

THE RIGHTS REMOVAL BILL

AND ITS IMPACT ON DISABLED PEOPLE

HOW WILL THE RIGHTS REMOVAL BILL IMPACT ON DISABLED PEOPLE?

The Human Rights Act is an important law which has had a positive impact on the lives of Deaf and Disabled people. It has helped to change mental capacity and mental health laws, secure equal access to public services, prevent discrimination which affects people's quality of life, and it has made courts and tribunals more accessible when the rights of disabled people have been risked. Most importantly, it has encouraged public bodies to think of people as individuals. Replacing the Human Rights Act with the Rights Removal Bill would have a serious negative impact on the rights of Disabled people.

The Rights Removal Bill was presented in parliament after a public consultation which excluded many Disabled people from taking part. More accessible versions of the consultation were only published after a lot of campaigning from Disabled people and organisations which support them. It seems like the impact of this Bill on Disabled people has not been properly considered by the Government, from the consultation period to the contents of the Bill.

The Rights Removal Bill limits the positive obligations on the Government and public bodies to protect rights if they are at risk. Disabled people rely on public bodies meeting their positive obligations to be able to enjoy their rights in a society that is still not fully inclusive to them.

The Bill removes the duty on Government, courts and public bodies to uphold human rights when using other laws. This will create confusion, lead to unreliable decision-making, and remove choice and control for Disabled people who rely on support from public services.

The Bill makes it harder for Disabled people to access justice if their rights have been risked by introducing a permission stage, and if they do get to court their past behaviour will be considered when deciding what compensation to give them. This risks discrimination, puts people off seeking justice and reduces the incentive for public bodies to respect human rights.

The Bill would change how public bodies decide what is a proportionate restriction of our rights. This would lead to blanket restrictions with less consideration for Disabled people's individual circumstances.

THE HUMAN RIGHTS ACT IN ACTION

London Borough of Hillingdon v Neary

Steven was a young man with a learning disability who lived at home with his father, Mark. Steven went into a local authority support unit for a couple of weeks when Mark was ill. The local authority then kept Steven there for over a year against his and his father's wishes. When Steven tried to leave the unit after several months, the local authority signed a Deprivation of Liberty Authorisation and later said they were looking for a long-term placement miles away from his father.

Steven and Mark took a human rights case to court. The court decided Steven's right to liberty (Article 5) had been breached because of the delay in the DoLS assessment. It said his right to respect for family life (Article 8) had also been breached.

OUR BIGGEST CONCERN

The Rights Removal Bill will remove branches from the tree that protects people from the burning sun. It will undermine the universality of human rights, limit the accountability of Government, prevent an expansion of rights protections for Disabled people, and create a shift away individualised decision-making which is crucial to disability rights.