



House of Lords

JOINT COMMITTEE ON HUMAN RIGHTS
COMMITTEE OFFICE, HOUSE OF COMMONS
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House of Commons

29 March 2007

Session 2006-07 No. 28

PRESS NOTICE

THE HUMAN RIGHTS OF ADULTS WITH LEARNING DISABILITIES

CALL FOR EVIDENCE

[N.B. An easy read version of this call for evidence is also being issued: see Press Notice No. 29¹]

The Joint Committee on Human Rights (JCHR) has decided to inquire into the human rights of adults with learning disabilities.² The extent to which the rights of adults with learning disabilities are currently being respected raises fundamental issues of humanity, dignity, equality, autonomy and respect. It also raises important issues of substantive human rights law such as the right to life, the prohibitions on inhuman/degrading treatment and unjustified discrimination, and the right to respect for private and family life. The Committee's inquiry will consider the extent to which the state's positive obligations in this area require the Government to do more to remove the obstacles to such people accessing services and participating in the life of their communities without discrimination.

The opportunity for adults with learning disabilities to access a range of public services and to participate in the life of the community without encountering direct or indirect discrimination (including multiple discrimination), engages a range of human rights contained in the European Convention on Human Rights (ECHR) and other international human rights instruments. The state is required not only to refrain from interfering with an individual's human rights but also, in certain circumstances, to take positive steps to secure the enjoyment of those rights. Further, the duty not to discriminate on disability grounds is contained in the Disability Discrimination Act 1995.

Mistreatment or neglect leading to an individual's death raise Article 2 ECHR issues. Further, a very poor standard of medical care, which poses a risk to life, could breach Article 2. The prohibition on inhuman and degrading treatment (Article 3 ECHR) is relevant to the treatment of adults with learning disabilities, particularly in the healthcare setting. Encompassed in the right to respect for private life (Article 8 ECHR) is the right to respect for an individual's physical and psychological integrity, and the right to form relationships with others. It also requires respect for an individual's family life and home. Article 8 has been interpreted by the European Court of Human Rights as including a right to participate in the life of one's local community. The Court has also recognised that States are under a positive obligation to facilitate such participation. Article 14 ECHR also protects the right of people with learning disabilities to enjoy their Convention rights without unjustified discrimination on grounds of their disability.

A number of relevant "soft law" standards exist in this area. The Committee on Economic, Social and Cultural Rights expressed concern in its last report on the UK about the persistence of de facto discrimination and considerable levels of poverty amongst people with disabilities. It urged the UK to "*take more effective steps to combat de facto discrimination, in particular against ... people with disabilities, especially in relation to employment, housing and education*".³

¹ We are grateful to Mencap for their assistance in preparing the easy read version.

² Also referred to as "learning difficulties"

³ *Concluding observations of the Committee on Economic, Social and Cultural Rights: United Kingdom of Great Britain and Northern Ireland – 05/06/02, E/C.12/1/Add.79. (Concluding Observations and Comments), para. 31*

In December 2006, the United Nations General Assembly adopted the Convention on the Rights of Persons with Disabilities. The Convention will be open for states to sign from 30 March 2007.

In March 2001, the Government published a White Paper *Valuing People: A New Strategy for Learning Disability for the 21st Century* which made proposals for new policies in relation to both children and adults with learning disabilities. The proposals aimed to address the marginalisation and exclusion from society of people with learning disabilities, and to enable individuals and their families to “live full and independent lives as part of their local communities”. In 2005, the Government published *Improving the Life Chances of Disabled People* stating that “by 2025, disabled people in Britain ... will be respected and included as equal members of society”. The Government’s *Adults with Learning Disabilities in England 2003/04* survey, promised in the *Valuing People* report, was published on 28 September 2005. It found that adults with learning disabilities:

1. are often socially excluded;
2. often have little control over their own lives;
3. have few opportunities to be independent; and
4. are more likely than others to have other bad things happening in their lives.

In March 2007, Mencap reported in *Death by indifference* that six adults with learning disabilities had died as a result of inadequate NHS care. Mencap stated that:

“We believe that the real, underlying cause ... is the widespread ignorance and indifference throughout our healthcare services towards people with a learning disability, and their families and carers.”

The Secretary of State for Health announced an independent inquiry into the deaths and their national implications.

Call for evidence

The Committee would welcome evidence about the extent to which the human rights of adults with learning disabilities are currently being respected. The Committee will consider the practical application of human rights principles to:

- the provision of public services such as healthcare, education, housing and welfare benefits to people with learning disabilities, the ability of individuals to access such services and the quality of provision;
- the possibility for adults with learning disabilities to form and maintain personal relationships with others (such as partners, parents and children) and the positive obligations of the state which arise in this context;
- the opportunities for people with learning disabilities to participate in the life of their local community and the state’s obligation to facilitate participation; and
- the potential of the Convention on the Rights of Persons with Disabilities to promote the rights of adults with learning disabilities.

It would particularly welcome views on the ability of people with learning disabilities to make their voices heard in decisions affecting them (including through advocacy services) and the efficacy of the relevant complaints mechanisms.

The Committee would welcome detailed views on practical means of securing the human rights of people with learning disabilities and positive examples of good practice, including by reference to the approach of other countries.

The Committee would welcome written evidence from interested individuals or organizations on any or all of these matters, to reach the Committee by 25 May 2007. The Committee would particularly welcome submissions from individuals or groups of adults with learning disabilities and their families and carers.

Submissions should be addressed to the Commons Clerk of the Joint Committee on Human Rights, Committee Office, House of Commons, 7 Millbank, London SW1P 3JA. Electronic submission is acceptable, but a signed hard copy should also be sent. In any event, witnesses are asked wherever possible to accompany hard copy by an electronic version, preferably in Word format, and emailed to jchr@parliament.uk.

Evidence becomes the property of the Committee, and may be printed, placed on the Internet or circulated by the Committee at any stage. You may publicise or publish your evidence yourself, but in doing so you must indicate that it was prepared for the Committee. Evidence published other than under the authority of the Committee does not attract parliamentary privilege.

THE MEMBERS OF THE COMMITTEE ARE:

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| Mr Andrew Dismore MP (Labour, <i>Hendon</i>) (Chairman) | Lord Fraser of Carmyllie (<i>Conservative</i>) |
| Mr Douglas Carswell MP (Conservative, <i>Harwich</i>) | Lord Judd (<i>Labour</i>) |
| Nia Griffith MP (Labour, <i>Llanelli</i>) | Lord Lester of Herne Hill (<i>Liberal Democrat</i>) |
| Dr Evan Harris MP (Liberal Democrat, <i>Oxford West & Abingdon</i>) | The Earl of Onslow (<i>Conservative</i>) |
| Mr Richard Shepherd MP (Conservative, <i>Aldridge-Brownhills</i>) | Lord Plant of Highfield (<i>Labour</i>) |
| Mark Tami MP (Labour, <i>Alyn & Deeside</i>) | Baroness Stern (<i>Cross-Bencher</i>) |

Clerks of the Committee: Mr Nick Walker (House of Commons) 020 7219 2797 and Mr Bill Sinton (House of Lords) 020 7219 5358

ENQUIRIES: 020 7219 2797/2467 FAX: 020 7219 8393 E-MAIL: jchr@parliament.uk

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