



Submission to the UN Committee on Economic, Social and Cultural Rights
upon its consideration of the 7th periodic report by the United Kingdom of
Great Britain and Northern Ireland
December 2025

About SCLD

The Scottish Commission for People with Learning Disabilities (SCLD) promotes respect, protection and fulfilment of the human rights of people with learning disabilities.

Our vision is of a fairer Scotland where people with learning disabilities live full, safe, loving and equal lives. We influence the development of policy, practice and legislation with a focus on human rights, leadership and evidence. We are respectful, inclusive, collaborative and pioneering.

Terminology

The community of people with 'intellectual disabilities' in Scotland generally prefers to identify with the term 'learning disabilities'. As such this report will talk about 'people with learning disabilities' rather than 'people with intellectual disabilities' or 'people with intellectual impairments' which are terms more widely understood outside the UK.

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1. Discrimination, Inequality and Human Rights Abuse

1.1 People with learning disabilities in Scotland continue to experience long-term systemic discrimination, multi-layered trauma, exclusion, stigma, poor outcomes and daily denials of their human rights. They experience barriers to accessing rights across a wide range of domains including active citizenship, full engagement in civil and public life and a lack of access to justice, independent

living, education, employment, relationships, and family life¹. A national survey found that only 5% of 1232 people with learning disabilities in Scotland lived with a partner, compared to 56% of the general population.²

1.2 People with learning disabilities want and deserve their rights to be respected, protected and fulfilled in the same way as every other citizen in Scotland but current legislative provisions, policy and service delivery do not enable this. People with learning disabilities daily face direct, indirect and multiple forms of discrimination on all grounds, without access to an effective remedy. The inter-sectionality of discrimination is disempowering and unjust.

1.3 As the State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) the UK Government has ultimate responsibility for these rights. However, the Scottish Government also has responsibility for human rights in devolved policy areas including health, social care and education as well as some elements of work and social security.

1.4 SCLD believes civil society has an important role to play in making the case to the UN Committee for the incorporation of international human rights into Scotland's domestic law. The reporting and monitoring cycle offers an opportunity to provide robust evidence of human rights abuses in Scotland and highlight that existing human rights protections in Scotland are not enjoyed equally.

1.5 As noted in the UK's response to the Committee's List of Issues, the Scottish Government committed to incorporate ICESCR, CEDAW, CERD, CRPD into domestic law. However, the Scottish Government announced in September 2024 that this would now be delayed until after the Scottish Parliament election in 2026.

1.6 It is vital that work to incorporate international human rights treaties is not further delayed. SCLD believes that the Scottish Government must fulfil its promise of a Scottish Human Rights Bill to set the necessary minimum core standards into Scots law, require rights and duties to be enforceable, and meaningfully address the decades of systemic discrimination faced by people with learning disabilities.

¹ [SCLD's LDAN Bill Consultation Response \(2024\)](#)

² [Relationships matter for people with learning disabilities - SCLD](#)

1.7 Recommendation:

- The Committee ask the Scottish Government incorporate ICESCR in domestic law and give effect to economic, social and cultural rights to the maximum extent possible within devolved competence. The law should set out specific measures to ensure the full justiciability of economic, social and cultural rights in Scotland on devolved matters such as health, education and training.

2. The right to work including the right of everyone to the opportunity to gain his living by work

2.1 Employment outcomes for people with learning disabilities are amongst the lowest of any group and there is no evidence of progress being made³.

2.2 Available data suggests that the employment rate for people with learning disabilities is between 4-8% and 29% for autistic people, compared with Scotland's national employment rate of 82.5% for non-disabled people and 50.7% for disabled people⁴. However there is a lack of disaggregated data to ascertain the extent of the problem. The failure to disaggregate the collected data enables the extent of discrimination and disadvantage to be hidden.

2.3 There are multiple barriers faced by people with learning disabilities to secure, retain and progress in work. These include lack of accessible recruitment and interview processes, employers attitudes, stigma and discrimination in the workplace, low aspirations and expectations from significant others, absence of reasonable adjustments, limited opportunities for progression and complexities of the welfare system⁵.

2.4 Poor educational opportunities and transition planning alongside negative assumptions made about people with learning disabilities are also a factor and can prevent people with learning disabilities from establishing economic security⁶.

³ [Fraser of Allander Institute \(2021\) Scotland's employment landscape for people with learning disabilities](#)

⁴ [Learning Disabilities, Autism and Neurodivergence Consultation Bill](#)

⁵ [NDTi \(2022\) Research about work and learning disability](#)

⁶ [The State of Our Rights, SCLD \(2023\)](#)

2.5 Recommendation:

- The Committee ask the Scottish Government to set out a strategic and legal roadmap to address discrimination and include positive action to encourage and enable people with learning disabilities to enjoy the right to work.
- The Committee ask the Scottish Government to undertake the collection disaggregated data to provide a baseline and subsequently, annual statistics on people with learning disabilities in education, training and employment.

3. Adequate standard of living and social protection

Education

3.1 People with learning disabilities' experience of poverty relates to their economic exclusion, low levels of support and limited life choices. This often begins at an early age due to a lack of early years' provision for children and young people with learning disabilities, and extends into educational opportunities throughout their childhood, teenage years, and young adulthood.

3.2 For example, SCLD's research⁷ examining early learning provision for children with learning disabilities in Scotland illustrated a complex, fragmented system that can lead to children and young people with learning disabilities missing out on funded early learning and childcare places. These barriers continue into school education, with Enable Scotland finding that 52% of 116 children and young people with learning disabilities said they were not getting the right support at school⁸.

3.3 Recommendation:

- The Committee ask the Scottish Government to increase access and accessibility of early learning and childcare provision for children with learning disabilities and monitor and enforce this through the UNCRC Act Children's Rights Scheme.

⁷ [Building Blocks, SCLD \(2022\)](#)

⁸ [Included in the Main, Enable Scotland \(2022\)](#)

Transitions

3.4 Children and young people with learning disabilities often have negative experiences when transitioning into adulthood and from children's to adult services. Research has found that people with learning disabilities expressed widespread dissatisfaction with their transition planning. This is supported by a study from ARC Scotland and the Scottish Transitions Forum, which shows that children with additional support needs experienced a significant gap between their ambitions and reality in the transition process⁹.

3.5 Recommendation:

- The Committee ask the Scottish Government to increase resources and localised transitions programmes to support children and young people with learning disabilities to access support and fulfil their potential.

Social Security and Social Care

3.6 Reforms and cuts to the UK's social security system, including the use of sanctions and the benefit cap, have led to increased financial hardship for many individuals. The failure to index benefits to the cost of living, has exacerbated poverty, particularly for women and marginalised groups including people with learning disabilities. The Adult Disability Payment has replaced the Personal Independence Payment (PIP) in Scotland. While this is a positive change, the continued focus on isolated 'activities' that someone can undertake within the eligibility criteria can create additional barriers to people with learning disabilities accessing these payments.¹⁰

3.7 People with learning disabilities have highlighted that care charges and barriers in accessing disability payments stopped them from being able to live the life they chose. These concerns are supported by research highlighting that local authority thresholds for receiving social care have risen over the past decade. That means people are unable to live independently, unable to decide when to go out,

⁹ [The State of Our Rights, SCLD \(2023\)](#)

¹⁰ [The State of Our Rights, SCLD \(2023\)](#)

where to go, when to see friends and family, get shopping and cook dinner. Basic choices we all take for granted.

3.8 People with learning disabilities have also reported that increasingly they have to be assessed as having a 'critical' need to be eligible for self-directed support. Increasingly local authorities decide the 'need' with the budget that is 'available' even if some people have control over their 'care budget' under the self-directed support rules. The same report highlighted that additional care charges for individuals vary from area to area and are subject to frequent increases.¹¹

3.9 Recommendation:

- The Committee ask both the UK and Scottish Government to deliver a human rights-based approach based on the PANEL principles¹² to social security which is person-centred and takes account of the social and structural barriers which infringe on people with learning disabilities' right to independent living and equal participation in society.
- The Committee ask the UK and Scottish Government to direct and resource public authorities to adequately support independent living and inclusion in the community for people with learning disabilities and set and enforce minimum core obligations, the absolute minimum standards necessary for compliance with the ICESCR. In particular the MCOs would cover an adequate standard of living, as well as ensuring that public authorities' decisions on resource prioritisation are not discriminatory in effect in relation to people with learning disabilities.

4. Equality and non-discrimination

Hate Crime

4.1 Data on reported crimes collected in 2020-21 showed that in nearly three-quarters of disability-aggravated hate crimes (73%), the perpetrator showed prejudice towards those with a learning disability. Furthermore, the data found that

¹¹ [The State of Our Rights, SCLD \(2023\)](#)

¹² [SHRC: PANEL Principles - Participation, Accountability, Non-discrimination, Empowerment and Law](#)

people with learning disabilities said they were often not believed when they reported crimes¹³.

Gender based violence

4.2 SCLD's 'Unequal, Unheard, Unjust: But Not Hidden Anymore' research highlighted that there is no consistent approach across Scotland to enable women with learning disabilities to access support and justice when they experience gender-based violence. Furthermore, women with learning disabilities encounter significant barriers to disclosing and reporting crimes of gender-based violence including fear of being subjected to Adult Support Protection, guardianship and child protection procedures. These were common routes of referral, frequently leading to additional discrimination and trauma. Additional barriers included limited access to safe spaces and appropriate adults, and not being believed or taken seriously.

4.3 SCLD also found it was particularly challenging for women and girls with learning disabilities to identify and respond to incidents of gender-based violence and abuse. This was attributed to a lack of education programmes focusing on sexual health, relationships and parenthood in addition to support needs educational provision and other settings.

4.4 Recommendation:

- The Committee ask the Scottish Government to review the appropriateness and effectiveness of referrals based on women with learning disabilities experiencing gender-based violence and increase support and resources for all gender-based violence services to support women with learning disabilities effectively.

4.5 Recommendation

- The Committee ask the Scottish Government to mandate and resource trauma informed practice for all health and social care professionals and facilitate access to supported decision-making for women with learning disabilities in all gender-based violence services.

¹³ [The State of Our Rights, SCLD \(2023\)](#)

5. Highest attainable standard of physical and mental health

5.1 On average, people with learning disabilities die 20 years earlier than the general population. Children with learning disabilities were 11 times more likely to die in childhood than their nondisabled peers. From 2011 to 2022, 260 children and young people with learning disabilities died in Scotland. The causes of many of their deaths were avoidable, treatable, and preventable.¹⁴

5.2 The Dynamic Support Register (DSR) is designed to help professionals working with people with learning disabilities identify and address risks of admission to hospital or out-of-area placement and support the development of local community placements. There are 1,463 people with learning disabilities and complex needs on local DSRs. Of those, 489 were classified as urgent with 192 people in hospital, of which 83 were classified as a delayed discharge, 75 people recorded as an inappropriately out-of-area placement and 222 people recorded as at risk of support breakdown¹⁵.

5.3 More than 23% of those with learning disabilities and complex needs in hospital have been in hospital for over ten years and a further 14% of people have been in hospital for between 6-9 years. 25% of those who are delayed discharge have been delayed for between 2-5 years and 13% have been delayed for over 6 years¹⁶.

5.4 There is evidence that, antipsychotic medications are being used to manage 'problem behaviours' with widespread use of 'off-label prescribing' of these medications for people with learning disabilities. Research by the SLDO found that adults with learning disabilities are prescribed antipsychotic drugs at much higher rates than reported rates of psychosis among people with learning disability¹⁷.

5.5 These findings are supported by a population-based cohort study of 1023 adults with learning disabilities which showed that 49.5% were taking some form of psychotropic drug, with 23.5% taking an antipsychotic drug despite only 4.4% having

¹⁴ [Avoidable deaths in children and young people with learning disabilities in Scotland | Our research | Scottish Learning Disabilities Observatory \(sldo.ac.uk\)](#)

¹⁵ [Insights into Learning Disabilities and Complex Needs: Statistics for Scotland](#)

¹⁶ [Insights into Learning Disabilities and Complex Needs: Statistics for Scotland](#)

¹⁷ [SLDO \(2017\) 10 years of anti-psychotic prescribing in Scotland](#)

a psychotic disorder. There was a similarly high rate of prescription of other drugs such as antidepressants, anxiolytics, and mood stabilisers. These psychotropic drugs are frequently prescribed to people with learning disabilities on a long-term basis despite significant side effects which pre-dispose to premature mortality, including obesity, metabolic syndrome, and diabetes and with no reliable evidence of effectiveness beyond sedation¹⁸.

5.6 Recommendation:

- The Committee ask the Scottish Government to ensure monitoring of health data for people with learning disabilities is funded and delivered nationally and published on a regular basis for independent audit and review.

5.7 Recommendation:

- The Committee ask the Scottish Government to facilitate accountability, national scrutiny and joint working to deliver sustainable solutions for people with learning disabilities and complex needs to ensure that their health, care and housing needs are met and realise their rights to independent living in the community.

5.8 Recommendation:

- The Committee ask both the UK and Scottish Government to ensure that all use of psychotropic medication is accompanied by structured reviews which are accessible, incorporating best practice on shared decision making and supporting people with learning disabilities to have an understanding of alternatives and side effects.

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¹⁸ [SCLD submission to SMHLR 2020](#)