



## Draft report workshop ‘The implications of BREXIT for the rights of disabled people in the UK’, London, 20 March 2017

The workshop was attended by 40 participants and followed by over 50 participants online, and was jointly organised by the European Citizen Action Service (ECAS), the European Network on Independent Living (ENIL) and the European Disability Forum (EDF) as part of the project “Brexit Takeaways”. This project aims to raise awareness among citizens about the possible impact of different Brexit scenarios on their rights and advocate for the best possible deal for them before decision-makers.

The aim of the workshop was to look at the impact Brexit is likely to have on the rights of disabled people and the work of disabled people’s organisations (DPOs), and to discuss how disabled people and their organisations - in the UK and other Member States - can have a stronger voice in the Brexit negotiations.

### Summary of the presentations made

The first part of the workshop featured John Evans OBE, ENIL Advisory Council member and Catherine Naughton, EDF Executive Director, who introduced the seminar and the aims of the workshop, Marta Pont, Membership and Outreach Manager and project coordinator of “Brexit Takeaways” at ECAS, and Law Professor Anna Lawson, Director of the Centre for Disability Studies at the University of Leeds.

Marta Pont presented the findings of ECAS’ study, which considers different Brexit scenarios and their impact on EU citizens’ rights. These include the right of entry and right to live and work in another EU country, the right to establish oneself professionally in another EU country, the right to non-discrimination and EU consumer and passenger rules, amongst others. The conclusion of her presentation was that there is no best alternative to EU membership under which all the different rights associated with EU citizenship can be fully secured. Therefore, a choice will have to be made during the negotiations about which scenario provides the widest guarantees to these rights and can, at the same time, be embraced by those who voted to leave the EU.

Her presentation was followed by an intervention from Professor Anna Lawson on the specific implications of Brexit for the rights of people with disabilities. She gave an overview of the different instruments at EU level that protect and support the rights of people with disabilities. These include the EU Disability Strategy 2010-2020, outlining 8 concrete areas for action, the UN Convention on the Rights of Persons with Disabilities (CRPD), which the EU is a state party to, EU funding streams in support of people with disabilities, as well as the research activities and opportunities for engagement and exchange that the EU has established in the area of disabilities.

She then talked about possible ways to ensure that the disability rights which have been achieved within the framework of the EU are not withdrawn when the UK passes the Great Repeal Bill. She explained that some of these rights have been transposed into UK law as secondary legislation (i.e. statutes) instead of acts of Parliament (primary legislation), and this has implications as it enables the government to repeal them without involving Parliament. One way to make sure these rights are preserved after Brexit is to ensure that they are enshrined in primary legislation and that the Great Repeal Bill does not incorporate a so-called 'Henry VIII clause', which would enable the government to amend primary law without Parliament's scrutiny. Other proposed solutions are to give greater political weight to the CRPD, to which the UK is a signatory, to ensure that accessibility requirements are embedded in UK law in the same way as they are mainstreamed at EU level, or to introduce an equality-compatibility check into any law that is passed in the UK.

Professor Lawson concluded her presentation with remarks of a more outward-looking nature, such as the interest of the UK in maintaining its involvement and cooperation in some EU networks on the topic of disabilities within its future relationship with the EU. The importance of securing the rights of EU workers in the UK who are carers or personal assistants was also highlighted, as well as the need to ensure that EU nationals with disabilities living in the UK for many years are able to obtain permanent residency.

The second panel featured Baroness Jane Campbell, Member of the House of Lords, and Maureen Piggot, President of Inclusion Europe. Their interventions were followed by a debate with the audience, which was moderated by John Evans from ENIL's Advisory Council.

Baroness Campbell warned about the lack of knowledge among UK parliamentarians about how Brexit will play out and how it is going to impact on the rights of people with disabilities. She regretted the lack of briefings on this and emphasised that parliamentarians had to be proactive and find out information by themselves, with the government seeking to limit their involvement in the negotiations as much as possible. Baroness Campbell highlighted the impact Brexit is likely to have on the right to independent living, with many disabled people employing personal assistants from across the EU. She called on people with disabilities and DPOs to contact their MPs and Lords, as well as the government, to raise their concerns about Brexit, give briefing on the risks and threats, so that they can be taken into account when negotiations start.

Maureen Piggot focused her intervention on the impact of Brexit on the specific case of Northern Ireland as a special UK jurisdiction sharing a land border with the EU. She referred to the EU's role in appeasing identity tensions in Northern Ireland and in supporting the peace process, as well as to the different funding streams under the EU Structural Funds and Interregional funds, which have been providing crucial support for access to employment, community development and capacity building, (on inclusive education, among other), as well as inclusion and understanding in Northern Ireland. As a disadvantaged region, with a recent history of serious civil conflict, Northern Ireland faces a range of risks within each BREXIT scenario.

## **Conclusions and recommendations**

The workshop concluded with a debate with the participants and conclusions presented by Neil Crowther. It focused on how to advocate for a better deal for people with disabilities by formulating

common actions for going forward. It was agreed that we need a vision of the UK beyond Brexit- vision of the UK as a socially inclusive state where human rights of all are upheld, and social protection is ensured.

The following actions could be undertaken:

- Drafting of a manifesto with our demands and recommendations;
- Coalition building and finding common cause together with the different civil society organisations (gender, environment and disability): it is important to join up with other NGOs (Liberty, Amnesty International, Greenpeace, Joshua Frase Foundation) working on the issue and with other campaigns (f.e. protecting EU citizens working in the NHS);
- Platform of organisations of persons with disabilities that is created to participate in the CRPD review process of the UK before the UN Committee on the Rights of Persons with Disabilities can be used also for lobbying during the Brexit negotiations;
- Identify how other EU allies can support disabled people in the UK (European Commission, European Parliament, Council, ECAS, ENIL, Inclusion Europe, EDF, Council of Europe, UN, CEDAW and other UN agencies and treaty bodies).

In all our actions, the following ideas and recommendations should be integrated:

- The voices and concerns of all people with disabilities, including children and young people with disabilities need to be heard;
- The likely impact of Brexit on disabled people's enjoyment of CRPD rights, such as the right to independent living;
- Basic information in accessible formats on the negotiations. See, for example <http://mobilecitizens.eu/> for information on migration and residence rights for EU nationals who wish to continue living in the UK after Brexit;
- Clarification on the timeline of the consultation of the UK government and the ways in which we can provide input and voice our concerns;
- Call for democratic accountability and ensure that Parliament has a full scrutiny in every step of the way;
- Call for a high standard Britain (outside the EU) where the rights of the EU citizens in the UK and UK citizens in the EU are respected;
- Ensure that the UK puts political priority on trade and other agreements with the EU before it invests in negotiations with other countries, or regions (mentioning the US as an example)
- Agree on set of high level priorities to advocate for during the negotiations such as accessibility, personal assistance and care, non discrimination and non regression, use of EU funding; the focus should be safeguarding of existing rights, such as non-discrimination and the right to independent living, of disabled people in the UK;
- Ensure that the UK remains a state party to the [Convention for the Protection of Human Rights and Fundamental Freedoms](#) (Council of Europe);
- Ensure that the CRPD is being more integrated into EU law and into domestic law;
- Ensure that the UK DPOs remain a part of the European disability movement, through continued membership of EU level DPOs and joint initiatives.

#### **Download the presentations/outlines:**

1. [Brexit Takeaways – Presentation of ECAS' study findings](#)

2. [Brexit Takeaways – Disability Rights in the UK post-Brexit](#) (by Anthony Valcke)
3. [EU Law and Policy, Disabled People and Brexit](#) (by Anna Lawson)
4. [Co-producing a Brexit deal for disabled people](#) (by Baroness Jane Campbell)

Watch ECAS' video “Disability Rights in the UK post-Brexit”

Read the featured article on *Disability News Service*

Read the blog post on *Dancing Giraffe*: accessible information for disabled people

#### **About the project:**

The debate is a part of the project Brexit Takeaways, which aims to provide citizens with evidence-based information on how the final deal reached between the EU and the UK might impact their rights, in order to allow them to back the best deal when negotiations start and assert their rights once an agreement is reached. A series of events are being organised in London, Northern Ireland, Gibraltar and Belgium, from February to June 2017, to disseminate and discuss the findings of the study on which this project is based. The partners acknowledge the financial support of the Joseph Rowntree Charitable Trust. More at: <http://ecas.org/projects/brexit-takeaways/>