



Tithe an  
Oireachtais  
Houses of the  
Oireachtas

## **An Comhchoiste um na Nithe a bhaineann le Míchumas**

Rannpháirtíocht Paoine atá faoi Mhíchumas  
sa Laol Polaitiúil, Cultúrtha, Pobail agus Poiblí

Deireadh Fómhair 2022

## **Joint Committee on Disability Matters**

Participation of People with Disabilities in  
Political, Cultural, Community and Public Life

October 2022



## Membership

- Holly Cairns T.D., Social Democrats
- Seán Canney T.D., Independent
- Emer Higgins T.D., Fine Gael
- Neasa Hourigan T.D., Green Party
- Michael Moynihan T.D., Fianna Fáil, (Cathaoirleach)
- Jennifer Murnane O'Connor T.D., Fianna Fáil
- John Paul Phelan T.D., Fine Gael
- Pauline Tully T.D., Sinn Féin, (Leas-Chathaoirleach)
- Dessie Ellis T.D., Sinn Féin
- Senator Tom Clonan, Independent
- Senator Eileen Flynn, Independent
- Senator Erin McGreehan, Fianna Fáil
- Senator Fiona O'Loughlin, Fianna Fáil
- Senator Mary Seery Kearney, Fine Gael

## Joint Committee on Disability Matters



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*Social Democrats*



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*Independent*



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Senator Eileen Flynn,  
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Senator Erin  
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*Fianna Fáil*



Senator Tom Clonan,  
*Independent*



Senator Fiona  
O'Loughlin,  
*Fianna Fáil*



Senator Mary Seery  
Kearney,  
*Fine Gael*

## Cathaoirleach's Foreword

We cannot begin to speak about the consultation and participation of people with disabilities in local communities and society until we treat people with disabilities with presumed capacity, capable of independent thinking and living, and contributing to society. We need to build on the long-held strength and large culture of community in Ireland to realise social inclusion for people with disabilities. We must also build on the work undertaken by Local Authorities and continue to improve local coordination, to allow all applicable actors to work together to support people with disabilities to access and participate in their community.

This requires a cultural shift which will be enhanced with the commencement of the Assisted Decision Making (Capacity) Act 2015 under which a person is by default, presumed to have capacity. This cultural shift will be further enabled through a standardised roll out of disability awareness training in line with presumed capacity and in full consultation with Disabled Persons Organisations (DPOs). Progressing full accessibility and inclusion in local communities will subsequently deliver inclusive democracy and Active Citizenship for people with disabilities. The Committee believe that people with disabilities must be meaningfully consulted regarding decisions that affect their lives, as per Article 4(3) of the UNCRPD. This can only begin when the voting system in Ireland is fully accessible to people with disabilities.

In an inclusive democracy we must also ensure that any mechanism developed to enable consultation with people with disabilities on policies that affect their lives do exactly that, enable consultation 'with' people with disabilities and their DPOs in line with the spirit of the UNCRPD. Therefore, it is also crucial that the Optional Protocol to the UN Convention for the Rights of Persons with Disabilities (UNCRPD/Convention) is ratified so that the voice that people with disabilities have taken under the Convention, can continue to be heard.



**Michael Moynihan**  
Cathaoirleach to the Committee  
Joint Committee on Disability Matters

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## Engagement with stakeholders

1. The Committee issued a public consultation in October 2020, regarding the lived experience of people with disabilities on the issues that affect them, their families and their carers. The submissions informed the Committee's revised Terms of Reference and Work Programme. The response to this public consultation facilitated wider stakeholder engagement in public meetings which reflected the lived experience of individuals with disabilities, parents and carers as well as DPOs and Disability Service Providers. This level of consultation aligns with Article 4 (3) of the UNCRPD which specifically requires the consultation and active involvement of people with disabilities in decision-making processes concerning issues that affect them.
2. The Committee values lived experience. Witnesses highlighted that people with disabilities navigate the world having to constantly problem solve and innovate and so it is important that this quality, expertise, and ability continues to be utilised, and mechanisms are developed and supported to enable meaningful consultation.
3. The Committee held three public meetings under the module 'Participation of people with disabilities in political, cultural, community and public life' and heard from the Disability Stakeholders Group, Councillors in South Dublin and Galway County Councils, the Irish Deaf Society, National Platform for Self-Advocates, LEAP, National Advocacy Service, Voice of Vision Impairment, CARA Sports Inclusion Ireland, a Dublin City Public Participation Network Member and Disabled Artists and Disabled Academics.
4. Evidence provided at other Joint Committee on Disability Matters public meetings also informs this report and the Committee requested submissions from additional stakeholders to supplement the evidence for this report. Please see all public meetings and submissions with applicable links to the documents on the Houses of Oireachtas website that inform this report in [Appendix 2](#) and [Appendix 3](#).

## Executive Summary

5. The UNCRPD, through its unique consultative requirements calls for the empowerment of people with disabilities to become Active Citizens and active participants in decisions about their own lives. Active Citizenship, inclusion in political and public life and meaningful consultation of people with disabilities can only truly begin through an inclusive democracy where people with disabilities can realise their right to vote through fully accessible voting systems. The Committee are also aware, as reflected in the evidence provided in public meetings, that there is a need for significant improvement by political parties to select disabled candidates and provide reasonable accommodations. Lack of disabled candidates is leading to political invisibility for people with disabilities.
6. There is a need to support Active Citizenship by ensuring that all mechanisms across Government for consulting with people with disabilities and their DPOs are developed in line with Article 4(3) of the UNCRPD. In parallel, there is a need to ensure that every consultation undertaken by a public authority is fully accessible and people with disabilities, across all groups of disabilities, can take part. This can only be achieved through strengthening adherence to Universal Design principles.
7. The State must move away from the medical approach of disability. People residing in congregated settings are segregated from local communities and have limited opportunities to access their community. Local Authorities and community development actors must be engaged to develop opportunities for people with disabilities to access their communities. Developing social planning, community development and local coordination in line with the UNCRPD as well as opportunities for physical and cultural participation will support this access. This must be undertaken in conjunction with developing Community Profiling and Health Needs Assessment which measures community needs and resources that exist in that community.
8. The Committee are concerned that the Department of Children, Equality, Disability, Integration and Youth has not yet published the UNCRPD Implementation Plan



which will ensure that the rights of people with disabilities as called for by the UNCRPD, will be realised across all sectors. The Committee are also concerned that Irelands non-ratification of the Optional Protocol to the UNCRPD further impacts implementation of the Convention.

## Introduction

- 9.Ireland ratified the UNCRPD in 2018. People with disabilities had a significant role in developing it, and it acts as a roadmap which can help Ireland become a better place for people with disabilities to live in. The Convention is transformative because it uses a social and complementary human rights model of disability<sup>1</sup> which requires a cultural shift, from treating people with disabilities based on their impairment, to instead, viewing them as citizens, with abilities and strengths, capable of independent thinking and living, and contributing to society. The UNCRPD calls for the consultation of people with disabilities through their representative organisations, DPOs, on policy that affects their lives.
- 10.This report examines inclusion and participation in political, cultural, community and public life, and the role of Active Citizenship regarding people with disabilities in society. This report examines the implications with regard to Article 29 of the UNCRPD, participation in political and public life, in chapter one. Article 19, independent and community living (enabling and supporting community living) is discussed in chapter two, and Article 30, participation in cultural life, recreation, leisure and sport, is examined in chapter three.
- 11.Many witnesses in public meetings highlighted the need to develop accessibility across political, cultural, community and public life to enable meaningful participation for people with disabilities. The application of Universal Design principles in all stages of Government policy development, including implementation at Local Government level, ensures that built environments and information and

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<sup>1</sup> A. Lawson, A.E.Beckett. (2020). '*The social and human rights models of disability: towards a complementarity thesis*'.

communications are accessible, and that people with disabilities can be included meaningfully, and especially at the beginning of policy development.

12. An important theme from public meetings and linked to the concept of Active Citizenship is that for a democracy to be truly a democracy, every citizen, including citizens with disabilities, must be able to participate through access to voting and participation in central and Local Government governance structures. Only with an inclusive democracy can all citizens participate equally, and this report highlights the fundamental change is required to enable this.

## Chapter 1 – Participation in political and public life

### Enabling Active Citizenship

13. Article 29 of the UNCRPD, participation in political and public life, is a cornerstone of the Convention as it requires States Parties to ensure that people with disabilities effectively and fully participate in political and public life directly or through freely chosen representatives, including the right and opportunity to vote and be elected.<sup>2</sup> This article unlocks Active Citizenship, through ensuring the full inclusion of people with disabilities in the voting system and through developing inclusive political governance mechanisms.
14. Dr. Vivian Rath, from the Disability Stakeholder Group explained to the Committee how Active Citizenship empowers people with disabilities at the Committee's public meeting on the 23 September 2021 in noting that;
- ‘public participation does not end with voting; this is also about active citizenship, having one’s voice heard, seeing action and being involved in the community. It is about people feeling as if they belong and by being left out, we do not have the opportunity to contribute to our own destiny.’
15. The Committee believe that the UNCRPD, through its unique consultative requirements enables the empowerment of people with disabilities to become Active

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<sup>2</sup> [Article 29 – Participation in political and public life | United Nations Enable](#)

Citizens and active participants in decisions about their own lives. It enables people with disabilities to engage as the experts they are in problem solving and innovation and allows this expertise to meaningfully inform and develop better policy. Public authorities must acknowledge this and develop additional mechanisms to consult with people with disabilities. The Committee understands the importance of meaningful consultation and participation of people with disabilities, as experts, to ensure that services are delivered in a more effective way.

16. The Committee welcomed hearing from the Disabled Persons Organisation Network (DPO Network) which is an alliance of people with disabilities and their organisations who have joined together with a common interest in the implementation of the UNCRPD in Ireland. The five DPO member organisations of the Network are, AsIAM, Disabled Women Ireland (DWI), Independent Living Movement Ireland (ILMI), IDS and the National Platform of Self Advocates.
17. The Committee were concerned to hear from the DPO Network that a recent survey found that 24% of people with a disability had difficulty in accessing their right to vote and that 55% had difficulty in contacting their local representative. The Committee are aware, as highlighted in the '*Roadmap for Social Inclusion 2020-2025*', that while Ireland is in the top quartile of States across the EU in terms of the rates of Active Citizenship and volunteering, Active Citizenship for people with disabilities in Ireland must be specifically targeted for improvement. The '*Roadmap for Social Inclusion 2020 – 2025*' must be updated to reflect action regarding Active Citizenship for people with disabilities.
18. Evidence provided in public meetings confirmed that the voice of people with disabilities are excluded from decision making due to a lack of meaningful consultation across all sectors and levels. The barriers to meaningful participation in decision making include low uptake in voting through inaccessibility of voting procedures and the lack of engagement with people with disabilities in public policy development and implementation. In addition, the Committee acknowledge that there is a low representation of people with disabilities in the Dáil and the Seanad and that

there is a lack of consultation with people with disabilities in legislation that affects them in the Houses of Oireachtas pre-legislative process.

19.The Committee has written to all relevant Oireachtas Committees asking them to consult with people with disabilities at every opportunity.

20.The Committee are aware that a significant barrier to people with disabilities getting involved in organisations and consultation is the lack of access to a Personal Assistant (PA) as highlighted in previous Committee reports. The Committee heard that because people with disabilities receive limited PA hours, they use the PA hours for support to work with organisations and attend meetings and often have no hours left to support them for basic or social activities. The Committee believe that this acts as a disincentive to enabling Active Citizenship and consultation. The Committee recommend that in the interim until a National Personal Assistance Service is developed, the Department of Children, Equality, Disability, Integration and Youth consider introducing a package of PA hours for DPOs and people with disabilities that will support DPOs and individuals to fulfil their consultative requirements under the UNCRPD.

21.A reoccurring theme throughout all public meetings is the impact of the non-ratification of the Optional Protocol to the UNCRPD on the lives of people with disabilities. Without the ratification of the Optional Protocol, people with disabilities cannot access the complaints process under the Convention if they feel their rights have not been upheld under the UNCRPD. The Committee believe that this is also an example of where people with disabilities are locked out of participating in governance mechanisms to bring about change and improvement in their lives.

22.Public consultations are the best known and most widely used form of citizen engagement. Essentially, they provide citizens with an opportunity to voice their opinion, in a public setting, on a particular policy or issue.<sup>3</sup> The Committee heard from the DPO Network that consultation processes at all levels of Government and

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<sup>3</sup> Institute of Public Administration, (2020). Local Government Research Series No. 16, *Local Government: Engaging and Empowering Local Communities*, pp. 17

decision-making, including Local Government, must be accessible and underpinned by the principles of Universal Design. Accessibility planning must also consider reasonable timelines to allow DPOs to participate fully. The Committee believe that all public bodies must reengage with the principles of Universal Design to make sure that their customer communications are designed so that people with a disability are able to access, understand and respond to the information and communication. Targets must also be set to enable implementation of the principles of Universal Design for the delivery of a fully accessible public service.

23. The NDAs recent report *'Ireland's Monitoring Report for the EU Web Accessibility Directive December 2021'* undertook a review of a wide range of websites and mobile applications of public sector bodies to assess if they are fully accessible to people with disabilities. The Houses of Oireachtas website received a low Accessibility Score regarding compliance with the EU Web Accessibility Directive in this report.<sup>4</sup> However, the NDA has highlighted that the Houses of Oireachtas websites is one of the organisations that have performed best in subsequent reviews.
24. The Committee welcome the recommendations of the Forum on a Family Friendly and Inclusive Parliament which was established by the Ceann Comhairle to generate practical and achievable recommendations that could make the Houses of the Oireachtas a more inclusive, family friendly and gender sensitive workplace. The Committee are particularly supportive of Recommendation 27, which commits to complete an accessibility audit of the parliamentary complex by September 2022 to ensure that it is fully accessible, including the Dáil and Seanad Chambers. The parliamentary complex should meet the Universal Design standard for accessibility.<sup>5</sup>
25. It is a priority of the Committee to achieve full accessibility of all information and communications, and facilities within the Houses of Oireachtas in line with the principles of Universal Design and the UNCRPD. The Committee recommend that

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<sup>4</sup> National Disability Authority (2021). *Ireland's Monitoring Report for the EU Web Accessibility Directive December 2021*. Retrieved 4 October 2022 from: [Ireland's EU WAD Monitoring Report 2021 \(nda.ie\)](https://nda.ie/nda/ireland-s-eu-wad-monitoring-report-2021)

<sup>5</sup> Houses of Oireachtas (2021). *Report by the Forum on a Family Friendly and Inclusive Parliament*, pp. 11. Retrieved 4 October 2022: [Houses of the Oireachtas – Forum on a Family Friendly and Inclusive Parliament](https://www.oireachtas.ie/en/media/2021/12/01/Forum-on-a-Family-Friendly-and-Inclusive-Parliament/)

the Steering Group on the Report of the Forum on Family Friendly and Inclusive Parliament consider accessibility in the Houses of the Oireachtas in line with the principles of Universal Design and the UNCRPD and report on these issues to the Houses of the Oireachtas Commission within six months of this report being laid.

## **Engaging with Disabled Persons Organisations**

26. The UNCRPD is unique in that it includes a requirement for the meaningful consultation with and active involvement of people with disabilities, including children with disabilities, through their representative organisations on policy that affects them. As highlighted by the National Disability Authority (NDA), Article 4 (3) specifies that States Parties involve people with disabilities through their DPOs while Article 33 outlines how the oversight and independent monitoring of UNCRPD implementation should involve the direct participation of DPOs and/or people with disabilities.<sup>6</sup>
27. The UN Committee on the Rights of Persons with Disabilities with responsibility for monitoring how countries implement the UNCRPD state that a DPO is an organisation that is led, directed and governed by people with disabilities with a clear majority of their membership recruited among people with disabilities themselves.<sup>7</sup> DPOs are key to meaningful inclusion in communities, because globally, DPOs have helped people with disabilities attain wider societal participation.<sup>8</sup>
28. The Committee is tasked with monitoring the UNCRPD and therefore there is a significant learning opportunity to develop language, ideas, and attitudes to facilitate the change as required by the UNCRPD. The Committee are aware that the essence of a DPO is that it is composed of people with disabilities and led by them and is representative of people with disabilities. It is important that participation and consultation with DPOs is distinguished from service providers.

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<sup>6</sup> National Disability Authority, (2021). *A review of Disabled Persons Organisations (DPOs) and their participation in implementing and monitoring the UNCRPD*, pp. 14.

<sup>7</sup> UN Committee on the Rights of Persons with Disabilities, *General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention*. Retrieved 4 October 2022 from: [Link](#)

<sup>8</sup> *A review of Disabled Persons Organisations (DPOs) and their participation in implementing and monitoring the UNCRPD*, pp. 11.



29. The scale of the task of implementing Article 4 (3) was conveyed to the Committee at its public meeting on the 7 April 2022 as the DPO Network noted that there needs to be a robust and continuous forum for engagement with DPOs, both nationally and locally, to identify key areas of expertise and input. The DPO Network further noted that;

‘one weakness that we have found is that too often in society the ideas around what we might be consulted about are decided by others who are mostly non-disabled people. We do not even get a chance to set the agenda around the issues that we want to be consulted about. We need ongoing dialogue where we can raise areas of priority, identify our own areas of expertise and be involved in setting the agenda as much as replying to the agenda.’

30. Under the ‘*National Disability Inclusion Strategy 2017-2021*’ each Government Department is required to have a consultative committee to oversee and monitor the National Disability Inclusion Strategy (NDIS). These committees are known as Departmental Consultative Committees.<sup>9</sup> The Disability Stakeholder Group is a voluntary group of individuals with expertise and lived experience of disability appointed by the Minister of State with responsibility for disability and has an important role in monitoring the implementation of the NDIS.

31. Disability Stakeholders Group members also attend meetings of Departmental Consultative Committees held by individual government departments where NDIS actions relevant to those departments are monitored and disability issues generally are discussed. At the Committees public meeting on the 7 October 2021 Voice of Vision Impairment outlined that there are approximately ten statutory committees located throughout various Departments and within the HSE and that membership of these statutory committees are mostly representatives of service providers or individuals. The Committee believe that the Departmental Consultative Committees

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<sup>9</sup> Gov.ie, Department of Health, 2 June 2022. *Disability Consultative Committee (DCC)*. Retrieved 4 October 2022 from: [gov.ie - Disability Consultative Committee \(DCC\) \(www.gov.ie\)](https://www.gov.ie/en/disability-consultative-committee-dcc/)

must be strengthened in line with the UNCRPD and include a more significant number of DPO representatives. The Committee are also mindful that there is a need to look at the structures for consultation in the Houses of the Oireachtas, particularly DPO representation on the Oireachtas Disability Group.

32. The Disability Participation and Consultative Network (DPCN) was established to ensure that people with disabilities are actively engaged and directly consulted in the development of legislation and policies in Ireland in line with the requirements of the UNCRPD. The Committee's report '*Ensuring Independent Living and the UNCRPD*' highlights that the DPCN is not a DPO and therefore is not in line with Article 4 (3) of the UNCRPD. It is acknowledged that Ireland has a less developed DPO infrastructure than some countries.<sup>10</sup>
33. The Committee believe that the DPCN must be strengthened to ensure the spirit of Article 4 (3) can be truly met. Further in their report, '*Ensuring Independent Living and the UNCRPD*', the Committee also made recommendations to the Department of Children, Equality, Disability, Integration and Youth, including that the Department examine the need for legislative provisions that provide for direct consultation with DPOs until the DPCN becomes a permanent DPO participation mechanism for all public bodies across every stage of project and policy development. A national policy is also required which includes the development of a registration process for DPOs in line with the UNCRPD definition.<sup>11</sup>
34. The NDA in its '*Independent Assessment of Implementation of the National Disability Inclusion Strategy for 2021*' notes that although the establishment of the DPCN is directly linked to Action 3C of the NDIS, neither an interim report of the DPCN nor a review of its work has been presented to the National Disability Inclusion Strategy Steering Group. As a result, Departments are awaiting clarity on how the DPCN should be used as a resource in the development and consultation of policy.<sup>12</sup>

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<sup>10</sup> A review of Disabled Persons Organisations (DPOs) and their participation in implementing and monitoring the UNCRPD, pp. 6.

<sup>11</sup> Joint Committee on Disability Matters, (2022). *Ensuring Independent Living and the United Nations Convention on the Rights of Persons with Disabilities*, pp. 22.

<sup>12</sup> National Disability Authority, (2022). *NDA Independent Assessment of Implementation of the National Disability Inclusion Strategy for 2021*, pp. 12

35. The Committee heard how New Zealand's disability consultative model is considered a best practice model in that their equivalent model of Ireland's DPCN only involves DPOs, and the state. A Government agency that requests input from New Zealand's network must also ensure the allocation of funding, if not already allocated under existing funding schemes, when making a consultative request.
36. The Committee also heard how there is a need to ensure intersectionality on the DPCN as there is inadequate representation of additionally marginalised groups who are often excluded. For example, people of gender, different backgrounds, ethnic minorities, children, and people with very high level and profound needs in terms of support are often excluded. The Committee are also aware that children with disabilities were not included in the consultation process undertaken by the DPCN as disabled children or children's organisations are not members of the DPCN.<sup>13</sup> The Committee heard at its public meeting on the 30 September 2021 from LEAP, that family-based organisations such as LEAP struggle for funding and to be recognised under General Comment No. 7 of the UNCRPD as a DPO.<sup>14</sup>
37. At the Committee's public meeting on the 30 September 2021, Ireland's first independent DPO run for and by people with an intellectual disability, the National Platform of Self Advocates told the Committee that;
- 'people with an intellectual disability are not involved at every level of Government. We are not employed as experts in the Civil Service. We are not elected to public office. We are not even represented on all the Departmental Consultative Committees. The State does not seem to understand that many of us are not readers, do not write or do not have access to technology. We are excluded from participation when we are not given the time or the

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<sup>13</sup> Disability Participation and Consultation Network, (2021). *The Disability Participation and Consultation Network's Response to the State's Draft Report on the United Nations Convention on the Rights of Persons with Disabilities*, pp. 16

<sup>14</sup> UN Committee on the Rights of Persons with Disabilities, *General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention*.

supports, we need to communicate. We feel we are only allowed to participate in story-telling and not in decision-making.’

38.The DPO Network also noted that;

‘the work of the DPO is to work with policymakers, legislators and statutory bodies to develop policies and campaigns based on disabled people’s lived experiences in order to remove these barriers that restrict the life choices of disabled people. When these barriers are removed disabled people can become independent and equals in society, with choice and control over their lives.’

39.The Committee were concerned to hear from the DPO Network that there was resistance shown to involving DPOs in consultation on the Assisted Decision-Making (Capacity) (Amendment) Bill on the basis that there was a focus group consultation, which took place in 2013. The DPO Network reported similar concerns regarding adult safeguarding and other future legislation failing to involve DPO expertise from the earliest stages in terms of design and implementation.

40.The Committee also heard that some DPOs are not in receipt of any funding and rely solely on volunteer work of people with disabilities who often also have day jobs. In addition, DPOs do not receive enough funding to link in with Local Government or on a national level even though the Government has asked DPOs to consult with different organisations. Additional funding must be provided to DPOs in line with strengthening intersectionality of the DPCN and enabling it to become a DPO.

## **Realising inclusive democracy**

41.Article 29 (a) of the UNCRPD calls on State parties to ensure that people with disabilities have political rights and the opportunity to enjoy them on an equal basis with others including the right to vote and be elected.<sup>15</sup>

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<sup>15</sup> [Article 29 – Participation in political and public life | United Nations Enable](#)

42.The Government has introduced special arrangements to assist electors with certain disabilities to exercise their voting rights.<sup>16</sup>

43.However, at the public meeting on 23 September 2021, the Committee heard that 52% of disabled voters surveyed after the General Election 2020 reported that they faced barriers to voting. Leading to polling day, these barriers included a lack of information in accessible formats and lack of knowledge on how to vote, or not being able to follow electoral debates because of inaccessible information. On polling day, barriers included inaccessible polling stations, disabled people not being able to vote in private as *ad hoc* arrangements were put in place and lack of availability of PAs to support individuals to vote due to the election taking place on a Saturday. In addition, a lack of disability awareness and equality training of returning officers and polling station staff was communicated as a significant barrier. The Committee were concerned to hear that some people with disabilities also reported having to vote in their car and that they were being challenged in polling booths when presenting alongside their PA or carer.

44.The Committee also heard that postal voting, cited as a more accessible voting option for people with disabilities, has an unnecessarily complicated application process based on the medical model of disability, requiring certification from a GP for the first application. New South Wales in Australia and Estonia were highlighted as leading in terms of using a system of online voting that allows people with disabilities to vote online, or in person at the polling station if they wish.

45.The Committee further heard that the Franchise Section in the Department of Housing, Local Government and Heritage which is responsible for developing and overseeing a modern, efficient, accessible and fair electoral system includes a disability working group. The group comprises of one DPO, Voice of Vision Impairment, two service providers, namely, the Irish Wheelchair Association and the Disability Federation Ireland and the NDA. The Committee believe this disability working group must expand its members to include more DPOs.

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<sup>16</sup> Gov.ie, Department of Housing, Local Government and Heritage, *Information for voters with disabilities*. Retrieved March 3, 2022 from [gov.ie - Information for voters with disabilities \(www.gov.ie\)](https://www.gov.ie/en/information-for-voters-with-disabilities/)

46. Evidence provided at public meetings highlighted that there is also a need to involve and consult with deaf people in terms of developing the electoral system because deaf people can be impacted more significantly, considering, for example, deaf people only receive limited conversation and dialogue in the social arena on politics as translation and Irish Sign Language (ISL) interpretation is not automatically provided. Accessibility of public services including legal proceedings, educational provision and broadcasting must be increased for deaf people. As discussed earlier, Universal Design must be included from the onset in the design of public services.
47. The Committee welcome the ongoing project being undertaken by the Oireachtas ISL team, supported by the Ceann Comhairle, to enable increased participation of deaf people in political life. Under this project the Oireachtas ISL team collaborated with the Centre for Deaf Studies, Trinity College Dublin and the Deaf community to draft a new Irish Sign Language glossary of parliamentary terms. Some of the ISL signs within the glossary were already in use within the Deaf community, others have been newly created.
48. As the Electoral Reform Bill 2020 progresses through the Houses of the Oireachtas, there is an excellent opportunity to ensure IHRECs recommendation that the Electoral Commission be mandated to promote more equal political participation for groups including people with disabilities, and to set and monitor accessibility standards for the use of polling stations.<sup>17</sup>
49. Furthermore, the Committee support the recommendations from the Joint Committee on Housing, Local Government and Heritage Pre-Legislative Scrutiny of the General Scheme of the Electoral Reform Bill 2020 as they relate to people with disabilities and particularly that the proposed bill provide for the promotion, inclusion, facilitation, and participation of people with disabilities in the electoral and political process as an explicit function of the Electoral Commission.<sup>18</sup>

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<sup>17</sup> Irish Human Rights and Equality Commission, (2019). *Recommendations on the Establishment of an Electoral Commission*

<sup>18</sup> Joint Committee on Housing, Local Government and Heritage (2021). *Report on Pre-Legislative Scrutiny of the General Scheme of the Electoral Reform Bill 2020*, pp. 48



50. To improve the promotion, inclusion, facilitation, and participation of persons with disabilities in the electoral and political process for people with disabilities the Electoral Commission must be mandated to;

- a) undertake a review of the voting process to ensure compliance with the UNCRPD and Universal Design and this review must include consultation with DPOs and individuals with disabilities
- b) ensure that training in disability awareness and equality is provided for all returning officers and polling staff
- c) establish a complaints mechanism in line with the Ombudsman model to ensure accountability to the public and timely and appropriate remedies to those service users who have a justified complaint
- d) consider removing the need to renew access for postal voting on an annual basis
- e) examine international practices to support people with disabilities participate in politics, such as the UK's Access to Elected Office Fund which provides support to disabled candidates standing for all levels of election with a view to introducing similar initiatives in Ireland

51. The European Disability Forum (EDF) highlighted the significant under representation of people with disabilities in politics at EU level in their recent report '*Human Rights Report on Political Participation of Persons with Disabilities*'. This report highlights that within the current legislative term of the European Parliament, there are only four MEPs with (visible) disabilities, of the 705 European parliamentarians, even though people with disabilities make up 15% of the population.<sup>19</sup> As further highlighted in this report, the European Parliament has expressed its intention of setting up common provisions for strengthening the EU's electoral system, and with the 2024 European Parliament elections approaching, the EDF are urging EU and national decision makers to acknowledge, consider and

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<sup>19</sup> European Disability Forum, (2022). *European Human Rights Report Issue 6 - 2022 Human Rights Report on Political Participation of Persons with Disabilities*, pp. 48

implement the recommendations outlined by the EDF. These recommendations include;

- a) guaranteeing the right to vote and stand for election, regardless of legal capacity status.
- b) maximising accessibility to the proceedings, facilities and materials of the elections.
- c) providing reasonable accommodation so that persons with disabilities can vote independently and secretly.
- d) ensuring the free choice of assistance.
- e) cooperating with DPOs to assess and define how to solve the legal and practical barriers that prevent persons with disabilities from participating in elections, both as voters and candidates.

52. Research highlights that international election observation missions are a highly effective method for integrating disability rights into the electoral process and these missions would benefit from the expertise of persons with disabilities and their organisations. For example, beneficial inclusive international election observation can support UNCRPD implementation as the reports from election observations bring attention to gaps in compliance with international standards, highlight good practices, hold governments accountable and initiate conversations on inclusive between election management bodies, civil society organisations and other election stakeholders.<sup>20</sup>

53. The Department of Foreign Affairs maintains and administers a roster of volunteer observers for such missions.<sup>21</sup>

54. Research further highlights that work remains to be done to ensure full inclusion in international election observation missions including;

- a) increasing recruitment of observers with disabilities, for example, recruiting 15% of observers with a disability as recommended by the International

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<sup>20</sup> International Foundation for Electoral Systems, (2018). Election Toolkit Access Observation.

<sup>21</sup> Department of Foreign Affairs, (2021). *Review of the Management of the Election Observation Roster*, pp. 7

Foundation for Electoral Systems, thereby reflecting the WHO-estimated global percentage of people with disabilities

- b) ensuring checklists address barriers encountered by men and women with all types of disabilities<sup>22</sup>

55. In the Irish context regarding representation of people with disabilities, the Committee heard that even though 13.5% of the population has a disability, only one Member of the Houses of the Oireachtas has a declared disability. This extremely low representation of people with disabilities in the Dáil and the Seanad, is due to the barriers to candidature, including the extra costs of disability, unavailability of ISL interpreters or PAs along with inaccessible meeting venues, information and transport.

56. Independent Living Movement Ireland (ILMI) in their position paper '*Enabling participation: supporting the involvement of disabled people in political parties 2022*' highlight the issue regarding the use of PAs in politics. ILMI recommend that there needs to be clarification that people with disabilities can use their PAs to support their involvement in politics, branch meetings, canvassing, networking or attending political meetings.<sup>23</sup>

57. The Committee also heard that there is a need for significant improvement by political parties to select disabled candidates and provide reasonable accommodations and that a lack of disabled candidates is leading to political invisibility for people with disabilities. The Committee also heard there is a need to introduce quotas for people with disabilities to participate in politics like the gender quotas introduced to improve gender balance. Internship schemes at local and national government levels could also be considered to assist people with disabilities prepare for this type of work. It is noted that this lack of diversity is reflected in the report from the Forum on a Family Friendly and Inclusive Parliament which highlights that;

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<sup>22</sup> International Foundation for Electoral Systems, Election Access Observation Toolkit, pp. 35. Retrieved 4 October 2022 from: [Election Access Observation Toolkit \(eaccess.s3.amazonaws.com\)](https://eaccess.s3.amazonaws.com)

<sup>23</sup> Independent Living Movement Ireland, (2022). *Enabling participation: supporting the involvement of disabled people in political parties*, pp. 5.

‘there is no data available on Irish politicians by ethnic background, sexual orientation, parental status or disability in the Dáil and Seanad. The Houses of the Oireachtas does not collect or publish any data on the diversity of the membership of the Houses of the Oireachtas.’<sup>24</sup>

58. The Committee welcome and support the Forums recommendation that data on the gender, age and minority status of candidates and elected members should be collected by the Electoral Commission and reported with election results. The Committee also welcome the recommendation that political parties set targets for ethnic minority representation. However, the Committee believe more action is needed to increase candidature of people with disabilities for the next Dáil. The Disability Stakeholders Group recommended to the Committee that a cross party disability inclusion strategy be developed to promote the election of disabled candidates in political groups. The Committee support this recommendation as well as the development of targets for representation of people with disabilities in political parties. Targets must be developed alongside relevant and accessible training, in the form of internships, for people with disabilities. The Committee will consider this topic further.

## **Priority Recommendations**

1.1 . The Committee is supportive of the recommendations of the Forum on Family Friendly and Inclusive Parliament and recommend that the Steering Group on the Report of the Forum on Family Friendly and Inclusive Parliament consider accessibility in the Houses of the Oireachtas in line with the principles of Universal Design and the UNCRPD and report on these issues to the Houses of the Oireachtas Commission within six months of this report being laid.

1.2 The Government must strengthen the application of Universal Design principals across the public service by introducing targets to ensure full compliance with Universal Design across all services, schemes and structures in consultation with DPO's and the NDA.

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<sup>24</sup> *Report by the Forum on a Family Friendly and Inclusive Parliament*, pp. 39.

1.3 The Committee reiterate their recommendations as set out in their report '*Ensuring Independent Living and the UNCRPD*' regarding strengthening DPO consultation in Ireland. In addition, the Committee recommends that the review of the work of the DPCN that was agreed must be undertaken immediately and in line with the UNCRPD.<sup>25</sup> The Committee recommend that this review is carried out within 6 months of this report and findings shared with the Committee to inform the Committee's UNCRPD monitoring role.

1.4 The Department of Children, Equality, Disability, Integration and Youth must;

- a) develop a Forum of Organisations and Parents for Children with Disabilities, including parents of children with complex disabilities, to ensure that the UNCRPD is aligned with legislation regarding children with disabilities and in absence of children's organisations as members of the DPCN and provide funding accordingly
- b) support and expand the development of the Disability Consultative Committees in line with Article 4 (3) of the UNCRPD across all Departments and include people with intellectual disabilities and their DPOs
- c) provide additional funding to DPOs in line with strengthening intersectionality of the DPCN and enabling it to become a DPO
- d) ensure that public bodies provide a reasonable timeline to ensure that people with intellectual disabilities and their DPOs can meaningfully participate in consultation processes

1.5 The Electoral Commission be mandated to include the promotion, inclusion, facilitation, and participation of persons with disabilities in the electoral and political process and;

- a) undertake a review of the voting process to ensure compliance with the UNCRPD and Universal Design in consultation with DPOs and individuals with disabilities

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<sup>25</sup> NDA *Independent Assessment of Implementation of the National Disability Inclusion Strategy for 2021*, pp. 10.

- b) ensure that training in disability awareness and equality is provided for all returning officers and polling staff
- c) establish a complaints mechanism in line with the Ombudsman model to ensure accountability to the public and timely and appropriate remedies to those service users who have a justified complaint
- d) consider removing the need to renew access for postal voting on an annual basis
- e) examine international practices to support people with disabilities participate in politics with a view to introducing similar initiatives in Ireland
- f) consider the key recommendations from the European Disability Forum in their recent report

1.6 The Department of Foreign Affairs must ensure that the Election Observation process in Ireland provides for the participation of people with disabilities and increase recruitment of observers with disabilities to a minimum of 15% of observers with a disability. The Department must also ensure that checklists address barriers encountered by men and women with all types of disabilities.

1.7 The Committee continue to recommend that the Government must ratify the Optional Protocol immediately.

## Chapter 2 – Participation in the community

### Social inclusion for people with disabilities

59. Article 19 of the UNCRPD, living independently and being included in the community, recognises the equal right of all people with disabilities to full inclusion and participation in the community, including access to community support services, personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.<sup>26</sup>

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<sup>26</sup> [Article 19 – Living independently and being included in the community | United Nations Enable](#)



60. The transition from the medical to the social or human rights model of disability supports and progresses inclusion of people with disabilities in their community. Under the social or human rights based approach to disability, disability is created by barriers in society, not by an individual's medical condition and these barriers generally fall into three categories;

- a) the environment — including inaccessible buildings and services;
- b) people's attitudes — stereotyping, discrimination and prejudice;
- c) organisations — inflexible policies, practices and procedures.<sup>27</sup>

61. The Committee believe that the continued application of the medical approach to disability acts as a key barrier to people with disabilities, and especially those with intellectual disabilities, meaningfully participating in the community. The Committee's report on '*Ensuring Independent Living and the UNCRPD*' outlines several recommendations to accelerate the cultural shift needed, particularly in relation to Article 19 of the UNCRPD, Independent Living. The report recommends the development of a new national plan to accelerate the transition of people with disabilities living in congregated settings to local communities, along with the introduction of a domestic right to independent living.<sup>28</sup> The Government and the HSE must ensure that the decongregation process is in line with the social or human rights model of disability and that relevant training and support is delivered that helps those working in community and disability services to transform their services in line with the social or human rights model of disability.

62. The Committee continue to acknowledge the need to develop mental health supports in the community for people with disabilities who are living semi independently or will be transitioned to the community. These recommendations are set out in their report, '*Ensuring Independent Living and the UNCRPD*' and '*Aligning Disability Funding with the UNCRPD Pre-Budget Submission Budget 2023*'.<sup>29</sup>

<sup>27</sup> Systems Concepts, Accessibility infographic: reasons to take action. Retrieved 4 October 2022 from: [Accessibility infographic: reasons to take action - System Concepts \(system-concepts.com\)](https://system-concepts.com/accessibility-infographic-reasons-to-take-action)

<sup>28</sup> *Ensuring Independent Living and the United Nations Convention on the Rights of Persons with Disabilities*, pp. 60

<sup>29</sup> Joint Committee on Disability Matters (2022). *Aligning Disability Funding with the United Nations Convention on the Rights of Persons with Disabilities Budget 2023 Pre-Budget Submission*

63. The Committee note that the NDA highlight that 35.5% of people with disabilities lived in Communal Establishments such as hotels, religious communities, nursing homes and hospitals on Census night 2016. NDA also note that while a higher proportion of people with disabilities continue to reside in communal establishments compared to the general population, this share has fallen in recent years, declining from 7.7% in 2011 to 7% in 2016.<sup>30</sup> The Committee are also aware that people with disabilities living in congregated settings have a lower quality of life compared to people living in communities. Further, HIQA inspectors found in 2021 that there has been significant deterioration in compliance levels for congregated settings when compared to similar data for 2020 with the regulatory programme.<sup>31</sup>
64. The Committee believe it is important that individuals living in these different types of settings are supported to access their communities and welcome that the Assisted Decision-Making (Capacity) Act 2015, which is based on the principle of presumed capacity, will support people with disabilities in decision making where necessary.
65. HIQA monitors the safety and quality of health services and children's social services. Regulation 9 sets out Residents' Rights that providers should ensure positive outcomes by supporting the residents in so far as possible to make their own decisions about their lives in a way that maximises their autonomy and independence. In their '*Overview Report Monitoring and Regulation of Disability Services in 2020*', HIQA found an increased level of non-compliance with Regulation 9 when compared to 2019 in congregated settings as opposed to non-congregated settings.<sup>32</sup> In 2021, HIQA also reported that the overall experience of residents in terms of their rights, their possessions and general welfare have the highest level of non-compliance and require improvements. The Committee are concerned that people with disabilities in congregated centres are not supported to avail of opportunities to access their community, determine the way in which they spend their day or access activities, education, occupation and play. In addition, when people

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<sup>30</sup> National Disability Authority, 2020. *Factsheet 5: Where do Persons with Disabilities Live?* Retrieved 3 October 2022 from: [nda-factsheet-5-housing-briefing-information.pdf](#)

<sup>31</sup> Health Information and Quality Authority, (2022). *Overview Report Monitoring and Regulation of Designated Centres for People with Disabilities in 2021*, pp. 33

<sup>32</sup> Health Information and Quality Authority, (2021). *Overview Report Monitoring and Regulation of Designated Centres for People with Disabilities in 2020*, pp. 22

with disabilities are moved into the community, they may not have access to supports to assist their meaningful inclusion, for example, older deaf people who have been moved from residential communities to live independently in the community, feeling isolated, even if they are moved to nursing homes and nursing home care, because of the lack of ISL supports.

66.HIQA also highlight that at the end of 2021, 2,419 residential places continued to be located in congregated settings.<sup>33</sup> The Committee continue to recommend that the Government ensure that the process of placing people in congregated settings is eliminated and undertake meaningful consultation with people with disabilities with regard to where and with whom they want to live in line with the Assisted Decision-Making (Capacity) Act 2015 and Article 19 of the UNCRPD. Additionally, the Committee recommend that the procedure to determine and record how each individual choice was made must be developed.

67.The Committee believe that supports must be developed to allow individuals living in congregated settings access to the community as well as for those already living in the community. The community development approach must be re-envisioned in line with the social and human rights model of disability to provide people with disabilities with the opportunities to meaningfully access their communities. The delivery of inclusive communities requires significant collaboration between local actors in social planning that allows for people with disabilities to develop their lives in everyday settings.<sup>34</sup>

68.The Committee are also of the view that the community needs assessment process must be developed so that people who are being transitioned into the community can be assessed for needs in line with the UNCRPD and in advance of being moved. This would allow supports to be put in place to support an individual in the community. This could be informed by Community Profiling and Health Needs Assessment which measures community needs and resources that exist in that

<sup>33</sup> *Overview Report Monitoring and Regulation of Designated Centres for People with Disabilities in 2021*, pp. 31

<sup>34</sup> European Social Network, *How should local government plan for inclusive communities?* Retrieved 3 October 2022 from: [How should local government plan for inclusive communities? | ESN \(esn-eu.org\)](https://esn-eu.org/how-should-local-government-plan-for-inclusive-communities/)

community.<sup>35</sup> In the interim, supports such as ISL access, must be provided for deaf people who are living in local communities for them to be meaningfully included within those communities.

69. The Committee also acknowledge the importance of the implementation of the principles of Universal Design as a key driver in delivering inclusive built environments and local communities. Universal Design can help make a product, website or building accessible to the largest number of users possible regardless of their ability, disability, age, and gender principles. Inclusive design focuses on reaching more people who suffer from exclusion by the status quo and looks at the diverse experiences people go through that might otherwise prevent them from meaningfully participating.<sup>36</sup>

70. The Committee believe that there is need for a sea change in terms of implementation of Universal Design and the Committee made recommendations in this regard in their report '*Ensuring Independent Living and the UNCRPD*'. Developing and expanding the Centre of Excellence in Universal Design (CEUD) at the NDA in consultation with people with disabilities to become an independent monitoring body of the accessibility of the built environment is necessary.<sup>37</sup> The Government must consider this together with the establishment of a new enforcement mechanism with dedicated funding, time-specified deadlines, and appropriate sanctions for those who create an inaccessible built environment.

## **Strengthening the community development approach**

71. The Committee heard how the community development approach can be used in conjunction with Disability Service Providers to provide community-based supports founded on the principles of inclusion, empowerment, choice, dignity, respect, participation and contribution and rooted in the rights-based perspective. Disability Service Providers can reconnect people with disabilities to their local communities

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<sup>35</sup> H. Mulcahy, J. Downey, (2021). *Community profiling and health needs assessment: a practical guide for public health nurse*, University College Cork, Health Service Executive

<sup>36</sup> Springboard, S. Gupta. *Universal Design vs. Inclusive Design: How Do UX Design Fundamentals Differ?* Retrieved, 4 October 2022 from: [Universal Design Vs. Inclusive Design: How Do UX Design Fundamentals Differ? \(springboard.com\)](https://springboard.com/universal-design-vs-inclusive-design-how-do-ux-design-fundamentals-differ/)

<sup>37</sup> *Ensuring Independent Living and the UNCRPD*, pp. 102

through the provision of residential, respite, social inclusion, day, outreach, education, training, pre-employment and employment programmes. The Committee also heard how initiatives like Social Farming and Down Syndrome Irelands Kildare Branch Horticultural Project are providing people who use disability services with other non-segregated pathways and the opportunity for inclusion.

72. LEAP highlighted to the Committee at its public meeting on the 30 September 2021 how children's and adults' fundamental needs for inclusion, participation, relationships, value and respect are best met in the community when the person is embedded in a network of positive relationships. LEAP noted that;

'if we want the people we love to be connected to others and to be part of society as adults, we have to think about the relationships they form when they are children. We need to think about various roles now if we are serious about implementation of the UNCRPD.'

73. The Committee were concerned to hear that in some cases deaf children do not have access to ISL in playgrounds. This is a barrier to inclusion because they are better able to socialise with their peers in the playground. The Committee believe that this highlights gaps in early intervention and targeted responses must be developed to ensure the inclusion of deaf children in schools. The Committee believe that ISL supports are in general under resourced and further targeted responses must be developed to improve the literacy and educational outcomes of deaf people overall. In this regard, the Committee believe it is crucial that ISL is included on the curriculum in primary and post-primary schools. The Committee are aware that the *Irish Sign Language Act 2017* requires a report on the operation of the Act to be produced within three years of the law's enactment, and then every five years thereafter, however this report has not yet been published.

74. There are several existing structures to enable community participation in Local Government. Local Community Development Committees (LCDCs) were established that enable representatives of Local Authorities, central government agencies (such as the HSE and education and training boards) and community representatives to develop integrated Local Economic and Community Plans (LECPs). The aim of

LCDCs is to better coordinate local services and to help local communities shape public services. The LCDCs facilitate local citizen participation through the Public Participation Network (PPN).<sup>38</sup> PPNs are made up of representations from the local Community/Voluntary, Social Inclusion and Environmental sectors and help Local Authorities progress their work in the areas of arts and sports, community and social inclusion initiatives.

75. The NDA advise on the importance of Local Area Coordination, where Local Authorities and community services coordinate at a local level to support inclusive living in communities.<sup>39</sup> The Committee note that Clare, Fingal, Galway City and Wicklow will undertake pilot programmes to support participation and engagement by marginalised and disadvantaged communities in the Local Economic and Community Planning process which is currently underway in each local authority area.<sup>40</sup> These pilots must include people with disabilities. The NDA further advises that no progress has been reported on evaluating the outcomes of Local Area Co-ordination pilots.

76. The Committee believe that Local Area Coordination provides the opportunity to deliver improved access to services and meaningful social inclusion as required under the UNCRPD. Local Area Coordination leverages community resources and seeks broader transformation through local collaborations and service redesign, as underpinned by a strengths-based philosophy.<sup>41</sup> The Committee recommend that, on the basis of the evaluation of the outcomes of Local Area Co-ordination pilots, the community development approach is reinvigorated through Local Area Coordination and the introduction of Local Area Coordinators to enable people with disabilities to be meaningfully included in local communities along with the provision of appropriate supports. This will ensure the identification of local community areas where there is a

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<sup>38</sup> The Wheel, (2019). *Participating People, Enabling Active Citizenship in Twenty-first Century Ireland*

<sup>39</sup> NDA Independent Assessment of Implementation of the National Disability Inclusion Strategy for 2021, pp. 37

<sup>40</sup> Press Release, Department of Rural and Community Development. *Minister Joe O'Brien announces pilot projects to support Local Authority engagement with marginalised communities*. Retrieved 4 October 2022 from: [gov.ie - Minister Joe O'Brien announces pilot projects to support Local Authority engagement with marginalised communities \(www.gov.ie\)](https://www.gov.ie/en/minister-joe-obrien-announces-pilot-projects-to-support-local-authority-engagement-with-marginalised-communities/)

<sup>41</sup> Lunt, N., Bainbridge, L., & Rippon, S. (2021). *Strengths, assets and place – The emergence of Local Area Coordination initiatives in England and Wales*. *Journal of Social Work*, 21(5), 1041–1064. <https://doi.org/10.1177/1468017320918174>



lack of services and supports to include people with disabilities. LEAP highlighted to the Committee that other pathways, other than segregated pathways, could be further developed through the introduction of inclusion facilitators and community animators and moving beyond the medical approach to disability which employs only therapists and commissions only separate or segregated services.

77. The Social Inclusion and Community Activation Programme (SICAP) is managed by LCDCs in each local authority area with the remit of reducing poverty and promoting social inclusion and equality. The SICAP aims to deliver change through Programme Implementers, agencies and companies, who work with the most disadvantaged and the hardest to reach in communities, including people with disabilities. Each LCDC agrees annual targets for their area based on local needs and they can choose to add a target group to be helped in their area if they think this is necessary.<sup>42</sup> The 33 LCDCs are supported by Local Authorities, and actions are delivered by Local Development Companies (LDCs). LDCs work with marginalised communities and service providers, including Disability Service Providers, using a community development approach to improve people's lives.<sup>43</sup>

78. As well as Local Area Coordination, the Committee believe that the LCDCs, LDCs, PPNs and SICAP through their social inclusion remit provide the structure and opportunity to deliver UNCRPD implementation at the heart of the community.

79. Developing the strategic vision of PPNs and establishing a National Structure - Public Participation Ireland was highlighted as recommendations to develop the governance and structure of PPNs in the *'Public Participation Network – Annual Report 2020'*.<sup>44</sup> These recommendations must be implemented in line with the UNCRPD, as a national body could centrally manage and coordinate PPN work on UNCRPD implementation and ensure Local Authorities adhere to the requirement

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<sup>42</sup> Policy Information, Department of Rural and Community Development, *Social Inclusion and Community Activation Programme (SICAP)*. Retrieved 4 October 2022 from: [gov.ie - Social Inclusion and Community Activation Programme \(SICAP\) \(www.gov.ie\)](http://gov.ie - Social Inclusion and Community Activation Programme (SICAP) (www.gov.ie))

<sup>43</sup> Pobol, *Social Inclusion and Community Activation Programme (SICAP) 2018 – 2023*, Retrieved 4 October 2022 from: [The Social Inclusion and Community Activation Programme | SICAP \(pobal.ie\)](http://The Social Inclusion and Community Activation Programme | SICAP (pobal.ie))

<sup>44</sup> Department of Rural and Community Development and the National PPN Advisory Group, *Public Participation Networks Annual Report 2020*, pp. 41

that PPNs act as the main route for community consultation, particularly DPOs and people with disabilities.

80. Developing Local Area Coordination, social planning and strengthening collaboration for inclusive community-based services aligned with the UNCRPD implementation could enable the development of a Flag Standard and accreditation process for community inclusion. This standard would be like the Purple, Green and Blue flags but would identify which town and city centres are accessible and inclusive, including accessible information and communications, for people with disabilities. Accreditation could include an indicator in relation to the accessibility of local cultural venues, playgrounds, and sports amenities.

81. Implementation of Disability Awareness Training at local community level is also crucial to enable meaningful consultation with people with disabilities and deliver the cultural shift from a medical to a social or human rights model of disability. On the progress of the roll out of Disability Awareness Training the NDA state that;

‘there has been an increase in the delivery of disability awareness training to public and civil service staff; however, it appears as though that delivery is inconsistent and uncoordinated across Departments and bodies. There is no shared benchmark to measure effectiveness or learning outcomes, and there is no way of knowing if the trainings contain crucial elements of disability policy. Also, there is no indication that disabled people or DPOs have been engaged in the design of this programme, as is envisaged by UNCRPD Article 4(3).’<sup>45</sup>

82. The Committee continue to recommend that the Department of Children, Equality, Disability, Integration and Youth and the Department of Education, in partnership with people with disabilities and their DPOs, and Community Development Groups develop a disability awareness raising strategy in line with the human rights model of disability including roll out of disability awareness and Equality and Human Rights Training for all public sector staff.

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<sup>45</sup> NDA *Independent Assessment of Implementation of the National Disability Inclusion Strategy for 2021*, pp. 8

83. The Committee is also aware that, as highlighted in the '*Roadmap for Social Inclusion 2020-2025*' that short term measures have been introduced to address the affordability of everyday living aids for people with disabilities. These measures include the retention of a free travel pass for people who move into work; increases in earnings thresholds for retention of the medical card for people with disabilities; and dispensing with the requirement that work should be of a rehabilitative nature in order for employment earnings to be disregarded in means tests.<sup>46</sup> However, the Committee are concerned that issues remain with the structure of disability payments and lack of recognition of the additional costs incurred by people with disabilities compared to other people on income support payments. A further barrier is the use of a binary approach to disability, with no recognition that work capabilities can vary among different people with different types of disability. Schemes often adopt a 'one size fits all' approach to the issue of living costs, taking no account of the differing costs incurred by people living with different types of disability.

84. The Committee heard that people with disabilities can find that family members and carers can be overly controlling of how they spend their money, and they may not be able to access their own bank account. Further, they may not be consulted on how their estates are managed and may not have sufficient funds left over for social activities after paying for nursing home charges. The Committee acknowledge that people with disabilities also need the 'means' to fully participate in the community as well as the mechanisms to enable that participation.

85. The Committee believe that a rights-based and needs-led approach to social protection and disability welfare supports must be developed that views people with disabilities as being capable of achievement. A review is required, led by the Department of Social Protection and the Department of Enterprise, Trade and Employment in consultation with DPOs that considers all the current system of supports for people with disabilities, across the range of schemes and assess their alignment with the requirements of the UNCRPD.

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<sup>46</sup> Government of Ireland, *Roadmap for Social Inclusion 2020 – 2025 Ambition, Goals, Commitments*, pp. 56

## Delivering Local Government consultation

86. Evidence presented to the Committee highlighted significant gaps in consultation with people with disabilities and DPOs at Local Government level.
87. Strategic Policy Committees (SPCs) were introduced as part of an ongoing process of Local Government reform to broaden involvement in Local Government through participation by community and sectoral interests. PPNs were established to allow voluntary organisations under the pillars of environment, community and social inclusion to elect representatives to the Strategic Policy Committees of the Local Authority.
88. The Committee in its report '*Ensuring Independent Living and the UNCRPD*' recommended that UNCRPD Implementation Teams be introduced in all Local Authorities.<sup>47</sup> In addition, the Committee recommend that these implementation teams be developed through the establishment of Disability SPCs in each Local Authority aligning with UNCRPD implementation.
89. The Committee are concerned that, as reported by the NDA in their '*Independent Assessment of the National Disability Inclusion Strategy 2021*' that no update was provided on the obligation of Local Authorities to 'develop actions at community level to build and sustain disability-competent and welcoming communities.' The Committee support the NDA in requesting that the relevant Departments examine why no progress is being provided on this action, and other actions for which Local Authorities are named as the responsible bodies and that improved communication with Local Authorities is needed to aid implementation of actions for which they are responsible.<sup>48</sup>
90. The Committee heard about the significant potential to develop the PPN to enable the empowerment of people with disabilities in Local Government and communities. The Committee are aware that several of the 31 PPNs work together on the PPN Disability Network, which hosts seminars, makes submissions and carries out

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<sup>47</sup> *Ensuring Independent Living and the UNCRPD*, pp. 37

<sup>48</sup> *Independent Assessment of the National Disability Inclusion Strategy 2021*, pp. 37

disability awareness training. For example, the Bray Area Partnership facilitates a forum for local disability groups, services and relevant statutory agencies, called the BAP Disability Network and the Kerry PPN conducted a physical access audit in the four municipal districts of Kerry.<sup>49</sup>

91.PPNs are already delivering change for people with disabilities in some local areas, for example, the Committee heard how shared space and bus corridors can be dangerous for people with disabilities and change was brought about on this issue through representation from social inclusion representatives on SPCs. Plans for the new central library in Parnell Square in Dublin were also amended to include accessible features, such as a quiet space and graphic novels for those with autism.

92.The Committee also heard about the lack of consultation with people with disabilities and their DPOs regarding Pedestrians–cyclists shared spaces. These spaces and sidewalks and streets are now a commonly implemented urban design solution in many cities to promote sustainable mobility due to the non-availability of public space.<sup>50</sup>

93.In this regard, Local Authorities must consider the impact of their policies on people with disabilities in their area and consult with people with disabilities and DPOs on developing further policies that improve the lives of people with disabilities in line with the UNCRPD including undertaking;

- a) an accessibility audit of the local built environment including the contributions of vulnerable pedestrians in local community and measures to address inaccessibility
- b) consultation with PPNs on any built environment upgrades that may affect people with disabilities in local areas
- c) examination of the impact of public lighting retrofit projects on members of the local community

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<sup>49</sup> National Disability Authority, (2021). *A review of Disabled Persons Organisations (DPOs) and their participation in implementing and monitoring the UNCRPD*, pp. 30

<sup>50</sup> A. Nikiforiadis, S. Basbas, F. Mikiki, A. Oikonomou, E. Polymeroudi, (2021). *Sustainability, Pedestrians-Cyclists Shared Spaces Level of Service: Comparison of Methodologies and Critical Discussion*

- d) assessing the impact of climate change mitigation and adaptation measures on people with disabilities in their local community
- e) developing innovative solutions to help people with disabilities in their area live independently

94. As highlighted in Wexford PPN report, *‘Let’s Talk about Disability in County Wexford’* under the Local Government Act 2014, all community groups, including disability groups, must be channelled through the PPN structure and all consultation between people with disabilities and Local Authorities must take place within the structures of the PPN. However, the Committee heard in its public meetings from Dr. Vivian Rath that there is a lack of supports for people with disabilities to engage with PPNs and that there is no permanent structure in place within the PPN or the Local Authority to channel the voice of disabled people on the ground. Dr. Vivian Rath highlighted the subsequent challenge and opportunity available in stating that ‘as everyone here will know, to engage fully in politics you must start at ground level’.

95. The Committee note the good practice introduced by Bray Area Partnership Disability Network, Wexford PPN and Laois PPN in developing mechanisms for direct consultation with the disability community in local areas. Wexford PPN representatives recognised their role in promoting consultation with the disability community in their area and established a disability sub-committee within the Wexford PPN. Laois PPN, through their development of the Laois Disability Special Interest Group enables people with disability to participate in local decision making.<sup>51</sup>

96. The Committee welcome that direct consultation with PPNs is being piloted under the development of the Climate Action Plan 2021<sup>52</sup>. The Department of the Environment, Climate and Communications and the Department of Rural and Community Development must ensure consultation with people with disabilities and their DPOs in all future iterations of the Climate Action Plan considering the

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<sup>51</sup> Laois Public Participation Network, *Letter to An Taoiseach dated 27 March 2018*, Retrieved 4 October 2022 from: [Disability-SIG-Letter-An-Taoiseach-Leo-Varadkar.pdf \(laoisppn.ie\)](#)

<sup>52</sup> Press Release, (2021). Department of Rural and Community Development, *Minister O’Brien welcomes the role of PPNs in the development of the next Climate Action Plan*, Retrieved 4 October 2022 from: [gov.ie - Minister O’Brien welcomes the role of PPNs in the development of the next Climate Action Plan \(www.gov.ie\)](#)

significant impact of climate change mitigation and adaptation on people with disabilities.

97. The Committee also heard from CBM Global at its public meeting on the 28 April 2022 on their experience of people with disabilities and their representative organisations becoming active contributors to response during times of emergencies, risk and climate action. CBM Global highlighted good practice within the field of disaster risk reduction (DRR) where local DRR committees enable people with disabilities and their representative organisations to engage with the impact of the climate change in their communities.

98. The Committee are also aware that the Disability Participation and Awareness Fund 2021 allocated €2.5 million to Local Authorities to implement opportunities for people with disabilities to partake in activities at local level and to remove barriers to community involvement.

99. The Committee recommend that the Department of Housing, Local Government and Heritage, Department of Rural and Community Development, the County and City Management Association and Local Authorities must work together to develop a standard and permanent mechanism for direct consultation with people with disabilities, DPOs and the disability community.

## **Priority Recommendations;**

2.1 The Committee continue to recommend that the Government must ensure that the process of placing people in congregated settings is eliminated. In addition, the procedure to determine and record how each individual choice on where and with whom a person wants to live with, must be developed in line with the Assisted Decision Making (Capacity) Act 2015 and the UNCRPD.

2.2 The Department of Housing, Local Government and Heritage, Department of Rural and Community Development, the County and City Management Association and all Local Authorities must work together to develop Local Area Coordination, social planning and the community development approach in conjunction with DPOs



and Disability Service Providers and all other relevant local actors to strengthen the provision of inclusive community-based supports in line with the UNCRPD.

2.3 The Department of Housing, Local Government and Heritage in conjunction with Local Authorities and the Department of Rural and Community Development consider the development of;

- a) a National Structure – Public Participation Ireland to centrally manage and coordinate PPN work on UNCRPD implementation and ensure Local Authorities adhere to the requirement that PPNs act as the main route for community consultation
- b) a permanent PPN Disability Network including funding
- c) a Flag Standard and accreditation process like the Purple, Green and Blue flags to identify which town and city centres are accessible and inclusive in line with the UNCRPD and including accessible information and communications

2.4 The Department of the Environment, Climate and Communications and the Department of Rural and Community Development must ensure consultation with people with disabilities and their DPOs in all future iterations of the Climate Action Plan.

2.5 The Department of Social Protection and the Department of Enterprise, Trade and Employment in consultation with DPOs must consider all the current system of supports for people with disabilities, across the range of schemes provided by Government Departments and other state agencies and assess their alignment with the UNCRPD.

2.6 The Department of Children, Equality, Disability, Integration and Youth must strengthen implementation of the Irish Sign Language Act 2017 and mainstreaming of Irish Sign Language as an official language of Ireland and;

- a) increase accessibility of public services including legal proceedings, educational provision and broadcasting

- b) develop targeted responses to improve the literacy and educational outcomes of deaf people
- c) include Irish sign language, ISL, on the curriculum in primary and post-primary schools
- d) develop mandatory provision and requirement for teachers of the deaf to have learned full ISL

2.7 The Department of Children, Equality, Disability, Integration and Youth, in consultation with DPOs must support Disability Service Providers to be developed to provide community-based supports founded on the principles of inclusion, empowerment, choice, dignity, respect, participation and contribution and rooted in the rights-based perspective that all persons have the right to live self-determined lives within an equal and inclusive society.

## Chapter 3 – Participation in cultural life

### Supporting cultural participation

100. Article 30 of the UNCRPD, participation in cultural life, recreation, leisure and sport, requires State Parties to recognise the right of people with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that people with disabilities enjoy access to cultural materials, television programmes, films, theatre and other cultural activities, in accessible formats and to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.<sup>53</sup>

101. The Committee heard about the physical and systemic barriers that can make it impossible for people with disabilities to contribute and participate sustainably, securely and legitimately in the artistic and cultural life of Ireland. There is a need to ensure that cultural venues, playgrounds and sports amenities are accessible so that people and children with disabilities can enjoy life.

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<sup>53</sup> [Article 30 – Participation in cultural life, recreation, leisure and sport | United Nations Enable](#)

102. Personal Assistance must also move beyond a service provision that only provides basic medical needs, to include education, employment and cultural needs. The Committee heard how home support and personal assistance services can be important facilitators to accessing community and cultural life however, considering there is no statutory provision, or standardised national system for both, this leads to a lack of equal and fair access to these supports for people with disabilities. The Committee welcome the ongoing development of draft national standards for home support services but as highlighted in the Committees report, '*Ensuring Independent Living and the UNCRPD*', this should be extended to personal assistance services, with the development of a national statutory Personal Assistance Service.<sup>54</sup>
103. In their '*Independent Assessment of implementation of the National Disability Inclusion Strategy 2021*' the NDA state 'the Personalised Budgets Demonstration Projects continue to see significant delays, which, of course, then impedes the overall objective of rolling out a nationwide programme of individualised funding'. The Committee continue to recommend that the Personalised Budgets demonstration projects are moved to implementation stage urgently and adequately funded and their report published as a priority.
104. The Committee heard from the National Advocacy Service that some residential services have rigid schedules, which can be due to issues such as staffing and resourcing but, for the person living in them, it may mean having to eat food at a certain time, having strictly enforced sleeping schedules, lack of access to transport resulting in limited participation in the community. National Advocacy Service further noted that it is often difficult for these individuals to have people and supports available to them so that they can engage and go to concerts or the cinema or for a pint. Many other public meetings provided further evidence of how people living in these settings have a lower quality of life. As previously stated under Chapter 2, the Committee ultimately are of the view that the process of placing people in these settings must be eliminated.

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<sup>54</sup> *Ensuring Independent Living and the UNCRPD*, pp. 84

105. The Committee also heard of the significant impact of the lack of ISL interpreters to support deaf people accessing cultural, sporting and other such events. The Irish Deaf Society outlined how deaf people must plan long in advance of an event they want to attend, and they have limited choices of events they can access. For example, a deaf person can only choose the film that has been subtitled and much of the time, that is just one film and depends on the cinema. The Committee believe that public services must move away from the process where people with a disability must book the services further in advance than people who do not have a disability. The Committee believe that the Government must take action to ensure all public services increase their ambition to mainstream people with disabilities into their services through the application of Universal Design aligned with the UNCRPD.
106. The Committee welcomed hearing that the Citizens Information Board (CIB) and the Sign Language Interpreting Service (SLIS) launched a pilot project for the Voucher Scheme for users of ISL to access free ISL/English interpreting for social, educational and cultural events and services (including medical) and other activities. The commencement of the pilot project is highlighted as an important step in progressing with the enactment of the *Section 9 Irish Sign Language (ISL) Act 2017* which commenced in December 2020 and the CIB will complete an evaluation of the pilot voucher project to inform the future development of the guidelines for the Voucher scheme.<sup>55</sup> Grants are available to cultural organisations, but there is a need for a stipulation in those grants that interpreter access must be provided to enable deaf people to access services through ISL.
107. The Committee heard that the Broadcasting Authority of Ireland, BAI, insists on targets for broadcasters to meet, and subtitling is included in the provision for deaf people, but very often the subtitled programmes are just repeated at unsociable hours, resulting in the target being met but not in a meaningful way. The Irish Deaf Society highlighted to the Committee the need to have a specific deaf programme for

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<sup>55</sup> Citizens Information Board, *News 2021- Irish Sign Language Pilot Voucher Scheme*, Retrieved 4 October 2022 from: [Irish Sign Language Pilot Voucher Scheme - Citizens Information Board](#)

deaf people similar to the TV programme “Hands On”, produced by Mind the Gap Films and RTÉ which ran from 1985 until 2014.

108. The current target of audio description in Irish televised broadcasting is 5%, as set out by the BAI. RTE and Virgin Media fulfil this requirement by ‘buying in’ programming from the UK with audio description already available, mainly from providers such as ITV and BBC. Furthermore, only 6% of programming available on RTÉ Jnr is audio described. Targets set by the BAI for 2023 are 10% for Irish programming, however this is less than half the rate already available on Netflix.

### **Increasing participation in sport**

109. Article 30 (5) specifically requires State Parties to ensure that people with disabilities can participate on an equal basis with others in recreational, leisure and sporting activities, in mainstream sporting activities at all levels and in disability-specific sporting and recreational activities. However, the Committee heard from public meetings that research indicates that individuals with disabilities are far less likely to participate in sport and physical activity, volunteer for sport, be in a sports club member or attend a sporting event than those without a disability.

110. Consultation for ‘*Ireland’s Initial State report under the UNCRPD*’ undertaken by the Department of Children, Equality, Disability, Integration and Youth in 2021 specifically highlighted the perception from stakeholders that sporting culture in Ireland was elitist and inaccessible to those with additional needs and that there was a low visibility of people with disabilities and disability initiatives in sport.<sup>56</sup> The Committee believe that this must change through consultation with DPOs, implementation of sports inclusion and disability awareness training, provision of inclusive and accessible programming and promotion of opportunities for people with disabilities throughout all leisure and sports clubs and organisations. The Committee are also aware that organisations like Special Olympics Ireland and Paralympics Ireland are changing this perception and providing opportunities for people with

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<sup>56</sup> Department of Children, Equality, Disability, Integration and Youth and CES, (2021) *Ireland’s Draft State Report under the United Nations Convention on the Rights of Persons with Disabilities Report from Public and Stakeholder Consultations*

disabilities to participate in their local community, as well as improving health and well-being, increasing social interaction and empowering people.

111. Special Olympics is a global movement of people creating a new world of inclusion and community, where every single person is accepted and welcomed, regardless of ability or disability.<sup>57</sup> Special Olympics Ireland aims to support every person in Ireland with an intellectual disability to have the opportunity to participate in sport and other developmental activities to ensure he or she can better achieve his or her full potential in life and society. The Committee heard from Special Olympics Ireland at its public meeting on 3 December 2020 that Ireland is recognised as having one of the strongest Special Olympics programme in the world. Sport, athlete leadership and health and well-being programmes are rolled out at a grassroots level through 294 Irish Special Olympics clubs run by volunteers.
112. The Paralympic Games or Paralympics is a periodic series of international multi-sport events involving athletes with a range of physical disabilities held every four years in parallel with the Olympic Games. Paralympics Ireland is responsible for preparing and managing the Irish Team at the Paralympic Games. The Committee heard that through Paralympics Ireland stories of success, perseverance and ability have helped to raise awareness amongst the Irish public for disability sport and have helped to mainstream disability amongst sport and media and subsequently across broader Irish society.
113. Consultation for *'Ireland's Initial State report under the UNCRPD'* also highlighted a tendency for grants to be awarded to organisations rather than individuals and a lack of services and facilities in rural locations and inaccessible gyms and training centres.<sup>58</sup> Under this consultation, recommendations were made to develop grants specifically for sporting or gym equipment as well as developing more online sporting activities and raising awareness of the supports available. Progress in the area was also acknowledged under this consultation, including an increase in accessible gyms

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<sup>57</sup> Special Olympics, *About Special Olympics*, Retrieved 4 October 2022 from: [About \(specialolympics.org\)](https://www.specialolympics.org/about)

<sup>58</sup> *Ireland's Draft State Report under the United Nations Convention on the Rights of Persons with Disabilities Report from Public and Stakeholder Consultations*

and investment in rural areas, and the provision of sports inclusion officers and occupational therapists. Universities were also credited for encouraging people with disabilities to pursue a career in sport.

114. The Irish Sports Monitor (ISM) is a large population study undertaken biennially in order to provide trends in participation in sport and physical activity in Ireland. This study also reflects the low participation of people with disabilities in sport as it indicates that there are still huge gradients between people with disabilities engaging in club activities compared with people without disabilities. The Committee heard that, as highlighted in the 2021 ISM Interim Report Q3, sports participation for those without a disability (49%) has almost returned to 2019 levels (50%), creating a widening gap to those with a disability (27%, down from 33% in 2019).<sup>59</sup> The Committee were also informed that research notes that 85% of sports clubs want to be inclusive but may not have the knowledge and awareness to make that happen.
115. The Committee heard from Sport Ireland that the '*National Sports Policy 2018-2027*' ensures that every sports partnership in the country has access to funding for a sport inclusion disability officer, whose role is to engage locally with clubs and disability groups to increase participation among people with disabilities in sport and physical activity. The '*National Sports Policy 2018-2027*' also commits to reducing the gradient in the participation of people with disabilities in sport.
116. Cara Sports Inclusion Ireland told the Committee that in partnership with Sport Ireland they launched Ireland's first ever Sports Inclusion Disability Charter in 2019, developed through collaboration and in consultation with people with disabilities. The charter sets out five principles which people with disabilities have identified as key to ensuring that organisations adopt an inclusive approach to their programmes and sport and physical activity offerings. Cara Sports Inclusion Ireland further noted that over 1,400 organisations have signed the charter, pledging their commitment to provide people with disabilities with increased opportunities to participate in sport

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<sup>59</sup> Irish Physical Activity Research Collaboration, *2021 Irish Sports Monitor Interim Report Q3 shows participation in sport now nearing pre-pandemic levels*, Retrieved 4 October 2022 from: [2021 Irish Sports Monitor Interim Report Q3 shows participation in sport now nearing pre-pandemic levels \(i-parc.ie\)](https://i-parc.ie/2021-Irish-Sports-Monitor-Interim-Report-Q3-shows-participation-in-sport-now-nearing-pre-pandemic-levels)



and physical activity across the sectors of education, health, disability and outdoor spaces.

117. Cara Sports Inclusion Ireland also highlighted that Ireland's first ever inclusive outdoor co-ordinator has been appointed who will work in collaboration with the sector to increase awareness, access and opportunities to outdoor recreational environments and activities for people with disabilities. A National Disability Sport Forum comprised of representatives from Special Olympics Ireland, Irish Wheelchair Sport, Paralympics Ireland, Vision Sport Ireland and the Local Sports Partnerships will also work to overcome the extra challenges brought by the pandemic and ensure people with disabilities are at the heart of the recovery. The National Disability Sport Forum should consider the inclusion of DPO representation.
118. As highlighted by the NDA, under the Sports Capital and Equipment Programme, Sport Ireland is required to ensure that all facilities are accessible to people with disabilities and that capital projects must conform to the seven principles of Universal Design. All gym equipment funded must be accessible to people with disabilities and the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media has produced a guide to accessible gym equipment.<sup>60</sup> The NDA further highlight that the Sports Inclusion Disability Capital Project aims to reduce barriers to sports participation for disabled people through minor infrastructure development and the provision of equipment. The Sports Inclusion Disability Programme through the Sports Inclusion Disability Officers aims to encourage and facilitate more people with disabilities to participate in sport and physical activity and develop sustainable clubs and programmes in all settings. Funding must be continued under these programmes to develop equal opportunities for people with disabilities to experience the benefits of participating in sport and physical activity.
119. The Committee believe that the Local Area Coordination approach and Local Area Coordinators through improving access to services and promoting social inclusion are best placed to work with DPOs and disability groups, in consultation with local

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<sup>60</sup> National Disability Authority, (2021). *NDA Independent Assessment of Implementation of the National Disability Inclusion Strategy for 2020*, pp. 38

sport inclusion disability officers to further the work and promote the development of inclusive leisure and sport activities in their area. Additional funding must be considered for the provision of central sports inclusion and disability awareness training in line with the UNCRPD.

## **Developing artists with disabilities**

120. Article 30 of the UNCRPD also highlights the capacity of people with disabilities and the importance of tapping into this capacity in terms of the Arts. Article 30 (2) requires State Parties to take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilise their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society. The Committee heard about the barriers to development that artists with disabilities face and that these barriers start in childhood where families can struggle to afford the additional cost of developing their child's artistic potential while also paying for the cost of the child's disability.
121. The Committee also heard that although many free and subsidised courses are made available to disabled people by charities and the State to rehabilitate them back into work, none of these focuses on artistic development. Other significant barriers include artists pay being means tested and the loss of access to secondary supports. The disabled artist has further barriers to overcome such as inaccessible transport, inaccessible accommodation if touring and inaccessible backstage areas.
122. At the Committee's public meeting on the 7 October 2021, Emilie Conway communicated her vision for disabled artists using song. Ms. Conway's vision is that disabled artists must be part of the team of every arts organisation in the country and that this artist would lead a process led creative collaboration with the disabled community around inclusion and access. Ms. Conway continued that this practical and artistic collaborative work would complement, inform and enhance the implementation of policy through art.
123. At this meeting, the Committee also heard that a pilot scheme to provide artists with a universal Basic Income for the Arts (BIA) was introduced in response to the

National Campaign for the Arts. The Committee welcome the pilot scheme for the BIA in that it provides much needed financial support to artists developing their craft, however, issues regarding the interaction between the new pilot payment and existing payments, such as the disability allowance, mean that artists with disabilities will have to use some or most of their BIA payment to cover the cost of their disability. This must be addressed.

### **Priority Recommendations;**

3.1 The National Disability Sport Forum must consult with DPOs and include more DPOs in their representation. All clubs and organisations must be encouraged and incentivised to join CARA Sports Inclusion Disability Charter and the clubs must be resourced to implement the charter positively along with training and education for clubs including disability inclusion training and autism in sport training.

3.2 The Committee welcome the pilot scheme for the BIA in that it provides much needed financial support to artists developing their craft, however, the Department of Social Protection must address issues regarding the interaction between the new pilot payment and existing payments, such as the disability allowance.

3.3 Broadcasting Authority of Ireland must consult with people with disabilities and DPOs on mainstreaming ISL into programming and development of higher targets and work to develop a specific deaf programme for deaf people.

3.4 Sporting organisations for people with disabilities must be developed to ensure inclusion of events in mainstream programming along with ISL interpretation and supports to raise awareness including additional measures to celebrate athletes' achievements at games.

## Appendix

### Appendix 1 - Terms of reference of the Joint Committee

#### Orders of Reference - Dáil Éireann

(1) That a Select Committee consisting of 9 Members be appointed by Dáil Éireann to form the Joint Committee on Disability Matters to consider all disability matters including monitoring the implementation (by Ireland) of the United Nations Convention on the Rights of People with Disabilities.

(2) That the Select Committee on Disability Matters shall consider and report on-

(a) the 'Implementation Plan' for the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and national strategies including the National Disability Inclusion Strategy and sector strategies for the purpose of-

- (i) ensuring implementation plans are configured to advance the UNCRPD while delivering outcomes for persons with disabilities in their lived experience and planning into the future;
- (ii) making recommendations which align the plans and strategies of Ireland's international obligations;
- (iii) monitoring progress of the drafting and initiation of required and relevant legislation;
- (iv) engaging with Ministers and the Secretaries General of relevant Government departments regarding implementation measures and budgetary measures;
- (v) aligning the UN Sustainable Development Goals with the provisions of the UNCRPD;
- (vi) supporting the embedding of a rights-based approach to disability as provided by the UNCRPD within Ireland's economy, society, and culture;
- (vii) reviewing Ireland's Report/s to the UNCRPD Committee;
- (viii) monitoring and ensuring the timely implementation of the Optional Protocol of the UNCRPD;

- (b) the effectiveness of-
  - (i) all national processes established to implement the UNCRPD;
  - (ii) the National Framework for Monitoring the implementation of the Convention including engagement with the Irish Human Rights and Equality Commission and the National Disability Authority.
- (3) For the purposes of paragraph (2) the Committee shall-
  - (a) engage with persons with disabilities, family carers, Disabled Persons Organisations, service providers and advocates in the Committee's work;
  - (b) consider other topics that the disability community identifies as key as agreed by the Committee;
  - (c) have regard to Concluding Observations of the UN Committee on the Rights of Persons with Disabilities (UN Committee) with respect to Ireland's periodic reports, review the Government response to the Observations of the UN Committee and make its own recommendations with respect to same.
- (4) The Joint Committee shall have the powers defined in Standing Order 96, other than paragraphs (3) to (9) inclusive thereof;
- (5) The Chairman of the Dáil Select Committee shall also be Chairman of the Joint Committee

### **Orders of Reference - Seanad Éireann**

- (1) That a Select Committee consisting of 5 Members to be appointed by Seanad Éireann to form the Joint Committee on Disability Matters to consider all disability matters including monitoring the implementation (by Ireland) of the United Nations Convention on the Rights of People with Disabilities.
- (2) That the Select Committee on Disability Matters shall consider and report on-
  - (a) the 'Implementation Plan' for the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and national strategies including the National Disability Inclusion Strategy and sector strategies for the purpose of-

- (i) ensuring implementation plans are configured to advance the UNCRPD while delivering outcomes for persons with disabilities in their lived experience and planning into the future;
  - (ii) making recommendations which align the plans and strategies of Ireland's international obligations;
  - (iii) monitoring progress of the drafting and initiation of required and relevant legislation;
  - (iv) engaging with Ministers and the Secretaries General of relevant Government departments regarding implementation measures and budgetary measures;
  - (v) aligning the UN Sustainable Development Goals with the provisions of the UNCRPD;
  - (vi) supporting the embedding of a rights-based approach to disability as provided by the UNCRPD within Ireland's economy, society, and culture;
  - (vii) reviewing Ireland's Report/s to the UNCRPD Committee;
  - (viii) monitoring and ensuring the timely implementation of the Optional Protocol of the UNCRPD;
- (b) the effectiveness of-
- (i) all national processes established to implement the UNCRPD;
  - (ii) the National Framework for Monitoring the implementation of the Convention including engagement with the Irish Human Rights and Equality Commission and the National Disability Authority.

(3) For the purposes of paragraph (2) the Committee shall-

- (a) engage with persons with disabilities, family carers, Disabled Persons Organisations, service providers and advocates in the Committee's work;
- (b) consider other topics that the disability community identifies as key as agreed by the Committee;
- (c) have regard to Concluding Observations of the UN Committee on the Rights of Persons with Disabilities (UN Committee) with respect to Ireland's periodic reports, review the Government response to the Observations of the UN Committee and make its own recommendations with respect to same.

(4) The Joint Committee shall have the powers defined in Standing Order 72, other than paragraphs (3) to (9) inclusive thereof;

(5) The Chairman of the Dáil Select Committee shall also be Chairman of the Joint Committee



## Appendix 2 - Public stakeholder engagement

Date of public meeting & link to Transcript	Meeting topic	Witnesses
<a href="#">03 December 2020</a>	Why Disability Matters	<ul style="list-style-type: none"> <li>• Matt English, Chief Executive Officer, Special Olympics Ireland</li> <li>• Margaret Turley, Special Olympics Athlete</li> <li>• Marie Devitt, Pathways Coordinator, Trinity Centre for People with Intellectual Disabilities</li> <li>• Catherine Kelly, Director of services, WALK</li> </ul>
<a href="#">23 September 2021</a>	Participation of people with disabilities in political, cultural, community and public life	<ul style="list-style-type: none"> <li>• Renee Dempsey-Clifford, Disability Stakeholders Group</li> <li>• Dr. Vivian Rath, Disability Stakeholders Group</li> <li>• Annette Costello, Disability Stakeholders Group</li> <li>• Councillor Carly Bailey, South Dublin County Council</li> <li>• Councillor Gabe Cronnelly</li> </ul>
<a href="#">30 September 2021</a>	Participation in political, cultural, community and public life	<ul style="list-style-type: none"> <li>• Elaine Grehan, Advocacy Manager, Irish Deaf Society</li> <li>• Lianne Quigley, Chairperson, Irish Deaf Society</li> <li>• John Sherwin, Chief Executive Officer, Irish Deaf Society</li> <li>• Rachel Cassen, Co-Founder and Executive Director, LEAP</li> <li>• Deirdre Fitzgerald, Mother, Leap Board Member</li> <li>• Joe McGrath, Vice Chair, National Platform of Self Advocates</li> </ul>
<a href="#">07 October 2021</a>	Participation in political, cultural, community and public life	<ul style="list-style-type: none"> <li>• Louise Loughlin, National Manager, National Advocacy Service</li> <li>• Suzy Byrne, Greater Dublin Regional Manager, National Advocacy Service</li> </ul>

- Robbie Sinnott, Co-Ordinator, Voice of Vision Impairment
- Niamh Daffy, CEO, Cara Sports Inclusion Ireland
- Odhrán Doherty, Sports inclusion Co-Ordinator, Cara Sports Inclusion Ireland
- Gerry Kerr, Member Dublin City PPN
- Emilie Conway, Disabled Artist, Founder and Creator, Disabled Artists and Disabled Academics (DADA)
- Isolde O'Brolcháin Carmody, Disabled Artist, Co-Founding Member, Disabled Artists and Disabled Academics (DADA)

[7 April 2022](#)

DPOs and the implementation of the UNCRPD

- DPO Network
- Voice of Vision Impairment
- Physical Impairment Ireland

### Appendix 3 - Written Submissions

Please note that the full versions of written submissions are available in the online version of the present report and on the Committee's website, which may be accessed at:

<https://www.oireachtas.ie/en/committees/33/disabilitymatters/documents/>

Reference	Topic	Submitter
<a href="#">JCDM-r445</a>	Participation of people with disabilities	Paralympics Ireland

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