be difficult. However, if disabled people were consulted

at the very start of the planning or proposal process they could address barriers and make adjustments much more easily.

Local authority staff are inclined to still tell you what they are doing instead of working with disabled people's organisations to find out what is best to do.

You are concerned we ignore disabled people who are housebound.

Public bodies are not doing disability equality impact assessments effectively and so decisions are not being properly assessed for the actual impact on disabled people.

There are lots of parallel and overlapping groups and organisations that disabled people could get involved in but there is a lack of coordination of work. There is a need for better networking, communication, coordination and exchange of information between all the different disabled people's organisations and the organisations wanting to involve disabled people.

There needs to be a much more inclusive approach to involvement to involve all disabled people and make sure all their interests are represented. You know this is a difficult job, but it needs to happen.

A lot of talking is done but the implementation of new ideas always falls short in reality.

What the Convention says about involvement and consultation

Article 3 of the Convention says that the principles of the Convention include autonomy, independence and the freedom to make choices as well as full and effective participation.

Article 4 requires Governments to consult closely with and actively involve disabled people, including disabled children, and disabled people's organisations when they are developing and putting into place laws and policies that implement the Convention and when they are making decisions that involve issues that relate to disabled people. It also requires Government to take into account the rights of disabled people in all policies and programmes.

Article 33 requires that disabled people, and disabled people's organisations, shall be involved and participate fully in monitoring the implementation of the Convention.

Access and provision of local services

You told us:

There is a need for community services and facilities to support disabled people so they can have equal access to local services.

There is a need for vastly improved advocacy services and support.

Access panels work differently in different parts of the country. They should take a similar and consistent approach.

Local authorities have not signed up to the Convention, they should.

Local authorities do not adequately monitor service level agreements and there is a lack of accountability in the delivery of local services. There doesn't seem to be anywhere to go to raise concerns about services that are contracted out by the local authority.

There is a lack of information available to let disabled people know who is responsible for providing different services. It is often unclear whether it is the Scottish Government, local government or the UK Government which is accountable.

There is a very big problem with facilities for people over 15 years old who have autism. The only support services they can access are very far away.

The effects of addiction in rural areas are very serious and there are not enough local support services.

You are concerned that the results of a pilot scheme in Highland for Self Directed Support found the realities of Self Directed Support to be problematic.

There is a lack of locally provided respite care.

There is a post code lottery for whether you can access occupational therapy. Access is not consistent across Scotland and it should be.

Some disabled people are also unpaid carers. When a relative they care for is leaving hospital the hospitals seem unconcerned about whether the unpaid carers are able to do what is required and expected of them. Unpaid disabled carers need to be involved in discussions around the discharge of patients.

There is a need for greater understanding in local communities when it comes to housing because most disabled people would like to stay in the area they are used to.

In rural areas the closure of local Council toilets (and other facilities) can have a huge effect on disabled people. For example, there appears to be no legal obligation on the Council to ensure that when establishing a Comfort Scheme (free to use public toilets delivered through partnerships with local service providers such as hotels, pubs and public buildings) in an area where a public toilet has been closed, that these partners must ensure the toilets are accessible.

What the Convention says about the provision of local services

Article 9 requires Government to take appropriate measures to make sure disabled people have the same access as others to public services and other facilities, both in urban and rural areas. To make this real they should identify and remove barriers to access. This includes access to buildings, facilities such as schools, housing, medical facilities and workplaces. Government should also develop, communicate and put in place minimum standards and guidance for access to public facilities and services, and ensure that private companies that offer public services or facilities take into account all forms of accessibility for disabled people. In addition they should provide training about the accessibility issues facing disabled people; provide signs in Braille and easy read in buildings and other facilities open to the public; provide forms of assistance including guides, readers and professional sign language interpreters to allow access to buildings and other facilities open to the public.

Where services are essential to allow disabled people to realise their economic, social or cultural rights, the Government is required to take steps, both nationally and locally, to ensure that the service is increasingly available, accessible and of good quality for everyone.

Article 19 requires the Government to take effective and appropriate action to allow disabled people to enjoy fully the right to live independently and be involved and take part fully in the community. This includes action to make sure:

- Disabled people have the opportunity to choose where and with whom they live and are not obliged to live in a particular living arrangement.

- Disabled people have access to a range of residential and other community support services, including personal assistance that is necessary to support living and inclusion in the community and to prevent isolation or separation from the community.
- Community services and facilities for the general population are available on an equal basis and are responsive to the needs of disabled people.

Article 26 requires Governments to take effective and appropriate action to allow disabled people to achieve and maintain maximum independence, full physical, mental, social and vocational ability and full inclusion and participation in all aspects of life.

To do this, Governments should strengthen and extend habilitation and rehabilitation services in the areas of health, employment, education and social services. This should ensure that services support participation and inclusion in the community and are available to disabled people as close to their own communities as possible, including in rural areas.

Better services and support

You told us:

You are very concerned that the cuts will lead to less or no provision of social services for disabled people.

You fear the public sector cuts are going to hit disabled people hardest because there are few if any disabled local and national politicians that will stand up and campaign against them.

As a result of the need to cut public spending, one Scottish local authority has introduced a change in policy that means they will take 75% of disabled people's disposable income to pay for personal/ social care packages, leaving people with £109 per week to live on. This is a very worrying time. You think 75% is very high and you don't understand how the figure of £109 has been calculated.

You are worried about what will happen when the UK Government policy on cuts in social services really kicks in. Will this mean that disabled people will be faced with either being stuck in the house all day and night or being placed back into long term supervised housing or care?

Disabled people need facts about how and why decisions are being made about the cuts and the impact on the services and support provided to them. Information on what is being planned and its impact has been very poor.

The decisions to make cuts in services are being taken so quickly that local authorities are not considering alternatives to shutting or stopping services completely. Even if services are altered in some way it would be better than stopping them completely.

You provided an example of lunch clubs being stopped that provide an important route for disabled people to become and continue to be active members of their community. No thought has been given to whether the Council could provide the premises and asking voluntary groups if they could take over the organisation of the club.

You are concerned that disabled people are not mobilising together to gain public support against the cuts. When rural primary schools have been threatened with closure there have been huge outcries and people have joined together to campaign against closures. While not all schools have been saved, some have. Why are we not campaigning about what is starting to happen to disabled people because of the cuts in public services?

The lack of proper financial support is a serious concern. Without funding economic and social rights cannot be realised.

You are concerned that the cuts are as high as 5% in some local authorities and this is leading to overcharging disabled people for services that are vital to them.

You are concerned that the Scottish Government is being hindered by cuts imposed by the UK Government. It is too much too soon.

You gave an example of an elderly disabled woman who lives in a remote area, who now has to pay £4 per week for her telecare pendant (a personal alarm system), which she used to get for free. She is on a very low income, with pension credit and her rent has increased by 200% in the past two years.

What the Convention says about public spending

The Convention does not specify how much or little Governments should spend to make sure disabled people enjoy their human rights on an equal basis as other people.

However, Article 4 of the Convention does require Governments to take into account the rights of disabled people when they are making decisions that have an impact on disabled people's rights. This should include budgetary decisions, at national and local levels.

The Convention contains some rights which are absolute and so they have to be realised in full immediately and in all circumstances. So, for example no budget or other decision should leave any disabled person in a degrading situation, such as where they are at risk of serious abuse or neglect. Other rights are qualified, or to be fully realised over time. For these rights, any interference or reduction in the realisation of the right, for example through a budget cut, has to be assessed to make sure it is proportionate, or justified when you take into account all the rights. In any case priority in budget decisions should go to ensuring everyone has at least minimum essential levels of each right, and that priority is given to people in the most vulnerable situations.

Article 28 requires Governments to take appropriate steps to allow disabled people to enjoy fully and on an equal basis the right to an adequate standard of living and social protection for themselves and their families. Appropriate steps include making sure disabled people:

- Have access to appropriate and affordable services and other assistance.

- In particular women, children and older people, have access to social protection and poverty reduction programmes.
- Living in poverty have access to assistance from the Government for disability-related expenses.
- Have equal access to public housing schemes.

Education

You told us:

You thought the education system had failed some disabled people by treating them as if they were stupid and incapable.

Support and intervention at school level is better now for people with intellectual and learning impairments, but it is still not great. There is still often a failure to identify intellectual and learning impairments and this leaves learning disabled people isolated and excluded with little prospect of doing well at school. The problem is much more severe in further and higher education, with patchy support for accessing appropriate additional support in further education and almost none in university settings.

It is still difficult to access education, including having access to transport to get to where education is provided. You suggested that support to access education should be provided in the same way as Access to Work.

You feel that a person with an intellectual impairment such as dyslexia will not receive any additional support or reasonable adjustments to allow them to access higher level qualifications.

There is a significant lack of additional support or interest in considering additional support in education at all levels for learning disabled students.

The impact of a poor education is so much greater for disabled people, who often experience a double whammy because they leave school without a set of good qualifications and with low self esteem and confidence. The education system should provide disabled people with both.

There is a significant skills gap that leads to high unemployment for disabled people and for learning disabled people in particular.

You are concerned about the transition from school to further education and limited support for adult services. Disabled children lose lots of services when they leave education and transfer to adult services.

There is progress in colleges where there are now a lot more courses that are accessible to disabled people. However, you feel these courses are not particularly academic or do not offer the same opportunities and skills that disabled people want and need.

Disabled parents continue to face barriers when they try to get involved in their children's education and schools continue to refuse to provide information to parents in an accessible way.

Education and the transition to adulthood is challenging for disabled children and you mentioned in particular deaf children. You are worried that many schools for deaf children are being closed and there isn't sufficient expert support for these children and young people in mainstream schools.

There is a need for appropriate local education for deaf children. This is based on your own experiences, spending most of your childhood in a school for deaf children means being separated from your family if you live in the north of Scotland. This has an impact on family relationships and there are fears that it could have an impact on children's mental health.

What the Convention says about education

Article 24 of the Convention recognises the right to education for disabled people. As this is an economic, social and cultural right, Article 4 says that there are some things that the Government has to do immediately, such as making sure there is no discrimination in education, and that the content of education is appropriate, and there are other things that Governments should be working towards achieving over time.

Governments should make sure there is an inclusive education system at all levels as well as lifelong learning. This includes making reasonable adjustments to allow equal access to the general education system, vocational training, adult education and lifelong learning.

Education should aim to achieve:

- The full development of human potential and sense of dignity and self-worth and should strengthen respect for human rights, fundamental freedoms and human diversity.
- The development of the full potential of disabled people including the development of their personalities, talents, creativity and their mental and physical abilities.
- Supporting disabled people to participate effectively in a free society.

Governments are required to make sure:

- People are not excluded from the education system because they are disabled.
- Disabled children are not excluded from free and compulsory primary or secondary education because they are disabled.
- Disabled people can access inclusive, high quality and free primary and secondary education on an equal basis as others in the community they live.
- Reasonable adjustments are made.
- Disabled people receive the support they need to allow access to effective education.
- Effective individual support is provided in an environment that supports academic and social development and that is consistent with the goal of full inclusion.

The UK Government says that it is committed to developing an inclusive education system. However, when the UK Government signed up to the Convention it issued a 'reservation' about the right to education.

The purpose of the reservation is to allow the Government to continue to provide special school education for disabled pupils and to maintain the current situation where disabled children may need to attend a special school in a place that is outside their community, because there is no local education provision that can meet their needs. The effect of the reservation is to change the UK's international responsibility on this article.

This is what the UK Government said:

"The United Kingdom Government is committed to continuing to develop an inclusive system where parents of disabled children have increasing access to mainstream schools and staff, which have the capacity to meet the needs of disabled children.

The General Education System in the United Kingdom includes mainstream and special schools, which the UK Government understands is allowed under the Convention.

The United Kingdom reserves the right for disabled children to be educated outside their local community where more appropriate education provision is available elsewhere. Nevertheless, parents of disabled children have the same opportunity as other parents to state a preference for the school at which they wish their child to be educated."

Article 24 also requires Governments to take appropriate action to allow disabled people to learn life and social development skills to allow their full and equal participation in education and the community. This action includes:

- Supporting disabled people to learn Braille, alternative script, alternative modes, means and formats of communication and orientation and mobility skills and providing peer support and mentoring.
- Supporting disabled people to learn sign language and to promote the language of the deaf community.
- Make sure the education of disabled people, especially children, who are blind, deaf or deaf-blind, uses the most appropriate languages and communication for that person and is in an environment that supports their academic and social development.

To make this right real Governments are required to take appropriate steps to employ teachers, including disabled teachers, who are qualified in sign language and/or Braille and to train staff who work in all levels of education in disability awareness and the use of appropriate and alternative methods of communication, educational techniques and materials to support disabled people.

Employment

You told us:

Employment is important for inclusion. Unemployment causes social exclusion.

It is important that job centre staff do not discriminate and it is vital that they and others use appropriate technology to promote not hinder access to employment opportunities.

You shared your own experiences of losing your job because your employers had not made reasonable adjustments to allow you to work.

Employers need to be made more aware of disability equality and to take their duty to make reasonable adjustments seriously.

Disabled people often go to interviews and get knocked back because of their impairment. There often seems to be very little that can be done about to challenge this.

The court case in England involving a disabled volunteer who had been dismissed by a Citizens Advice Bureau was discussed. You felt that treating volunteers unfairly impacts on disabled people's right to work.

You are concerned about proposed changes in the way people access the employment tribunal and this making it more difficult for disabled people to assert their employment rights.

The length of time it takes to pursue employment tribunal claims is a significant barrier to asserting your employment rights. This can cause significant stress and mental health problems.

What the Convention says about employment

Article 27 of the Convention recognises that disabled people have a right to work. This includes the right to have the opportunity to gain a living by work that is freely chosen, and in an environment that is open, inclusive and accessible to disabled people. As this is an economic, social and cultural right, Article 4 says that there are some things that Governments must do immediately, such as making sure there is no discrimination in employment, and other things that it should be working towards achieving over time. The appropriate steps that Governments are expected to be taking include:

- Making sure disabled people are able to exercise their rights at work and trade union rights on an equal basis as people who are not disabled.

- Making sure disabled people have access to vocational guidance, training and placement services. Promoting ways of disabled people gaining work experience, returning to work, professional rehabilitation and other measures.
- Promoting employment opportunities, work experience, career advancement, return to work, self employment and entrepreneurship for disabled people.
- Promoting the employment of disabled people in the public and private sector.

Technology

You told us:

Making the best use of new technology is important to help disabled people access information and participate in society. People in rural areas often lose out because of the geographical spread of towns and villages. There is usually at least 40 miles between the major towns and so it can be difficult to access local democracy and service providers that are usually concentrated in one or other of the major towns.

Technology is not always perfect, but it helps a lot. We should push on with using and developing technology because it helps disabled people to communicate and reach out to other disabled people.

The speed of broadband internet connection in rural areas is still very slow, poor quality, very variable and unreliable. When the private companies who provide the service have been contacted about this they won't do anything to improve it.

You told us about a big initiative about 12 years ago by Argyll and Bute Council to provide everyone who wanted on the Western Isles with a computer, printer and computer training. You thought this was a great idea and a lot of people who would never have had the chance to learn to use or have a computer now use this technology to communicate and gain access to information. There should be another initiative like this.

Many disabled people cannot afford new computers and because of the changes in paying for personal care services and the impact on disabled people's disposable income buying new technology will just not be possible.

A lot of people do not want to or cannot access information over the internet and need information available in other ways. Therefore, technology should be there as an alternative way for those who can and want to use it, but not instead of locally available information.

What the Convention says about using technology

Article 4 of the Convention requires Governments to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies and to give priority to promote affordable technology.

Article 9 requires Governments to take appropriate steps to ensure equal access to information and communication technologies and systems both in rural and urban areas.

Do disabled people have good access to places, information and communication in Scotland?

In relation to access to information you told us:

The language used to convey important information is often in 'Government speak.' The recent information about completing the census is an example of something important that was hard to understand.

There is a lack of access to information and advice about your rights and equality. For example, the Equality and Human Rights Commission helpline can leave you waiting on the phone for a long time.

The information about how to access benefits is very difficult to understand. A lot of disabled people have to go to advice organisations for help because they are unable to access the benefits they are entitled to as they don't understand the information that is presented to them.

The Scottish Government should be more transparent in how it provides information, in particular, the provision of information in easy read format.

Learning disabled people and people with cognitive impairments have problems maintaining contact with their carer when in hospital settings. You think that not enough thought is given to how to maintain contact between learning disabled adults and their carers while they are in hospital. You are concerned that some learning disabled adults do not get access to information that they need about their care.

There was concern about needing to use phone and helpline services that are not accessible for people with speech or hearing impairments and learning disabled people. You highlighted that not all people with speech or hearing impairments have text phones and that learning disabled people are often not listened to on the phone and services will ask to speak to a parent, rather than the individual.

A learning disabled woman told us of an incident when she called a hospital to ask for help for her sister who was critically ill and no help was provided.

You suggested that when someone called NHS 24 there could be a system in place to record details of an individual's impairment so that

this could be taken into account at this point and also any future calls. NHS 24 could ask routinely whether there are any reasonable adjustments that need to be made to assist the individual in communicating the issue they are calling about.

Not all people want to or can access information via the internet or computers and for these people it is even more challenging to gain access to important information.

You thought that many steps that are taken in the name of achieving disability equality actually benefit people who are not disabled as well. For example, accessible information in public transport is useful for everyone and is also important to make disability equality a normal part of everyday life.

Accessible information needs to be targeted in well used local places like medical practices, public buildings and local shops.

In relation to communication you told us:

About an elderly man who is deaf and living in a care home who is very isolated socially because it is so rare that someone communicates with him in a way that allows him to participate in the conversation. You feel that this and similar experiences of isolation are unnecessary, unacceptable and damaging because of society's inability to communicate with people who are deaf. This could be overcome by more visits by BSL speakers and BSL training amongst staff.

There is concern that this form of social isolation is a problem for a significant number of disabled people in social care.

It is important to treat disabled people with respect, to recognise they are a person and to communicate with them to find out whether what you think is a barrier is actually a barrier.

You asked what could be done to ensure people living in rural areas where there are small numbers of disabled people with specific impairments have equal access to communication support. In Orkney there are approximately four BSL users and there are no BSL interpreters or palantypists.

You were concerned about more vulnerable disabled people being sold contracts and services when they don't understand the cost or what they are signing up for because information is not provided in an alternative format. An example was given about mobile phone contracts. You felt that more advocacy services are required to help learning disabled

people, in particular, make the right decisions about these sorts of things.

The best way for organisations to contact all disabled people is for correspondence from the DWP about benefits and allowances to include accessible leaflets with contact details including electronic mail, free phone lines and postal addresses.

In relation to access to the physical environment you told us:

You thought Access Panels usually work well. However, you didn't understand why they were not allowed to include in their remit access to holiday lets. Why is this? Is it because disabled people are not expected to have holidays?

Different planning protocols for different areas make it difficult to engage in planning decisions. It is generally very difficult to get information on planning processes.

Access to buildings is still a problem with older buildings, but tends to be better now with new buildings because of the guidelines that are in place.

Basic access in rural areas to already built village buildings (e.g. village halls, community centres) is very poor and criticising this or asking for adjustments within the community in which you live is tantamount to ensuring you are shunned.

Building regulations for new build properties differ from access regulations. As such, those implementing building regulations can skirt around the issue of accessibility.

In remote rural areas, the ability to participate in everyday life for disabled people is frequently obstructed by a lack of access. Managers of such buildings appear to believe they are accessible to disabled people when in fact many are actually dangerous to disabled people.

The local hospital in Skye does not have an accessible toilet that people in wheelchairs can use independently and close the door. You are concerned that their dignity seems to be of little concern to NHS staff and managers. More needs to be done to ensure the rights of disabled people are upheld and they are treated with dignity. No-one who is not disabled would accept treatment like this but disabled people are expected to shut up and put up with it. All public buildings should be forced, by law, to have properly qualified Access Auditors to undertake

access audits and be forced, by law, to complete the work recommended by the Access Auditor.

What the Convention says about access to information, communication and the physical environment

Article 9 of the Convention requires Governments to work towards a society where disabled people enjoy the right to live independently and to participate fully in all aspects of life. Governments are expected to be taking appropriate action to make sure disabled people have access, on an equal basis with others, to the physical environment, to transport, to information and communication (including information and communication technologies and systems) and to other facilities and services that are open to the public, in both urban and rural areas. The actions Government are expected to take include:

- Identifying and removing barriers to accessibility
- Developing, promoting and monitoring the implementation of minimum standards and guidelines.
- Making sure that private organisations that offer facilities and services to the public take into account all aspects of providing accessibility for disabled people.
- Providing training on accessibility.
- Providing signs in Braille, easy read and understandable forms in public buildings
- Providing live assistance, including guides, readers and interpreters to allow access to buildings and facilities open to the public.
- Promoting other forms of appropriate assistance and support to ensure access to information.
- Promoting access to new information and communication technologies and systems, including the internet.
- Promoting the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 21 of the Convention also requires Governments to take appropriate steps to make sure disabled people can enjoy the right to freedom of expression and opinion, including the freedom to seek,

receive and communicate information and ideas on an equal basis with others. These steps include:

- Providing information in accessible formats and technologies appropriate to different kinds of impairments in a timely manner and without additional cost to disabled people.
- Accepting and providing the use of sign language, Braille, alternative communication and all other accessible means and formats of communication in official interactions.
- Urging private organisations to provide services to the general public, including through the internet, to provide information and services in accessible and usable formats.
- Encouraging the media, including organisations who provide information through the internet, to make their services accessible
- Recognising and promoting the use of sign languages.

Do you have concerns about disabled people's access to justice where their rights are abused, where they are victims or witnesses of crime, or their right when they are suspected of a crime?

You told us:

Disabled people are afraid about reporting incidents of harassment or bullying to the police.

Learning disabled people are concerned about using and accessing the court system. In particular, there was a fear that they would not be provided with the opportunity to speak for themselves.

There is some knowledge of a scheme provided by the courts to support people but there is also a belief that it is not publicised widely enough.

There is a need for those working in the court system to learn about learning disabilities and for learning disabled people to learn what the courts do and what support is available to them if they need to give evidence or report a crime.

There is a need for early intervention to deal with issues or incidents which may, if allowed to continue, become criminal. You think that alternatives to court actions should be explored such as using proper complaints systems and mediation services.

What the Convention says about access to justice

Article 13 of the Convention requires Governments to make sure there is effective and equal access to justice. To make this a reality Governments need to make sure disabled people can participate in all aspects of the justice system, including during investigations and other stages. There should be appropriate accommodation to enable disabled people to play an effective role whether as victims, witnesses or in any other way, all legal proceedings.

Governments are also expected to promote appropriate training for those who work in the justice system, such as police, court or prison staff.

What can be done to make sure disabled people are free from exploitation, violence and abuse?

You told us:

Bullying can't be eradicated but we need to educate young children about the extent and impact of abuse of disabled people. We need to raise awareness in society of disability, starting at school. There was a good example of practical learning in Fife that started with children having a short experience of sensory impairment, but it was not continued.

You thought drama can be an effective way to raise awareness.

Police, courts and public authorities need to take a zero tolerance to violence, abuse and exploitation of disabled people.

What the Convention says about freedom from exploitation, violence and abuse

Article 16 of the Convention requires Governments to take all appropriate legal, policy and strategy, social, educational and other actions to protect disabled people from all forms of exploitation, violence and abuse both inside and outside the home.

There must be effective legislation and policies to make sure that exploitation, violence and abuse of disabled people are identified, investigated and prosecuted.

Governments are expected to take appropriate actions to prevent exploitation, violence and abuse by making sure there is appropriate support for disabled people, their families and carers. This support should include information and education about how to avoid, recognise and report exploitation, violence and abuse.

Services for disabled people must be monitored by independent organisations to prevent exploitation, violence and abuse.

Governments should take all appropriate actions to promote the recovery, rehabilitation and reintegration of disabled people who become victims of exploitation, violence and abuse, including through protection services. Recovery and reintegration should be in an environment that

encourages health, welfare, self-respect, dignity and autonomy and is appropriate to their age and gender.

Do you think disabled people's right to participate in public life, including in decisions which affect their lives is realised in Scotland. If not, what more should be done?

You told us:

Disabled people are poorly represented in mainstream politics. The lack of access to good education is responsible for poor political participation and representation among disabled people.

Disabled people as well as losing out on education, lose out on being in politics and promoting disability issues in Parliament. If you look at what politicians have got in common, more often than not it is a good education. They do not necessarily all have great qualifications, most do, but they have all had a good quality education and achieved good educational outcomes.

Education is not just about qualifications, but good education empowers people and builds confidence. This is what is needed to inspire disabled people to have the confidence to go into politics.

It is a bit easier for disabled people to participate at the local level and for example, some are involved in Patient Forums to discuss access to health services.

To be able to participate in public life we need education, transport and democratic representation.

Unfortunately, the reality is that politics is something being done to disabled people, not something that disabled people do.

If we consider the life cycle that an individual disabled person goes through, with all the barriers that are put in their place, it is hardly surprising that disabled people don't have the confidence, time or energy to be political.

What the Convention says about participating in public life

Article 29 of the Convention requires Governments to guarantee political rights to disabled people and to make sure disabled people enjoy political rights on an equal basis as others. Governments are required to:

- Make sure that disabled people can effectively and fully participate in political and public life, both directly or through freely chosen representatives. This includes having the right and opportunity to vote and to be elected.
- Make sure voting procedures, facilities and materials are accessible and easy to understand and use, with assistive technology where appropriate. Allowing disabled people to be assisted to vote by someone they choose, where they want this.
- Protect the right to vote by secret ballot in elections and public referendums.
- Protect the right to stand for elections, to hold office and perform public functions at all levels of government.
- Promote and encourage a society where disabled people can effectively and fully participate in public affairs.
- Promote participation in civil society organisations concerned with public and political life and in political parties.
- Supporting disabled people to form and join organisations to represent disabled people at international, national, regional and local levels.

Is the right to private and family life real for disabled people in Scotland

You told us:

There is a lack of understanding about disabled people's right to privacy.

That the lack of financial support available to disabled people poses a threat to the realisation of family rights.

In rural areas there is very little transport and mobility choice so it can be difficult to maintain links with your family.

Introducing guidelines or codes to protect confidentiality could help raise awareness among service providers of privacy issues.

In the health and care sector there is a need for more education of staff and patients in relation to the right to a private and family life.

The conjugal rights of patients in long stay hospitals need to be accepted and provided for.

Private areas in long-stay hospitals, such as en-suite facilities should be provided.

There is very little privacy in care homes, in particular during toilet and sleeping times. For example, CCTV is not regulated or explained to families and patients. Also, you are concerned that female patients cannot select female carers.

What the Convention says about private and family life

Article 22 of the Convention states that no disabled person will be subjected to arbitrary or unlawful interference with his or her privacy, family or correspondence or other types of communication or to unlawful attacks on their honour and reputation. Disabled people have the right to legal protection against such interference or attacks on their privacy.

Governments are also required to protect the privacy of information about disabled people's personal arrangements, health and rehabilitation in the same way as it does for people who are not disabled.

Article 23 of the Convention requires Governments to take effective and appropriate measures to stop discrimination against disabled people in

all matters relating to marriage, family, parenthood and relationships. Amongst other things these measures should make sure that:

- Disabled people who are old enough have the right to freely consent to marry and found a family.
- Disabled people have the right to choose if they would like to have children, when and how many.
- Disabled people have access to appropriate information, reproductive and sex education.
- Disabled people can keep their ability to have children, on the same basis as other people.

People with disabilities should have the same family rights and responsibilities as others, such as rights related to who has legal responsibility for a child, or adoption of children. The best interests of the child must always be taken into account first. However, disabled people, where appropriate, should be provided with support to bring up children.

Do you think that disabled people in Scotland enjoy fully their right to participate in cultural life, recreation, leisure and sport?

You told us:

The lack of accessible and affordable transport in rural areas is a major barrier preventing disabled people from accessing cultural, recreational, leisure and sports facilities.

Steps into buildings, unsuitable flooring and rules about when disabled people can use gym facilities are examples of how difficult it is for disabled people to access these kinds of services. Some places provide 'special' sessions for disabled people but these sessions only take place once a month.

There are still access issues, especially for wheelchair users.

There are many architectural issues with new buildings and hotels that continue to be designed in ways that don't consider the barriers to access for disabled people.

Often when concerns have been raised about being unable to access leisure facilities and cultural activities the solutions that are offered give little thought to whether it is humiliating or undignified to be treated in such a way. For example, a lift had been locked and the person with the key was on a lunch break. The solution that was offered was to be carried up the stairs by a member of staff. In another example someone was asked to enter the building by using a fire exit at the back of the building.

In one community, the lack of road crossings had prevented people from accessing gym facilities. However, advocacy support services had been used to campaign successfully for a crossing to be put in place.

Another barrier to accessing cultural and leisure services is a fear of going out into the community and experiencing name calling by school children. The location of day centres near schools means that some disabled people experience this quite regularly. You feel strongly that there should be more education for children to understand disability and that it should be included in the curriculum.

You told us that you used to be able to go on holiday because personal assistants and support workers would go with you. The cost of paying salaries of staff to support you on holiday used to be met by social services. However, this is not possible anymore because the money has to come from your disposable income and you cannot afford it.

What the Convention say about participating in culture, recreation and sport

Article 30 of the Convention requires Governments to take all appropriate steps to make progress to allow disabled people to enjoy fully the right to participate in cultural life, recreation and sport. The steps they take should result in disabled people enjoying access to:

- Cultural materials in accessible formats.
- Television programmes, films, theatre and other cultural activities in accessible formats
- Places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services and as far as possible enjoy access to monuments and sites of national cultural importance.

Governments are also required to take appropriate action to support disabled people to participate, equally, in recreational, leisure and sporting activities by:

- Encouraging and promoting participation in mainstream sporting activities at all levels.
- Providing an opportunity to organise, develop and participate in disability-specific sporting and recreational activities and encourage equal provisions of instruction, training and resources.
- Making sure there is access to sporting, recreational and tourism venues, including making sure service providers and organisers of recreational, tourism, leisure and sporting activities provide access.

Links to useful information

The Commissions

Report of the joint information and consultation event in Glasgow, 22 January 2010

<http://www.scottishhumanrights.com/application/resources/documents/CRPDPartnershipReport.pdf>

Easy read version

[http://www.scottishhumanrights.com/application/resources/documents/Easy%20Read%20UNCRPD%20report%20\(final,%20October%202010\)%20pdf.pdf](http://www.scottishhumanrights.com/application/resources/documents/Easy%20Read%20UNCRPD%20report%20(final,%20October%202010)%20pdf.pdf)

A guide to the UN Convention

http://www.equalityhumanrights.com/uploaded_files/publications/uncrpd_guide.pdf

Easy read version

http://www.equalityhumanrights.com/uploaded_files/publications/uncrpd_guide_easyread.pdf

The United Nations

The Committee on the Rights of Persons with Disabilities (CRPD) is the body of independent experts that will monitor the implementation of the Convention by the UK Government

<http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>

UN Enable is a UN website with lots of useful information about the Convention and the work of the Committee.

<http://www.un.org/disabilities/default.asp?id=17>