

Equality & Human Rights in Health & Social Care

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Programme

- Equality and non-discrimination
- Equality Act 2010
- Human Rights Principles
- Human Rights Act 1998
- UN Convention on the Rights of Persons with Disabilities

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s1 Care Act 2014 ~ well-being principle

"Well-being" relates to:

- (a) personal dignity
- (b) physical / mental health / emotional well-being;
- (c) protection from abuse and neglect;
- (d) control over day-to-day life inc nature of care provided;
- (e) participation in work, education, training or recreation;
- (f) social and economic well-being;
- (g) domestic, family and personal relationships;
- (h) suitability of living accommodation;
- (i) the adult's contribution to society.

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s1 Care Act 2014 ~ well-being principle

"Well-being"

LA must have regard to—

- (a) assumption that the 'individual' is best placed to judge well-being;
- (b) individual's views, wishes and feelings;
- (c) take into account all the individual's circumstances (and non-discriminatory in terms of stereotyping etc);
- (d) individual participating (with support if needs be) as fully as possible in decisions about them;
- (e) a balance between the individual's well-being and that of any friends or relatives involved in their care;
- (f) the need to protect people from abuse and neglect;
- (g) any restrictions kept to the minimum necessary.

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NHS Constitution (2021)

'Respect, consent and confidentiality

You have the right to

- be treated with dignity and respect, in accordance with your human rights.
- be protected from abuse and neglect, and care and treatment that is degrading.
- accept or refuse treatment that is offered to you,
- not to be given any physical examination or treatment unless you have given valid consent.
- be given information about the test and treatment options available to you

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Equality

'equals should be treated equally and unequals unequally'

'injustice is when the equal are treated unequally, and the unequal are treated equally'

Aristotle

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Equality

'equal treatment' means dividing the available goods between everyone and giving them similar shares,

'treating people as equals' means treating them in accordance with their own requirements or aspirations, while preserving fairness between the shares

Dworkin

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Discrimination

Equal treatment

- **Not treating people the same**

But

- **Treating people according to their needs** – which may be different:

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Equality

Subtle ways of continuing to discriminate

Separate but equal

- *Brown v. Board of Education* (1954) U.S. Supreme Court unanimously segregated public schools were "inherently unequal"
- Special education and 'special schools'
- Marriage and Civil Partnerships

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UK & Equality Law

- *Somerset's case* (1772)
- *Kruse v Johnson* (1898)
- Race Relations Act 1965
- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Disability Discrimination Act 1995
- EU Race Directive 2000/43/EC
- EU Equal Treatment Directive 2000/78/EC
- Gender Recognition Act 2004
- Equality Act 2010

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Equality Act 2010

consolidated all discrimination laws:

Covers people with a 'protected characteristics' (section 4);

• age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

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Equality Act 2010

section 13:

Direct discrimination

~ discrimination because of a protected characteristic.

Not offering a person a job because:

- she is of child bearing age;
- he is Muslim etc:

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Equality Act 2010**Direct discrimination**

No justification – except:

Age

If a proportionate means of achieving a legitimate aim' eg

policies that link pay and benefits to an employee's length of service

A proportionate way of encouraging staff loyalty

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Equality Act 2010**Direct discrimination**

No justification – except:

Genuine occupational requirement:

- Sikh carer
- Black actor for Othello
- Female as a midwife?

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EU Equal Treatment Directive 2000/78/EC**Coleman v Law (2008)**

Miss Coleman claimed that she was dismissed because she took time off to care for her disabled son

She argued that this contravened the Directive since she was dismissed for a disability related reason

In July 2008 the European Court of Justice gave judgment in her favour

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Directive 2000/78/EC**Disability Discrimination Act 1995 (now repealed)**

Unlawful to discriminate against a disabled person on grounds of disability

Equal Treatment Framework Directive

Unlawful to discriminate against a person for a prohibited ground

Eg sex, race, disability, age, religion, sexual orientation

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Coleman v Law (2008)**Advocate General**

- new and subtle ways:
- [disabled people] are often more vulnerable than the average person, so they have come to rely on individuals with whom they are closely associated for help in their effort to lead a life according to the fundamental choices they have made.

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Equality Act 2010**section 13:**

Direct discrimination ~ includes 'Associative discrimination'

Discrimination against someone because they are associated with another person with a protected characteristic eg:

- a carer
- their partner is from another country.

"but for my relationship with ... this would not have happened".

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Follows v Nationwide B Soc
[2021] UKET 2201937/2018

- Mrs Follows employed by Nationwide as a Senior Lending Manager (SLM) on a homeworker contract and (but attended 2/3 days pw). She worked from home as she was a carer for her disabled mother.
- Nationwide decided to reduce the number of SLMs and introduced a requirement that they be office based arguing that this improved staff supervision.
- Mrs Follows was made redundant.

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Follows v Nationwide B Soc
[2021] UKET 2201937/2018

DECISION

- Under the Equality Act 2010 a victim does not need to have the protected characteristic.
- The provision that SLMs be office-based put Mrs Follows at a substantial disadvantage because of her association with her disabled mother.
- Nationwide was fully aware of this but failed to discuss alternatives and ignored her arguments.
- There were other non-discriminatory ways of achieving the aim of improving supervision.

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Associative discrimination

- A pub allows a mother with her child who has cerebral palsy to drink in their beer garden but not in their family room;
- The carer could complain of direct discrimination because of disability

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Equality Act 2010

section 19: ~ indirect discrimination :

- Neutral policies (ie that apply to everyone) but which have a disproportionate adverse impact on (say) older or disabled people;

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Equality Act 2010

Indirect discrimination:

- A council holds its consultation meetings on a weekday evening, it discovers that fewer women than men attend.
- A woman complains that this is because the women (including herself) cannot come because of childcare responsibilities.
- This is enough to demonstrate disadvantage and she does not have to show that the absence of women is attributable in particular cases to childcare responsibilities.

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Equality Act 2010

Indirect discrimination:

Can be justified – but

Intent is irrelevant; and

Once credible evidence established;

- Burden shifts to the person / body which has the policy or practice to justify it
- What amounts to credible evidence?
- Statistics
- Policy / local guidelines creating presumptions etc.

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Equality Act 2010

s15: Discrimination arising from disability

Makes it unlawful if the person is:

- treated unfavourably because of something arising "in consequence of" his or her disability; and
- the action is not shown to be 'a proportionate means of achieving a legitimate aim'

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Equality Act 2010

s6: Disability

A physical or mental impairment which has a 'substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities'

- duty to undertake reasonable adjustments (ie reactive)

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Equality Act 2010

Disability & reasonable adjustments

1. Duty is engaged where a
2. "provision, criterion or practice"
3. Physical barrier
4. Lack of auxiliary aid
5. Puts the DP at a "substantial disadvantage" compared to persons who are not disabled.

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Equality Act 2010

section 26: ~ Harassment:

unlawful for a person to harass a person with a protected characteristic [PC] if:

- s/he 'engages in unwanted conduct related to the PC and
- the conduct has the purpose or effect of (i) violating [the person's] dignity, or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for [the person].

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Equality Act 2010

section 27: ~ Victimisation

- Discrimination against someone because they made or supported a complaint under Equality Act 2010.

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Equality Act 2010

Public sector equality duty ~ s149:

- Duty on public bodies – such as local authorities and the NHS – to ensure that their policies and practices do not have an adverse impact on disabled (and other) persons
- Proactive rather than reactive
- In developing new policies or reviewing existing ones the body must have 'due regard' to the need to:

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Equality Act 2010

Public sector equality duty ~ s149(1):

- (a) eliminate discrimination, harassment, victimisation and any other prohibited conduct;\
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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Equality Act 2010

Public sector equality duty ~ s149:

- A general obligation
- Consideration before decision made
- The duty is a substantial one
- A non-delegable duty
- It is a continuing duty.
- Duty to record

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Equality scenarios

1. No dogs allowed in this café?
2. Jane is refused promotion because of her caring responsibilities for her elderly mother?
3. No blind people can apply for this job (driving instructor) ?
4. Only people over 5 feet 9 inches can apply for this job (police officer)?
5. Autistic child excluded from dentist due to swearing (it has a zero toleration policy).

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Human Rights & the European Convention on Human Rights

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Human Rights Act 1998

Section 2

- Must take into account, decisions of the European Court of Human Rights ...

Section 3

- So far as it is possible to do so, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights.

Mendoza v Ghaidan (2004)

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Human Rights Act 1998

Section 4

Declaration of incompatibility.

Only if court can't re-interpret under s3

High Court / Court of Appeal / Supreme Court

R v MHRT ex p H (2001) concerned s72 MHA 1983 which placed the burden of proof on a detained patient to establish grounds for discharge rather than the hospital to prove that detention was necessary.

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Human Rights Act 1998

Section 6

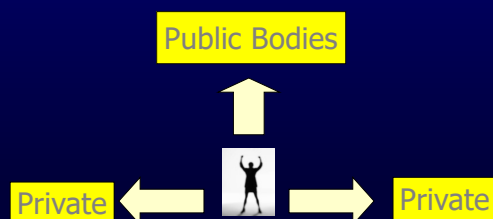
Unlawful for a public authority to act incompatibly with a Convention right

- s6(3) a public authority includes:
any person certain of whose functions are functions of a public nature
- 6(6) an 'act' (for the purposes of 6(1)) includes a failure to act — and so inactivity by a public authority can violate a Convention right

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The Public / Private dilemma

Vertical & Horizontal rights



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Public bodies

In *YL v Birmingham City Council* (2007) the House of Lords held that a private care home was not a 'core' public authority for purposes of s6 Human Rights Act 1998

s145 Health & Social Care Act 2008 reversed this decision for people receiving social care under the Care Act 2014, funded by a local authority (now in s73 Care Act 2014).

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Public bodies

R (Sammut) v Next Steps Mental Healthcare Ltd and others [2024] EWHC 2265 (KB)

It was held that a private provider accommodating a person under s117 MHA 1983 was not a public authority for the purposes of the HRA 1998 and so could not be sued under the HRA 1998 for a deprivation of liberty

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Convention Rights

Article

- 2 ~ Right to life
- 3 ~ Torture / degrading treatment
- 5 ~ Liberty
- 6 ~ Fair Hearing
- 8 ~ Private & Family life
- 14 ~ Discrimination
- Protocol 1 article 1 ~ right to peaceful enjoyment of property

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Vocabulary of Rights

- Positive /Negative rights
- Absolute v Qualified
- Positive obligations
- Margin of Appreciation
- Living instrument
- Proportionality

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Article 2 right to life

Duty to protect vulnerable adults *Keenan v UK* (2001) ~ suicide risk prisoners did not violate article 2 – (but did article 3).

Renolde v France (2008) on similar facts, violation found

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Article 3

No -one shall be subjected to torture or to inhuman or degrading treatment or punishment

Minimum severity

Costello-Roberts v UK

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Substantive vs. Positive Obligations

Article 3

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Substantive vs. Positive Obligations

Article 3

Severe violations

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Substantive vs. Positive Obligations

Article 3

Torture

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Substantive vs. Positive Obligations

Article 3

Torture

Failing to protect

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Substantive vs. Positive Obligations

Article 3

Substantive

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Substantive vs. Positive Obligations

Article 3

Substantive

Positive obligation

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Substantive vs. Positive Obligations

Article 3



Substantive


Positive obligation

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Substantive vs. Positive Obligations

Article 3

Ireland
v
UK
(1978)




Substantive Positive obligation

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Substantive vs. Positive Obligations

Article 3




Substantive Positive obligation

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Substantive vs. Positive Obligations

Article 3

Tyrer
v
UK
(1978)

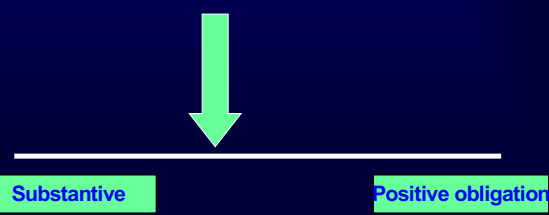


Substantive Positive obligation

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Substantive vs. Positive Obligations

Article 3

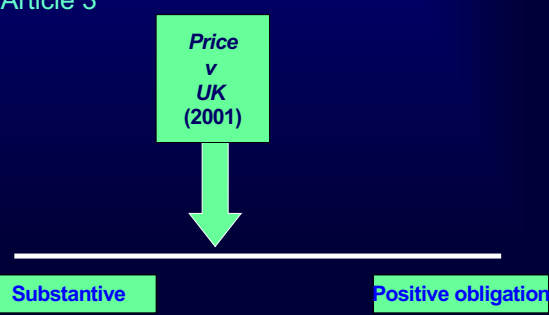


Substantive Positive obligation

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Substantive vs. Positive Obligations

Article 3

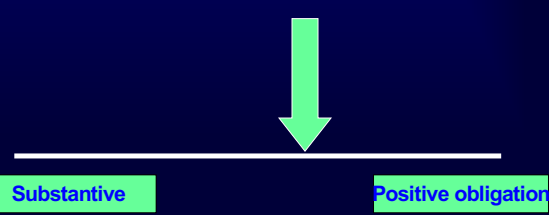


Substantive Positive obligation

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Substantive vs. Positive Obligations

Article 3




Substantive Positive obligation

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Substantive vs. Positive Obligations

Article 3

Assenov
v
Bulgaria
(1998)




Substantive Positive obligation

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Substantive vs. Positive Obligations

Article 3




Substantive Positive obligation

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Substantive vs. Positive Obligations

Article 3

Z
v
UK
(2001)



Substantive Positive obligation

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Substantive vs. Positive Obligations

Article 3

R (B) v DPP (2009)

Substantive Positive obligation

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Substantive vs. Positive Obligations

Article 3

Treatment Decisions

Substantive Positive obligation

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Substantive vs. Positive Obligations

Article 3

Herczegfalvy v. Austria (1992)

Substantive Positive obligation

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Article 5

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
 - (a) the lawful detention of a person after conviction by a competent court;
 - (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
 - (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
 - (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
 - (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
 - (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
3. Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.
4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

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Article 5

1. No one shall be deprived of his liberty save in accordance with a procedure prescribed by law AND:
 - (a) after conviction;
 - (b) non-compliance with order of a court;
 - (c) Arrest on reasonable suspicion of having committed an offence;
 - (d) a minor by lawful order for educational supervision;
 - (e) persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
 - (f) detention to prevent unauthorised entry /with a view to deportation or extradition.

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Deprivation of liberty

Mental health ground

Must be

- In accordance with a procedure prescribed by law

AND

- limited to persons of unsound mind, alcoholics or drug addicts or vagrants;

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Article 5(1)(e)*Winterwerp v the Netherlands (1979)*

1. Objective medical evidence.
2. Sufficiently extreme to justify the detention.
3. Detention only permitted as long as the medical disorder persists.
4. System of periodic reviews if potentially indefinite.
5. Detention must be in a therapeutic institution.

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Article 5(1)(e)*HL v UK (Bournewood case) 2004*

Informal detention of mental health patients under the common law violated Article 5 as 'not in accordance a procedure prescribed by law.

- Introduction of DoLS

P v Cheshire West (2014)

The 'acid test' for detention under Article 5(1)(e) is whether the person:

- Lacks capacity to consent to their care;
- Is not free to leave
- Is under continuous supervision and control

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Article 5(4)

- Right to review of the legality of the detention – speedily before a court

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Article 6

Right to a fair hearing

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1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
- (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
 - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

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Article 6(1)

In the determination of a person's civil rights and obligations or of any criminal charge everyone is entitled to a fair and public hearing; within a reasonable time; by an independent and impartial tribunal established by law.

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Article 8

Right to 'respect' for private and family life, home and correspondence

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Article 8

- 1. Everyone has the right to respect for his private and family life, his home and his correspondence.
- 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of other

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Article 8(1)

The right

- Everyone has the right to respect for
- their private and family life
- their home and
- their correspondence.

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Article 8(2)
The permitted restrictions

1. in accordance with the law: &
2. has a legitimate aim; &
3. is necessary – ie is not 'disproportionate'

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Private life

Botta v Italy (1998)

- a 'person's physical and psychological integrity'
- for which respect is due in order to
- 'ensure the development, without outside interference, of the personality of each individual in his relations with other human beings'

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Article 8

Sexual rights

Gay rights ~ *Norris v Ireland*

Transsexual rights ~ *Christine Goodwin v UK*

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Article 8

Harm / illness /treatment

- Abuse ~ *X & Y Netherlands*
- Treatment without consent *X v Finland* (2012)

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X v. Finland (2012)

- Forced treatment interferes with a person's Article 8 rights
- Forced treatment requires a domestic law procedural protection to avoid arbitrary interference of this kind
- Violation as Finish law did not provide for court to rule as to the lawfulness and proportionality of such treatment

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Private life

Information

- Medical records ~ *Z v Finland*
- Personal files ~ *Gaskin v UK*
- Environmental information ?

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Private life

Disabled People

- Serious discomfort ~ *Price v UK*
- Access ~ *Botta v Italy*

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Article 8(2) The permitted restrictions

1. in accordance with the law; &
2. has a legitimate aim; &
3. is necessary – ie is not disproportionate

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Article 8(2)

Legitimate aim

- In the interests of national security
- Public safety
- The economic wellbeing of the country
- The prevention of disorder or crime
- The protection of health or morals
- The protection of the rights and freedoms of others

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Proportionality

1. Is it effective *Observer v UK* (1991)
2. Is it the least intrusive possible?
3. Does it deprive the 'very essence of the right'.
F v Switzerland (1987)
4. Is it reasonable / balanced (*Gaskin v UK*)

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L Clements & A L Aiello
*Institutionalising parent carer
blame* (Cerebra 2021)

Cerebra Legal Entitlements
and Problem-Solving (LEaP)
Research Report



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Institutionalising parent carer blame (2021)

Research & findings

- Families who contacted their authority for support for their disabled child, reported that they were treated as neglectful / inadequate parents;
- Assessors visited their homes and insisted on seeing the child's bedroom and interviewing them alone;
- Families left distraught and humiliated;
- Assessors given no training or guidance as to when it would be appropriate / inappropriate to do this;

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Why

Why do LAs insist that:

- the disabled child be interviewed alone?
- their bedroom be inspected?
- there be 6 weekly home visits / and possibly one unannounced visit each year?
- How can action of this kind be justified in terms of the fundamental human rights of families?

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Assessors 'routinely entering 'families' most intimate spaces': going 'right into the heart of families' inner space – into their bedrooms, bathrooms and kitchens'

H Ferguson 'Making home visits: Creativity and the embodied practices of home visiting in social work and child protection' *Qualitative Social Work* 2018, Vol. 17(1) 65–80 at 67.

The right to respect for private and family life, home and correspondence

There shall be no interference by a public authority with the exercise of this right except ...



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Proportionality

1. Is it effective
2. Is it the least intrusive possible?
3. Does it deprive the 'very essence of the right'.
4. Is it reasonable / balanced

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Article 14 Non-discrimination

The ... rights ... in this Convention shall be secured without discrimination

On any ground

- such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

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Article 14

A 'parasitic' right

It must be linked with another article

- *R v Manchester CC ex p L (2001)* A council 's policy of paying short term foster parents who were friends or relatives of the fostered child, significantly lower rates than other foster carers was discriminatory under Article 14 / 8 and failed to strike a fair balance, since it worked contrary to the council's obligations to promote family life under article 8.

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Thlimmenos v Greece (2000)

Facts

- refused admission as a qualified accountant
- the rules applied to everyone

Discrimination:

- Treating similar people differently
- Treating different people the same

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Article 14

Gorry v. Wiltshire CC (2012)

- Richard Gorry his wife and their 3 children lived in a four-bedroom rented house.
- Two of the children were girls were aged 10 & 8.
- One of the girls has Down's Syndrome, the other had Spina Bifida.
- The family were on a low income and need help with their housing costs

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Gorry v. Wiltshire CC (2012)

It was accepted that it was inappropriate for the two girls to share a bedroom in the way in which able-bodied sisters of those ages would be expected to do.

95

Gorry v. Wiltshire CC (2012)

A bedroom tax had been introduced by the Government to stop 'under-occupation'

Entitlement to one bedroom for:

- (a) a couple;
- (b) an adult;
- (c) two children of the same sex;
- (d) two children under 10 years old;
- (e) a child.

Mr Gorry & Wife
2 daughters (10 & 8).
Third child

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Gorry v. Wiltshire CC (2012)

Housing Benefit Regulations 2006

Entitlement to one bedroom for:

- (a) a couple;
- (b) an adult;
- (c) two children of the same sex;
- (d) two children under 10 years old;
- (e) a child.

Mr Gorry & Wife	=	1
2 daughters (10 & 8)	=	1
Third child	=	<u>1</u>
		3 bedrooms

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Gorry v. Wiltshire CC (2012)

Breach of Article 14 ECHR (discrimination) with Article 8

Failing to treat different people differently

Thlimmenos v Greece (2001)

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Gorry v. Wiltshire CC (2012)

Housing benefit is concerned with a 'basic human need for accommodation of an acceptable standard'

Article 14 requires that schemes 'should have been constructed to include exceptions ... for severely disabled individuals'.

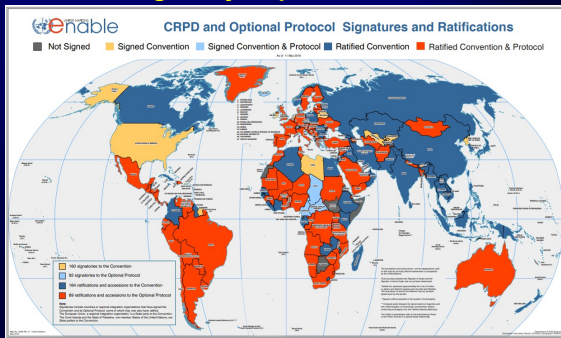
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UN Convention on the Rights of Persons with Disabilities

Opened for signature 30 March 2007/3/07
Came into force in 2008 when ratified by the 20th state

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Signatory map



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Legal status in UK

- Not incorporated
- Persuasive if domestic law uncertain
 - 'Interpretative obligation'

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Gorry v. Wiltshire CC (2012)

- Having found an Article 14 violation, Court held there was no need to consider UN Convention on the Rights of Persons with Disabilities interpretive obligation.
- Nevertheless it found that the text of Article 19 CRPD 'resonate in the present case, even though they do not refer specifically to the provision of a state subsidy such as HB' ,

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Gorry v. Wiltshire CC (2012)

While no need to resort to the CRPD (as the question was not 'elusive or uncertain') had this been otherwise it :

would have resolved the uncertainty in favour of the appellants. It seems to me that it has the potential to illuminate our approach to both discrimination and justification.

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Content

- Non-discrimination ~ articles 5 & 12
- Women with disabilities ~ Article 6
- Children with disabilities ~ Article 7
- Accessibility ~ Article 9
- Equal recognition & 'personhood' ~ Article 12
- Independent Living ~ Article 19
- Education Article ~ 24
- Adequate standard of living ~ Article 28

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Article 19

Recognises the right to live in the community with choices equal to others ... [states] to facilitate full inclusion / participation including:

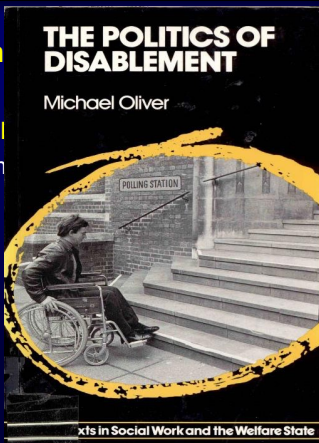
- (a) choice of place and type of residence
- (b) range of domiciliary support services
- (c) general services also available

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In

Social I

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Independent living

- The wellbeing principle is intended to cover the key components of independent living, as expressed in the UN Convention on the Rights of People with Disabilities (in particular, Article 19 of the Convention). Supporting people to live as independently as possible, for as long as possible, is a guiding principle of the Care Act
Statutory Guidance to the Care Act 2014 (para 1.19)

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Adequate standard of living ~ Article 28

CRPD Committee decision rights of unpaid carers
Maria Simona Bellini v Italy (2022)

- Although the CRPD provides no rights for family carers, 'the rights of persons with disabilities cannot be realised without the protection of family caregivers'
- Accordingly Article 28(2)(c) 'recognises the right of family caregivers to State protection provided that this recognition is indivisibly linked to the protection of the rights of family members with disabilities'
