



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Initial report submitted by Ireland under article 35 of the Convention, due in 2020*, **

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List of Frequently Used Acronyms and Terms

For reasons of space, acronyms appearing in only one or a small number of adjacent paragraphs are not included here. All acronyms are written out in full in the text where they first appear.

| | |
|-------------------|--|
| ADMC | Assisted Decision Making (Capacity) Act 2015 |
| An Garda Síochána | Irish Police Force |
| AT | Assistive Technologies |
| BAI | Broadcasting Authority of Ireland |
| CES | Comprehensive Employment Strategy for People with Disabilities 2015–2024 |
| CEUD | Centre for Excellence in Universal Design |
| CPD | Continuous Professional Development |
| CRPD | Convention on the Rights of Persons with Disabilities |
| CSO | Central Statistics Office |
| DCEDIY | Department of Children, Equality, Disability, Integration and Youth |
| DPCN | Disability Participation and Consultation Network |
| DPO | Disabled Persons' Organisation |
| DSG | Disability Stakeholders' Group |
| DSP | Department of Social Protection |
| DSS | Decision Support Service |
| ECCE | Early Childhood Care and Education Programme |
| ECHR | European Convention on Human Rights |
| EPSEN | Education for Persons with Special Educational Needs Act 2004 |
| EU | European Union |
| FET | Further Education and Training |
| FOI | Freedom of Information |
| HIQA | Health Information and Quality Authority |
| HSE | Health Service Executive |
| IHREC | Irish Human Rights and Equality Commission |
| ISL | Irish Sign Language |
| MHC | Mental Health Commission |
| NCSE | National Council for Special Education |
| NDIS | National Disability Inclusion Strategy |
| NGO | Non-Governmental Organisation |
| NPHET | National Public Health Emergency Team |
| NSAI | National Standards Authority of Ireland |
| NTA | National Transport Authority |
| OPW | Office of Public Works |
| SEN | Special Educational Needs |
| SNA | Special Needs Assistant |

| | |
|-------|--------------------------------------|
| TFI | Transport for Ireland |
| Tusla | Child and Family Agency |
| WAD | EU Web Accessibility Directive |
| WCAG | Web Content Accessibility Guidelines |
| WRC | Workplace Relations Commission |

Notes on the text

- (i) Throughout this report, the term ‘people with disabilities’ is used.
- (ii) References in this report to documents (including legislation) that are published online contain a footnoted link to the publication.

I. Introduction

1. Ireland ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 20 March 2018. This marked an important milestone in a process to strengthen the rights of people with disabilities in Ireland that has gathered momentum since Ireland became a signatory to the Convention in 2007.
2. This, Ireland's Initial State Report under Article 35 of the Convention, sets out the current position with respect to each article of the Convention. It notes significant recent developments in public policy and legislation that contribute to the achievement of the objectives of the Convention.
3. Ireland has, in recent, years put in place two new policy frameworks for promoting the rights and inclusion of people with disabilities. The Comprehensive Employment Strategy for People with Disabilities 2015–2024 (CES) sets a whole-of-government agenda for increasing access to employment for people with disabilities. The National Disability Inclusion Strategy 2017–2021 (NDIS)¹ addresses broader equality and inclusion issues such as the need for joined up public services to meet the needs of people with disabilities. These policy frameworks were developed in consultation with disability stakeholder groups and wider civil society and monitoring mechanisms for the implementation of both strategies include disability stakeholders.
4. Ireland has also adopted new laws to protect the rights of people with disabilities. The Assisted Decision Making (Capacity) Act 2015 (ADMC) is a comprehensive reform of the support system for people with capacity difficulties. The Irish Sign Language Act 2017 conferred official language status on Irish Sign Language (ISL).² Since 2014, all public authorities in Ireland have been bound by a positive legal duty to have regard to the need to eliminate discrimination, promote equality and protect human rights of staff and people availing of their services.³
5. This report has been prepared by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY), which is responsible for co-ordinating disability policy across government, and acts as the National Focal Point for the Convention.
6. To support the involvement of people with disabilities in the reporting process under the Convention, government funding was provided to establish a new Disability Participation and Consultation Network (DPCN) in 2020. Membership consists of disability groups, including Disabled Persons' Organisations and individuals with lived experience. The DPCN was involved in the consultation process for this Report.
7. Ireland has adopted an approach of progressive realisation with respect to the Convention. This report provides information both on current implementation status and on planned initiatives.
8. Ireland has not yet ratified the Optional Protocol to the Convention, but intends to do so. The work needed to prepare for ratification will begin once the ADCMC has been commenced and the Decision Support Service (DSS) is operational.
9. In preparing this report, DCEDIY consulted other government departments and agencies, civil society organisations and the wider public. This process and the feedback received is contained in the 'Report of Stakeholder Consultation held during preparation of report' section at the end of this Report.

¹ In 2021, the Strategy Period was extended to the end of 2022.

² <http://www.irishstatutebook.ie/eli/2017/act/40/enacted/en/html>.

³ <http://www.irishstatutebook.ie/eli/2014/act/25/section/42/enacted/en/html>.

II. General Provisions of the Convention

Articles 1–4

10. The Irish Government is committed to the principles of the Convention and to its purpose, which is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all people with disabilities, and to promote respect for their inherent dignity.

11. Ireland has a dualist system under which international agreements to which Ireland becomes a party do not become part of domestic law unless so determined by the Oireachtas (the Irish Parliament) through legislation. The Convention is given effect in Ireland through a range of legislation, policies and strategies aimed at progressing the rights of people with a disability.

12. The Government attaches great importance to the protection and promotion of human rights in framing legislation. Draft legislation in Ireland is examined by the Office of the Attorney General to ensure that it is, *inter alia*, compliant with the human rights provisions of the Constitution and international human rights obligations, including CRPD.

1. Implementation of the Convention

13. Ireland has a whole of Government strategy, the National Disability Inclusion Strategy (NDIS) which, alongside the Comprehensive Employment Strategy for People with Disabilities (CES), is the key framework for policy and action to address the needs of people with disabilities. Through 123 actions, the NDIS supports progress towards meeting the obligations set out in the Convention. A number of actions relate to the remaining legislative measures that need to be taken to give full effect to the Convention.⁴

14. Following a mid-term review of the NDIS, the Government agreed to develop a CRPD implementation plan. Work on this plan is underway and its design will include stakeholder involvement.

15. A Steering Group to oversee the implementation of the NDIS is chaired by the Minister of State with responsibility for Disability⁵ and includes representatives of several Government Departments and Agencies and the Disability Stakeholder Group (DSG).

16. The independently chaired DSG is appointed by the Minister of State. Membership consists of individuals with lived experience of disability, and/or professional or academic expertise. Currently in its fifth iteration, the DSG plays an important role in the implementation and review of the NDIS. Recruitment is underway for a new DSG to begin work in 2022. The next DSG will be open to organisations, including Disabled Persons Organisations (DPOs), as well as individuals.

17. Implementation of the NDIS is monitored at regular Steering Group meetings through a reporting system that requires Government Departments and Agencies to detail their progress biannually. The group is supported by independent analysis and advice from the National Disability Authority (NDA) and by periodic review by the Cabinet Committee on Social Policy and Equality.

18. The NDA is an independent statutory advisory body, which provides information and advice to the Government on policy and practice relevant to the lives of people with disabilities. The NDA conducts an annual independent assessment of progress on the implementation of the NDIS and periodically reviews a suite of NDIS indicators to provide an overall measure of progress in improving the lives of people with disabilities.

19. A majority of Government Departments have established their own Departmental Consultative Committees (DCCs), which meet in advance of each National Disability Inclusion Strategy Steering Group meeting. DCCs consist of the relevant Departmental

⁴ <https://www.gov.ie/en/publication/8072c0-national-disability-inclusion-strategy-2017-2021/>.

⁵ Non-cabinet Government Minister.

officials and representatives of the NDA, the DSG and disability organisations. DCCs have a mandate to monitor implementation by Departments of NDIS actions.

20. The Government has funded the development of the Disability Participation and Consultation Network (DPCN) to build capacity within the disability community so that people with disabilities, their representative organisations and disability organisations can participate fully in the development of policy and legislation as required under the Convention. The Network was formed in late 2020 following a public call for applications, and has over 100 members, including DPOs, individuals with lived experience of disability and disability organisations.

21. The National Advocacy Service for People with Disabilities (NAS) provides free and independent information, referral and representative advocacy to adults with disabilities across Ireland. It has a particular remit to work with those who may be isolated from their community of choice or mainstream society, who may communicate differently and have limited informal supports. NAS is funded and supported by the Citizens Information Board (CIB), a State Body funded by and under the aegis of the Department of Social Protection, which has a mandate under the Citizens Information Act 2007 and Comhairle Act 2000 to provide advocacy for people with disabilities. In 2020, NAS completed 3,081 initial enquires, where clients or family members were provided with information and support, and represented clients on 1,047 advocacy cases, of which 458 were new cases.

22. Ireland will work to implement new EU Disability Rights Strategy 2021–2030, which supports implementation of the Convention by the EU and its Member States.

2. Number of persons with disabilities in Ireland

23. The latest census took place in 2016 and reported that there were 643,131 people, or 13.5% of the population, who indicated that they had a disability.

3. Definitions of disability in Ireland

24. The Disability Act 2005 defines “disability”, in relation to a person, as a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment.

25. The Equal Status Acts 2000–2018 and the Employment Equality Acts 1998–2015 (The Equality Acts) define disability as:

(a) The total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body;

(b) The presence in the body of organisms causing, or likely to cause, chronic disease or illness;

(c) The malfunction, malformation or disfigurement of a part of a person’s body;

(d) A condition or malfunction which results in a person learning differently from a person without the condition or malfunction; or

(e) A condition, disease or illness which affects a person’s thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour.

26. In Census 2016,⁶ a disabled person was classified as someone who responded ‘yes’ when asked if they had any of the following long-lasting conditions or difficulties:

(a) Blindness or a serious vision impairment;

(b) Deafness or a serious hearing impairment;

(c) A difficulty with basic physical activities such as walking, climbing stairs, reaching, lifting or carrying;

⁶ <https://www.cso.ie/en/census/census2016reports/>.

- (d) An intellectual disability;
- (e) A difficulty with learning, remembering or concentrating;
- (f) A psychological or emotional condition;
- (g) A difficulty with pain, breathing or any chronic illness or condition.

or who responded 'yes' when asked if they had any difficulty in doing any of the following:

- (a) Dressing, bathing or getting around inside the home;
- (b) Going outside the home alone to shop or visit a doctor's surgery;
- (c) Working at a job or business or attending school or college;
- (d) Participation in other activities, for example leisure or using transport.⁷

III. Specific rights

Article 5 Equality and non-discrimination

1. Anti-discrimination legislation

27. Ireland has robust equality legislation and a significant legal framework to protect human rights. These are detailed in Ireland's Common Core Document (HRI/CORE/IRL/2019).⁸

28. People with disabilities are equal citizens in Irish law. Discrimination on the grounds of disability is prohibited under the Equality Acts. The areas covered by the Acts include employment, education and the provision of goods and services.

29. A review of the Equality Acts is currently underway to examine the functioning of the Acts, their effectiveness in combatting discrimination and promoting equality, and how they define disability.

30. Ireland's equality legislation prohibits discrimination on the grounds of disability in a wide range of employment and employment-related areas, including recruitment and promotion, equal pay, working conditions, training or experience, dismissal and harassment including sexual harassment. The Workplace Relations Commission (WRC) deals with all complaints of discrimination, not limited to workplace complaints, made under the Equality Acts. If a Party is not able to travel due to reasons involving disability, the WRC arranges an accessible location.

31. In 2020, the WRC received 305 referrals under the Equal Status Acts, of which 91 referenced disability grounds. The WRC received 939 referrals under the Employment Equality Acts, of which 290 referenced disability grounds.⁹ Decisions of the WRC can be appealed to the Labour Court.

32. Discriminatory advertising is also prohibited under the Equal Status Acts. It is prohibited to publish, display or cause to be published or displayed, an advertisement, which indicates an intention to discriminate, harass or sexually harass or might reasonably be understood as indicating such an intention.

⁷ For Census 2022, the category 'psychological or emotional condition' has been extended to include a mental health issue, while new response categories – 'yes to a great extent', 'yes to some extent', 'no', have been introduced.

⁸ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=HRI%2fCORE%2fIRL%2f2019&Lang=en.

⁹ Workplace Relations Commission 2020 Annual Report p23
https://www.workplacerelations.ie/en/publications_forms/corporate_matters/annual_reports_reviews/annual-report-2020.pdf.

33. The Irish Human Rights and Equality Commission Act, 2014 established a Public Sector Equality and Human Rights Duty. This places a statutory obligation on public bodies to have regard to the need to eliminate discrimination, promote equality of opportunity and protect the human rights of staff and people availing of their services. The Irish Human Rights and Equality Commission (IHREC) has a statutory role to hold public bodies accountable for their performance of this duty.

34. In the 2014 Equality and Discrimination module of the Quarterly National Household (QNHS) survey, 16% of people with a disability said that they had experienced discrimination in the previous two years, compared to 11% of people without a disability. In the 2019 module, the equivalent figures were substantially higher, with 24.1% of adults with a disability reporting that they had experienced discrimination compared to 16.7% of those without a disability. Interpretation of these figures is made difficult by the general increase in reported discrimination, which may be due to increased awareness of discrimination, and thus higher levels of reporting. Nevertheless, the survey's findings suggest that the percentage of people with disabilities experiencing discrimination may be increasing.¹⁰

35. The 2019 survey also explored specific forms of discrimination in relation to services and the workforce. Findings indicated that 18.3% of people with a disability reported they had experienced discrimination accessing services compared to 10.9% of people without a disability. This gap was narrower for workplace discrimination, with 12.3% of adults with a disability experiencing discrimination in the workplace and/or while looking for work, compared to 9.0% of those without a disability.

2. Reasonable Accommodation and Special Measures

36. The Employment Equality Acts 1998–2015 oblige employers to provide reasonable accommodation to employment candidates and employees with disabilities, unless such measures would impose a disproportionate burden on them. Reasonable accommodation measures are defined as effective and practical changes that an employer is required to put in place to enable a person with a disability to access employment or carry out their work on an equal footing with others, unless this would give rise to a disproportionate burden on the employer. Reasonable accommodation may include, but is not limited to: adapting the premises or the equipment; patterns of working times; providing training or other supports; distribution of tasks.

37. The Equality Acts, when originally enacted, provided that reasonable accommodation should not give rise to more than a “nominal cost”, so to comply with the obligations of the Irish Constitution on private property rights. This was later amended, in compliance with the EU Equality Framework Directive,¹¹ to impose a higher standard on employers.

38. The Disability Act is a positive action measure designed to advance and underpin the participation of people with disabilities in everyday life. It establishes a statutory basis for:

- (a) An independent assessment of individual health needs and educational services for people with disabilities over age 18 years;
- (b) Access to mainstream public services and actions to support access to public buildings, services and information;
- (c) Sectoral plans on positive measures;
- (d) Obligations on public bodies to be proactive in employing people with disabilities and the monitoring of compliance with those obligations;
- (e) The establishment of a Centre for Excellence in Universal Design (NDA/CEUD) in the NDA. The NDA/CEUD was established in the NDA in early 2007 under Part 6 of the Disability Act.

¹⁰ 2014 survey data: <https://www.cso.ie/en/releasesandpublications/er/q-eq/qnhsequalitymodulequarter32014/> 2019 survey data: <https://www.cso.ie/en/releasesandpublications/er/ed/equalityanddiscrimination2019/>.

¹¹ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

39. The NDA has issued a statutory Code of Practice on Accessibility of Public Services and Information Provided by Public Bodies.¹² Based on the obligations of public sector organisations in the provision of accessible services, the Code is designed to guide public bodies in meeting their statutory obligations by providing practical advice and examples.

40. Equality and Choice is one of the major themes of the NDIS and actions are included to ensure that:

(a) people with disabilities are recognised and treated equally before the law and have the same rights and responsibilities as other citizens;

(b) people with disabilities make their own choices and decisions, are treated with dignity and respect and are free from all forms of abuse;

(c) public sector information is available in accessible formats that are easy to understand;

(d) public services are universally designed and accessible to all citizens and the participation of people with disabilities in political and public life is improved.

41. Reasonable accommodation and positive action measures to support people with disabilities are also provided for in other legislation and measures, including in the areas of employment, infrastructure and education, and in European Union (EU) policy and legislation, referenced in the relevant sections of this report.

Article 6

Women with disabilities

42. The 2016 Census reported that there were 331,551 women and girls in Ireland with a disability, representing 51.6% of all those who reported having a disability.

43. Women and girls with disabilities in Ireland share the same rights, on an equal basis, with other people. Equality legislation provides protection from discrimination on the grounds of gender and disability. However, the Government recognises that women and girls with a disability face multiple and additional barriers to the realisation of their rights. Specific measures are taken reduce these barriers.

44. The National Strategy for Women and Girls 2017–2020 (now extended to end 2021) is the policy framework through which the Government acts to advance the rights of women and girls and to enable their full participation in society.¹³ It recognises that women with disabilities experience particular disadvantages and includes actions specifically related to women with disabilities, such as the conduct of research to guide maternity services.

45. Ireland has ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), reflecting its commitment to combating gender-based violence. IHREC will monitor the implementation of the Istanbul Convention in Ireland and will independently report to the Council's expert body on State progress.

46. Under the Child and Family Agency Act, 2013, Tusla, the Child and Family Agency, has statutory responsibility for the care and protection of victims of domestic, sexual, or gender based violence.

47. Ireland signed and ratified the Convention on the Elimination of all Forms of Discrimination against Women in 1985 and was last examined by that Committee in 2017. The Committee recommended that Ireland take measures to collect data disaggregated by disability, amongst other criteria.

¹² <http://nda.ie/Good-practice/Codes-of-Practice/Code-of-Practice-on-Accessibility-of-Public-Services-and-Information-Provided-by-Public-Bodies/>.

¹³ http://justice.ie/en/JELR/National_Strategy_for_Women_and_Girls_2017_-_2020.pdf/Files/National_Strategy_for_Women_and_Girls_2017_-_2020.pdf.

48. In 1995, Ireland adopted the Beijing Declaration and Platform for Action. A national report was submitted to the UN in 2019, together with a report from a civil society stakeholder consultation.

49. The Government announced a pilot initiative for Equality Budgeting as part of Budget 2018. Following the pilot, Equality Budgeting has been expanded across Government to further develop the gender budgeting components, and to extend the scope to other dimensions of equality, including disability. An Expert Advisory Group has been set up to guide this process and includes representatives of the NDA.

50. The Women's Health Taskforce has operated since 2019 to improve women's health outcomes and experiences of healthcare, including in relation to women with disabilities.¹⁴

Article 7

Children with disabilities

51. In 2016, the Census recorded 75,963 children with disabilities. This represented 6.4% of the total child population.

1. Major policy initiatives

52. Better Outcomes, Brighter Futures (2014–2020) is the first overarching national policy framework for children and young people (aged 0–24 years).¹⁵ The purpose of this framework is to coordinate policy across Government to achieve better outcomes.

53. In 2018, the Government launched a ten-year, cross-government strategy called First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families (First 5).¹⁶ First 5 objectives include that therapeutic and medical provision is available to babies and young children on a consistent, equitable and timely basis, and that babies, young children and their families enjoy positive mental health. Children with additional needs will be identified as early as possible and receive appropriate support.

54. 'Progressing Disability Services for Children and Young People' (PDS) is a national programme to address inequity in therapeutic/multi-disciplinary services and to achieve a national, unified approach to disability health services. PDS provides a clear referral pathway for all children, with an integrated care model that will allow children with disabilities to receive services close to their home or school.¹⁷

55. Since 2017, all children who qualify for the Domiciliary Care Allowance (DCA) are eligible for a medical card without having to undergo a means test. A medical card entitles a person to free access to health services. As of 1 June 2020, 39,406 children have been deemed eligible for a medical card without requiring a means test.

56. The Access and Inclusion Model (AIM) is a model of supports designed to ensure that children with disabilities can access the Early Childhood Care and Education Programme (ECCE), together with their non-disabled peers.

57. A 2017 Joint Protocol for Inter-Agency Collaboration between the Health Service Executive (HSE) and Tusla promotes the best interests of children and families. The objective is to specify a pathway and responsibilities for children and families whose needs cross between health services and Tusla. It provides for joint working between Tusla (responsible for children in State care, for child protection or welfare needs) and the HSE (responsible for the clinical needs of all children), to provide services for children in care with complex needs, particularly those with moderate and profound disabilities requiring specialist services and expertise. It encompasses young people with lifelong health care support needs who require specialist services when they leave Tusla's care. The implementation of the protocol is

¹⁴ <https://www.gov.ie/en/campaigns/-womens-health/>.

¹⁵ <https://assets.gov.ie/23796/961bbf5d975f4c88adc01a6fc5b4a7c4.pdf>.

¹⁶ <https://first5.gov.ie/>.

¹⁷ <https://www.hse.ie/progressingdisabilityservices/>.

supported by a Joint National Oversight Group that monitors, assesses and recommends revisions as necessary based on analysis and local level experience.

2. Best Interests

58. Following a 2012 Referendum, the Constitution was amended by inserting clauses relating to children's rights and the State's duties in upholding these rights. Article 42A.4.1 states that provision shall be made by law for the best interests of the child to be 'the paramount consideration' in child protection and care proceedings brought by the State, and in judicial proceedings concerning adoption, guardianship, custody of, or access to any child.

59. The Guardianship of Infants Act 1964, as amended by the Children and Family Relationships Act 2015, provides that the child's best interests are to be the paramount consideration for the courts in relation to guardianship, custody, maintenance or access.¹⁸

60. Under the Adoption Act 2010, the best interests of the child are recognised as the most important consideration in any adoption application.¹⁹

61. Under the Child and Family Agency Act 2013, Tusla must ensure that the best interests of the child guide all decisions affecting individual children.

62. The Education for Persons with Special Educational Needs Act 2004 contains a "best interests principle" with regard to the placement of children with special educational needs (SEN) in inclusive environments.

3. Representing the views of children with disabilities

63. The first National Strategy on Children and Young People's Participation in Decision-Making 2015–2020 seeks to ensure that children and young people have a voice in their individual and collective everyday lives.²⁰ It contains a commitment to children with disabilities that the HSE will develop a framework on how children's voices will inform the design, implementation and evaluation of disability services. Planning and consultation for the Strategy's successor is underway.

64. In 2015, DCEDIY and Barnardos (a children's charity) published a practical guide to including seldom-heard children and young people in decision-making. It aims to support organisations to enable the participation of seldom-heard children and young people in decision-making, including children with mental health issues and disabilities.

65. Tusla has developed a Child and Youth Participation Strategy 2019–2023, which sets out how it plans to support, nurture and celebrate a culture of participatory practice in Tusla and Tusla-funded services.²¹

66. Someone Like Me is an annual primary schools' art competition funded by the NDA as a way of developing children's awareness and understanding of disabilities.

Article 8

Awareness raising

67. The Government is committed to awareness raising as a key factor in achieving equality for people with disabilities.

68. Ireland has a dedicated Minister of State with responsibility for Disability who promotes disability issues and the rights of people with disabilities.

69. The NDIS includes a number of specific awareness raising measures, including:

- (a) Disability awareness training for staff of public bodies;

¹⁸ <http://www.irishstatutebook.ie/eli/2015/act/9/enacted/en/print>.

¹⁹ <https://revisedacts.lawreform.ie/eli/2010/act/21/front/revised/en/html>.

²⁰ <https://assets.gov.ie/24462/48a6f98a921446ad85829585389e57de.pdf>.

²¹ https://www.tusla.ie/uploads/content/tusla_child_and_youth_participation_strategy-2019-2023.pdf.

- (b) Awareness raising of the EU Web Accessibility Directive (WAD);
- (c) Awareness raising of options for supported decision-making under the Assisted Decision-Making (Capacity) Act 2015;
- (d) Raising awareness amongst people with disabilities of further education and employment options post school leaving;
- (e) Developing the capacity of mainstream HSE-funded services to provide accessible services and information;
- (f) Fostering disability awareness and competence in sporting, cultural and other organisations.

70. The consultation process that took place as part of the mid-term review of the NDIS identified a need for a renewed focus on awareness raising, so this is a focus area for the remaining strategy period.

71. The CES includes specific actions to:

- (a) Raise awareness of training and employment options;
- (b) Develop awareness and training packages for service providers carrying out Person Centred Planning to discuss training and employment with disability service users;
- (c) Raise awareness among employers of the benefits of employing and retaining people with disabilities, and of employer supports available.

72. The NDA is responsible for a disability awareness raising fund. This has funded a consortium of disability organisations to develop disability awareness training for employers. The development phase of an e-learning module was completed in 2020 and is available to employers to use. The NDA also hosts a general disability awareness e-learning module for the public service on its website, which has been undertaken by over 11,000 people since 2011.

73. The NDA runs a Research Promotion Scheme to build capacity for disability research and to fund disability research on specific themes. Previous themes have included people with disabilities experiencing homelessness; community integration of people with disabilities; and progressing lifetime communities through Universal Design.²²

74. The NDA also commissions a National Survey of Public Attitudes to Disability in Ireland every five years, with the last survey conducted in 2017.²³ It includes knowledge of disability and attitudes to disability and analyses factors influencing the findings. It also includes a comparison of people with and without disability in terms of social wellbeing and participation in social activities.

75. See Change is an independent Government funded organisation dedicated to ending mental health stigma. It has a six-step Workplace Pledge programme to help workplaces to create an open culture around mental health and challenge mental health stigma. Forty-eight organisations (public, private and educational) have taken the Pledge. See Change also runs an annual month-long Green Ribbon campaign to encourage people to end mental health stigma. In 2018, the Green Ribbon campaign reached almost 80,000 people in a Twitter pre-campaign and 94,000 on Facebook. Forty-two buildings in fifteen counties lit up green in support of Green Ribbon 2018. An evaluation found that almost eight in ten people felt more comfortable in having a conversation about mental health with someone they know because of the campaign. In addition, 71% of people asked said they had heard more family and friends talking about mental health and 68% had heard more colleagues in work talking about mental health since the campaign.

76. Dublin Bus, a public transport provider, held an advertising campaign called Freedom of the City, beginning in 2019, to promote the equality of people with disabilities.

²² <http://nda.ie/Policy-and-research/Research/Research-Promotion-Scheme/>.

²³ <http://nda.ie/publications/attitudes/public-attitudes-to-disability-in-ireland-surveys/public-attitudes-to-disability-in-ireland-survey-2017.html>.

77. DSP's 'Intreo Work & Skills Week' 2021 was its first virtual week-long employment event, replacing the traditional on site 'Jobs Week'. The event promoted the supports available for both jobseekers (including people with disabilities) and for employers, with a particular focus on recruitment, skills and learning.

78. In 2020, an online event – 'Business Start-Up for People with Disabilities' – was hosted by the Technological University Dublin. This was the first in a series of webinars for people with disabilities who are considering self-employment as a career option. The first webinar featured entrepreneurs with disabilities who spoke about their experiences in starting their own business.

79. The HSE National Service Plan 2020 commits to an awareness campaign to create awareness of the challenges, needs and experiences of people with autism spectrum disorder and to provide more information on the supports available.

80. 'Purple Lights' is a campaign to raise awareness of the International Day of People with Disabilities. The campaign is led by people with disabilities and sees many buildings, including Government buildings lighting up purple.

81. Local authorities are involved in the Make Way Day initiative. Led by the Disability Federation of Ireland, this is a campaign bringing the disability and wider community together to consider the needs of people with disabilities in public spaces.

Article 9

Accessibility

82. The Irish Government is committed to ensuring that people with disabilities can access information, services and buildings and implements this commitment through anti-discrimination law, specific legislative requirements and NDIS actions.

83. The Disability Act provides a statutory basis for making public services accessible, placing obligations on public bodies to make their public buildings, services and information accessible to people with disabilities. Public bodies are also obliged to include accessibility as a mandatory requirement under EU Public Procurement Directives.

84. Universal Design is central to the Government's approach to improving accessibility for people with disabilities. Under the Disability Act, a Centre for Universal Design (CEUD) was established as part of the NDA in 2007. The NDA/CEUD is dedicated to the principle of universal access and its work is centred on the development of standards, education and professional development in Universal Design, as well as the promotion and awareness raising of Universal Design issues.

85. The Disability Act defines Universal Design as:

(a) The design and composition of an environment so that it may be accessed, understood and used:

- (i) To the greatest practicable extent;
- (ii) In the most independent and natural manner possible;
- (iii) In the widest possible range of situations; and
- (iv) Without the need for adaptation, modification, assistive devices or specialised solutions,
- (v) by persons of any age or size or having any particular physical, sensory, mental health or intellectual ability or disability; and

(b) In relation to electronic systems, any electronics-based process of creating products, services or systems so that they may be used by any person.

86. DCEDIY is co-ordinating the transposition of the European Accessibility Act in Ireland.

1. Accessible buildings, services and public spaces

87. The Disability Act requires public services to appoint Access Officers to provide, arrange for and co-ordinate the provision of assistance and guidance to people with disabilities in accessing their services. The Act also requires the head of the service to ensure that services procured are accessible and that information is provided in accessible formats.

88. Under the ISL Act 2017, public bodies have a duty to do all that is reasonable to ensure that interpretation into Irish Sign Language is provided for a person competent in that language who cannot hear or understand English or Irish, when that person is seeking to avail of or access statutory entitlements or services provided under statute by that public body.

89. The Office of Public Works (OPW) is engaged in a Universal Access Programme to upgrade buildings for public access to services and information in accordance with the deadline of 1 January 2022 set under the Disability Act.

90. The NDA statutory Code of Practice on Accessibility of Public Services and Information provided by Public Bodies guides public bodies on meeting their obligations under the Disability Act. The NDA has a statutory function to monitor the implementation of standards and Code of Practice in programmes and services provided to people with disabilities. The NDA is developing indicators and a monitoring mechanism to evaluate and report on conformance with the Code. The mechanism involves collecting feedback from people with disabilities on their experience of the service and evidence from public bodies.

91. Part M (Access and Use) of Ireland's Building Regulations sets out the minimum statutory requirements for building accessibility, requiring adequate provision to be made for people to access and use a building, its facilities and environs. An accompanying Technical Guidance Document provides guidance on implementing Part M requirements.

92. Regulations require in the case of commercial buildings and apartment blocks that a Disability Access Certificate be obtained from the local building control authority confirming compliance with Part M requirements. It is an offence to occupy or use a building without having a valid Certificate in place. Since the Building Regulations came into force in 1992, building and works have been subject to a Part M requirement.²⁴

93. In relation to school and educational buildings, the Department of Education reports that all new buildings and retrofits are Part M compliant.

94. The OPW intends to collaborate with NDA/CEUD on a pilot to trial the implementation of the new European Standard ISEN 17161 (Design for All – Accessibility Following a Design for All Approach in Products, Goods and Services – Extending the Range of Users) in the design of its new office accommodation.

95. The NDA/CEUD supports the Royal Institute of the Architects of Ireland to feature a Universal Design category as part of their annual architecture awards in order to promote excellence in Universal Design among the architectural profession in Ireland.

96. A Customer Communications Toolkit for the Public Service – A Universal Design Approach, has been published. It provides guidance to inform the design and procurement of customer communications across the Public Service.²⁵

97. Age Friendly Ireland (a shared service function of the local government sector) and the NDA/CEUD published a report on the results of "Walkability Audits" carried out in 2014. The walkability audits in eight Irish towns and urban centres measure the degree to which a person can get around with ease.

98. The Community Services Programme (CSP) provides supports to over 400 community organisations to provide local services through a social enterprise model.²⁶

²⁴ <https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/BuildingStandards/FileDownload%2C24773%2Cen.pdf>.

²⁵ <http://universaldesign.ie/Products-Services/Customer-Communications-Toolkit-for-the-Public-Service-A-Universal-Design-Approach/>.

²⁶ <https://www.gov.ie/en/policy-information/487d0f-the-community-services-programme/>.

Community services delivered include home insulation, repair and maintenance for the homes of older people and people with disabilities, transport for people with disabilities, and meals-on-wheels.

99. The Irish Wheelchair Association has developed Best Practice Access Guidelines that reflect the experience of its members and aspire to create a built environment that accommodates all people.²⁷

2. Accessible Public Transport

100. Ireland's policy for accessible public transport is embodied by the concept of 'Transport Access for All' and is based on the principle of universal access to public transport.

101. The National Transport Authority (NTA) has statutory responsibility for promoting the development of an integrated, accessible public transport network. Its Public Transport Accessibility Manager engages with disability representatives to ensure that the needs of those with a disability are considered in all major public transport improvement plans.

102. Accessibility features are built into all new public transport infrastructure projects and vehicles from the design stage. Newer systems such as Luas (a light rail system in Dublin) are fully accessible.

103. The NTA is piloting a system to monitor the accessibility of public transport services.

104. All new bus and coach fleets purchased by the NTA are accessible, with wheelchair spaces and audio and visual announcements.

105. The urban bus fleet is wheelchair accessible and has audio/visual aids. All of Bus Éireann's (the State owned bus company) coach fleet is wheelchair accessible.

106. Government funding is available for upgrading older infrastructure under an Accessibility Retro-fit Programme. Ireland's 2018 Budget included a ring-fenced multi-annual allocation of almost €28m for the Programme for 2018–2021. Under the Programme, the NTA funds projects, including the upgrade of bus stops/terminals and rail stations to improve access for wheelchair users.

107. Bus Connects is a major investment programme to overhaul the current bus system in Dublin through a 10 year programme to deliver a more efficient, reliable and better bus system. There have been accessible public consultations, information events and specific meetings with disability organisations as part of the process.

108. Since 2007, all new rail stations have been built to accessibility standards. The rail fleet is accessible internally. In 2019, Irish Rail, a State-owned company, announced the initiation of a tender process for 600 electric/battery-electric powered carriages. The tender scoring for the new fleet will award higher scores to carriage builders who provide the best platform train interface solution for accessibility. It is expected that the contract will be awarded in 2021, with delivery of vehicles from 2024 onwards.

109. Initiatives are underway to reduce and eliminate the requirement for some users with a disability to provide advance notice of travel by rail. The main issue for wheelchair users is the platform train interface (gap) at stations. Following a successful pilot on the DART (an urban rail service in the Dublin area), the advance notice period reduced from 24 hours to 4 hours on the DART and other commuter services. Irish Rail is appointing Customer Service Officers (CSOs) on all Inter-city routes to eliminate advance notice requirements.

110. Audio/visual announcements are available on all intercity and commuter rail services. A project to upgrade the Passenger Information System (audio/visual) on the DART fleet is underway.

111. A lift refurbishment/replacement programme for train stations is underway, with additional funding allocated in Budget 2021 to accelerate the programme and the aligned Lift Call programme. A Changing Places facility opened at Connolly Station in 2021, with others being planned.

²⁷ <https://www.iwa.ie/access-guidelines/best-practice-access-guidelines-4/>.

112. In 2019, the NTA initiated a public consultation on proposals for accessibility requirements for commercial licenced bus services. Accessibility licence conditions for new licences and on renewal of existing licences will be determined following the outcome of the consultation.

113. Since 2010, the taxi regulatory framework requires that new taxi/hackney licences may only be granted for wheelchair accessible vehicles (WAVs). The WAV Grant Scheme, operating since 2014, provides grants for the acquisition, or conversion of suitable vehicles to operate as WAVs. The number of WAVs in the taxi fleet has increased from 4% in 2014 to over 17%. The NTA has published a register of wheelchair accessible vehicles in every county with the driver's phone number and email address on the Transport for Ireland (TFI) website.

3. Public Transport in Rural and Regional Areas

114. Local Link provides a quality nationwide community-based public transport system in rural Ireland that responds to local needs. Its key priorities include the reduction of social exclusion and the integration of rural transport services with other public transport services. Approximately 90% of Local Link service trips are currently either fully or partially accessible. There has been a substantial increase in funding allocated for Local Link services going from €12.2m in 2016 to €28.206m in 2021.

115. The NTA's 'Connecting Ireland' Rural Mobility Plan will provide better connections between villages and towns through enhanced and new local routes. These local routes will be integrated with an enhanced regional network connecting cities and regional centres nationwide, open to all and wheelchair accessible. The NTA will be undertaking a public consultation in Q4 2021.

116. On 21 June 2021, new and enhanced TFI Local Link services for Leitrim were announced. The first of their kind, these services are designed to maximise connectivity between bus and train connections to facilitate passengers who may need to connect to the national network. Developed in close collaboration with the HSE, the revised network is designed to meet the needs of mainstream public transport users as well as the transport needs of passengers with disabilities, and those accessing (non-emergency) health care services.

117. Since 2019, a new type of low floor bus, which allows wheelchair users to board with normal ramp access and has a dedicated wheelchair space, is being rolled out on State-subsidised regional commuter routes.

118. Bus stops in urban areas are wheelchair accessible. The NTA is rolling out accessible bus stops in 43 rural/regional towns with a population of over 5,000.

119. Bus Éireann is undertaking Accessibility Audits on 12 of its bus stations.

4. Maritime Transport

120. The Department of Transport has pursued a number of initiatives to support improvements in maritime passenger transport accessibility. These initiatives include the provision of disability awareness training for passenger vessel owners and operators and the development, with the NDA, of Guidelines for Accessible Maritime Passenger Transport.²⁸

5. Aviation Transport

121. The Commission for Aviation Regulation (CAR) is the National Enforcement Body for Regulation EC 1107/2006, which concerns the rights of people with disabilities and people with reduced mobility when travelling by air. In 2019, volunteer service users, including from the Passenger Advisory Group (PAG), assisted the CAR in their inspections of airport facilities as required under the Regulation. The CAR plans to continue, and expand on, this improved inspection process into the future. The PAG includes representatives of different disability groups and passengers of reduced mobility.

²⁸ <http://nda.ie/nda-files/Guidelines-for-Accessible-Maritime-Passenger-Transport.pdf>.

6. Accessible Transport Supports

122. DSP operates a Free Travel Scheme, which facilitates free travel on all publicly, and some privately, owned transport services for eligible persons. People with disabilities can access the Scheme and in certain cases, a companion travel pass is provided. Where a person with a disability enters or returns to employment, they retain their free travel pass. Where a person ceases to be eligible for the Disability Allowance payment, due to income from employment, they retain their free travel pass for five years. Where a person is no longer eligible for the Blind Pension, due to income from employment, they retain their free travel pass for life – once they remain registered with the NCBI.

123. Dublin Bus manages a free Travel Assistance Scheme for customers over 18 with a disability. It provides assistance for customers who would like help in using and understanding the Dublin area public transport network so that they can travel independently with confidence.

124. Disability awareness training is provided by all state transport operators to staff and in recent contracts it is conditioned what level of disability awareness training it should be and that it be renewed every 3 years. The Just a Minute (JAM) Card has been rolled on the public transport network. The JAM Card allows users to relay to others that they may need a little extra time in a simple, effective non-verbal manner and is intended for those with a learning difficulty, autism, or any condition where there can be a communication barrier. The NTA has also included JAM details in the training module for new taxi drivers. TFI was developed to promote and coordinate the provision of public transport in Ireland. The TFI website provides detailed information to customers about accessible travel across Ireland, including a detailed ‘door-to-door’ route planning service, and shows the step free access options available.

125. The main State-subsidised public transport operators each have a Disability Access Officer and a Disability User Group which allows operators to consult and update disability organisations on accessibility proposals and developments, and for disability organisations to raise operational and other accessibility issues.

126. The NTA’s new Transport Users Advisory Group (TUAG) will include disability representatives as well as those representing older persons, and rural and regional users of public transport.

127. Individuals with personal experience of disability have been appointed to the Boards of the NTA, and the Boards of the major public transport providers as well as to the Advisory Committee on Small Public Service Vehicles and the Railway Safety Advisory Council.

7. Passport Services

128. The Department of Foreign Affairs’ Passport Service has introduced online passport services and provided supporting technologies with a particular focus on the needs of people with disabilities. Focus groups and targeted user experience testing were used to ensure the website was accessible to the widest audience, particularly people with disabilities and users of assistive technologies.

8. Accessible Information

129. The Government has committed in the NDIS to design public sector websites in accordance with universal design principles and in line with Ireland’s obligations under the WAD and to promote accessibility and universal design principles in the Public Service ICT Strategy.²⁹

130. Government Department websites have migrated to a new central portal, Gov.ie, which is designed in accordance with universal design principles. Uploaded content must satisfy accessibility standards. Many Departments have already migrated and work is underway to migrate remaining Departments. Gov.ie is committed to achieving a minimum of conformance level Double-A with the Web Accessibility Initiative Web Content

²⁹ <https://www.gov.ie/en/publication/65eb49-public-service-ict-strategy/>.

Accessibility Guidelines (WCAG), and to complying with the Code of Practice on Accessibility of Public Services and Information Provided by Public Bodies.

131. The HSE has appointed a National Specialist in Accessibility whose role is to provide guidance, advice and strategic support in promoting access to mainstream health services for people with disabilities. Over 200 HSE disability access officers have been trained.

132. The Public Libraries website is WCAG A Level compliant and provides an eLibrary service with a wide range of free online services including eBooks, audiobooks, eMagazines, online courses and online newspapers.

9. Training and promotion on accessibility issues

133. The NDA/CEUD has responsibility for promoting the development of Universal Design courses, in liaison with academic, certifying and professional bodies. It supports and promotes the introduction and integration of the principles of Universal Design in educational and training courses, including in examinations recognised by professional bodies. NDA/CEUD Universal Design education materials use a Universal Design for Learning approach. The materials are based on best practice for Design Thinking and Design Project/Problem Solving with a Creativity and STEM focus. Separate materials have been prepared, and are being promoted, for CPD at all education levels.³⁰

134. The NDA/CEUD runs the Universal Design Grand Challenge, which rewards excellence in student projects in higher education that seek to research and develop ideas for universally designed technologies, products, services and buildings.³¹ It also partners with the Institute of Designers in Ireland on their annual professional and graduate design competitions, assessing entries for their alignment with Universal Design principles.

Article 10 Right to life

135. The Irish Constitution guarantees certain fundamental rights. Among these is the right to life (Article 40.3). This right applies equally to all people.

136. Article 2 of The European Convention on Human Rights (ECHR) Act 2003³², of which Ireland is a signatory, obliges States to protect by law the right to life.

Article 11 Situations of risk and humanitarian emergencies

1. Domestic

137. The Office of Emergency Planning (OEP) supports the Minister for Defence, who acts as Chairperson of the Government Task Force on Emergency Planning. The OEP works with Departments and other key public authorities to ensure the best possible use of resources and compatibility across different emergency planning requirements.

138. The Broadcasting Authority of Ireland (BAI) Codes and Standards require that, at times of emergency, broadcasters ensure that key information provided by Government on-air is both subtitled and spoken and must leave sufficient time for the audience to take note.³³ Furthermore, unless impracticable, the information should be provided via ISL and broadcasters should ensure that, in coverage of Government announcements related to a national emergency, ISL interpreters are clearly visible and understandable to audiences.

³⁰ NDA/CEUD has published a brief paper on this topic titled Universal Design in Education and Training – policy landscape in Ireland:

<http://universaldesign.ie/awards/education/universal%20design%20in%20education%20and%20training%20%E2%80%93%20policy%20landscape%20in%20ireland.pdf>.

³¹ <http://universaldesign.ie/Awards/Student-Awards/>.

³² <http://www.irishstatutebook.ie/eli/2003/act/20/enacted/en/print.html>.

³³ <https://www.bai.ie/en/codes-standards/>.

2. COVID-19 Pandemic Response

139. At the time of preparation of this report, Ireland is responding to the COVID-19 pandemic. Specific measures are being taken to ensure that the needs of people with disabilities are considered and addressed during the public health emergency. This includes the provision of accessible clear communication initiatives as well as infection and prevention supports and controls in residential services for people with disabilities.³⁴

140. A National Public Health Emergency Team (NPHE) for COVID-19 was established in January 2020 to coordinate the health sector response to the public health emergency. NPHE established a Vulnerable Persons Subgroup to provide guidance on the specific preparedness, measures and actions needing to be taken to protect vulnerable groups and individuals. The Vulnerable Persons Subgroup included representatives of disability and mental health service users' organisations.

141. The Department of Education developed and published online a series of guidance notes in response to the pandemic and resulting school closures, to support schools, parents and students. This included separate guidance focussing on SEN learners, advising schools and teachers how to support continuity in the learning of pupils with SEN.

142. A significantly expanded Summer Programme 2020 was made available by the Department of Education, incorporating aspects of the July Provision of previous years, which provides an extended school year to children with certain disabilities. The 2020 programme included a number of options from which parents could choose, involving either in-school, or home-based supports by teachers and special needs assistants (SNAs) to help prevent regression among children with SEN. Guidance and FAQs for parents, teachers and SNAs were published. The aim was to support the child to reintegrate/transition into their planned education setting for the next school year with their peers.

143. Separately, a 2020 Summer Programme for children with additional needs was provided by the education and specialist disability sector, including a bespoke HSE-led summer programme for children with complex needs. HSE Children's Disability Services worked with SNAs to deliver these supports in 60 locations, including 31 homes, across the country. Activities included home support, respite, summer camps, and yoga and surfing for children with ASD.

144. In preparing for and responding to COVID-19 and to align with Public Health guidance, the HSE and its partner service providers put in place measures to prioritise essential public health services and to ensure continued delivery of vital residential and home supports. This included prioritising vital residential and home support services, while curtailing or closing certain services such as day services, respite services, and certain clinical supports.

145. Emergency co-ordination arrangements involving National Disability Representative Bodies were instituted to support the sectoral response. In the absence of regular access to some services, the HSE worked to maintain services that could be delivered safely, providing outreach and telecare solutions, using digital/assistive technology where possible, and creative and innovative models of care to support adult and child service users.

146. The HSE continues to plan the re-establishment of vital non-COVID supports and services. Plans must comply with guidance set out by NPHE and by public health specialists. In addition, the disability sector is re-establishing a number of structures including the National Consultative Forum to co-ordinate and support the sector during the pandemic in line with public health guidance.

147. In March 2020, the Department of Health published the '*Ethical framework for decision making in a pandemic*'³⁵. It includes a number of substantive ethical principles and procedural values that can be employed during decision-making processes in a pandemic. It

³⁴ Details are shown in papers on disability preparedness published by NPHE dated 17th December 2020 and 21 January 2021, which can be viewed at gov.ie – Minutes and agendas from meetings of the NPHE: COVID-19 (www.gov.ie).

³⁵ <https://www.gov.ie/en/publication/dbf3fb-ethical-framework-for-decision-making-in-a-pandemic/>.

is not designed to guide individual clinical decisions but to assist healthcare workers in thinking through the difficult decisions that may need to be made.

148. In early 2020, the local government sector worked with central Government Departments to develop a *Framework for Local Authority Community Support Response* to the pandemic. This Framework provided a national template for arrangements to be put in place in each local authority area to ensure that all vulnerable members of communities could be appropriately supported through the pandemic. Under the Framework, a forum was established in each local authority area, chaired by the local authority Chief Executive, to coordinate the work of local state, public and community and voluntary organisations to identify and provide supports to vulnerable groups, including people with disabilities.

149. The COVID-19 pandemic has had a profound impact on the Public Transport sector. Since the beginning of the pandemic, the Government was clear that continued operation of the public transport sector was important, and it was designated among the essential services that were to carry on. Public transport services continued to operate throughout the pandemic, albeit with reduced timetables. Measures to assist people with disabilities using public transport during the pandemic have included:

- (a) Wheelchair spaces on rail, urban bus, and town services being kept free and not restricted;
- (b) Floor decal stickers on buses and coaches to highlight that the priority seats are for those people who need them;
- (c) In rural areas, all demand responsive day time Local Link services continued to run but many were redeployed for 'collect and deliver' services, delivering critical medical, food and other supplies from pharmacies and local shops to vulnerable members of the community unable to travel. The pilot Community Transport Services scheme was also repurposed as a 'collect and deliver' service.

150. The Government introduced a range of income support measures in response to the COVID-19 pandemic including:

- (a) The Pandemic Unemployment Payment, a short-term payment in response to the shock posed to the labour market, was made available to employees and the self-employed (including people in receipt of Partial Capacity Benefit and employees availing of Disability Allowance (DA) and Blind Pension who lost their jobs due to the pandemic).
- (b) The COVID-19 Enhanced Illness Benefit: This enhanced rate of Illness Benefit was introduced as a short-term public health measure. It is payable for two weeks where a person is isolating as a probable source of infection of COVID-19 and up to 10 weeks where a person has been diagnosed. The rate of payment (€350 per week) is higher than the normal maximum personal rate so to ensure that where a person is diagnosed with, or identified as a probable source of COVID-19 infection, the person can comply with medical advice to isolate.
- (c) Standard Illness Benefit payment may be payable for an extended period to a person with a serious health condition who is considered at high risk in the event of contracting the virus, subject to normal certification and eligibility criteria.
- (d) The COVID-19 Employment Wage Subsidy allows employers who meet the criteria (except for the public service and non-commercial semi-state sector) to continue to pay their employees, and aims to keep employees, including those with disabilities, registered with their employers, so they will be able to get back to work quickly when possible.

Article 12

Equal recognition before the law

151. Article 40.1 of the Irish Constitution sets out the Right to Equality Before the Law for all persons, including those living with a disability. The Government fully supports the right of people with disabilities to equal recognition before the law, and their right to exercise legal

capacity and is putting in place the required legislation that will give full effect to Ireland's obligations under Article 12.

152. In a declaration and reservation made in respect of Article 12, Ireland has declared its understanding that the Convention permits supported and substituted decision-making arrangements that provide for decisions to be made on behalf of a person, where such arrangements are necessary, in accordance with the law, and subject to appropriate and effective safeguards. To the extent that Article 12 may be interpreted as requiring the elimination of all substitute decision-making arrangements, Ireland reserves the right to permit such arrangements in appropriate circumstances and subject to appropriate and effective safeguards. The rationale for this declaration and reservation is to ensure that difficulties are not encountered in the operation of provisions in Part 5 of the Assisted Decision-Making (Capacity) Act 2015, which allow for the appointment of a decision-making representative to take specified decisions on behalf of a person and for the taking of certain decisions by a court on behalf of a person in limited circumstances.

153. In a further declaration made in respect of articles 12 and 14, Ireland recognises that all people with disabilities enjoy the right to liberty and security of the person, and a right to respect for physical and mental integrity on an equal basis with others. Ireland declares its understanding that the Convention allows for compulsory care or treatment of persons, including measures to treat mental disorders, when circumstances render treatment of this kind necessary as a last resort, and the treatment is subject to legal safeguards. The rationale behind this declaration is to preserve the insanity defence under the Criminal Law (Insanity) Act 2006, and to preserve the ability of the state to detain persons with mental disorders differently to those without mental disorders, and to preserve the unfitness to be tried process.

154. Work is continuing on the commencement of the Assisted Decision-Making (Capacity) Act, 2015 (ADMC Act) and the establishment of the Decision Support Service (DSS). Both are key to providing the appropriate legal measures to ensure access by people with decision-making capacity difficulties to the support they may require in exercising their decision-making capacity. The DSS will come into operation in 2022. An inter-departmental steering group is overseeing the implementation process for opening the DSS and commencing the 2015 Act.

155. The ADMC Act provides for the appointment of legally recognised decision-making supporters to support a person with capacity issues in maximising their decision-making powers.³⁶ Compliance with the Act by decision-making supporters in the performance of their functions will be supervised by the Director of the DSS.

156. The ADMC Act provides for the presumption of capacity and the protection and promotion of a person's will and preferences. It also provides for the individual's right of autonomy and self-determination to be respected through an Enduring Power of Attorney and an Advance Healthcare Directive, made when the person has decision-making capacity and designed to come into effect when they lose capacity. It provides for legally recognised decision-making supporters to support a person with capacity difficulties. It introduces a functional assessment of capacity, thereby moving away from a status-based approach. The new definition takes an issue-specific and time-specific approach, focusing on the particular time when a decision has to be made and on the particular matter to which the decision relates. This allows for situations where the loss of capacity is temporary or partial and where there may be fluctuations in capacity.

157. Part 6 of the ADMC Act provides for the abolition of wardship and for the phased transition from adult wardship to the new decision-making support arrangements under the ADMC Act. It provides for review by the wardship court of the capacity of all current adult wards of court within three years of the commencement of Part 6. In each case, the ward shall be discharged from wardship and the court shall order that the property of the former ward

³⁶ These decision-making supporters can be a decision-making assistant (to support the person to access information or to understand, make and express decisions), a co-decision-maker (to make decisions jointly with the person under a co-decision-making agreement) and a decision-making representative (appointed by the Circuit Court to make particular decisions on behalf of the person but reflecting the person's will and preferences where possible).

be returned to him or her. The safeguards and procedures of the ADMC will apply to a former ward who transitions to any of the new arrangements.

158. The DSS is being established with clearly defined functions which include the promotion of public awareness relating to the exercise of decision-capacity by persons who may require assistance in exercising their capacity.

159. The ADMC provides for the investigation of complaints about decision-making supporters under the Act. Complaints can be made to the Director of the DSS on a number of grounds, including the suitability of the decision-making supporter, fraud, and decisions not being in accordance with the will and preferences of the person.

160. A National Office for Human Rights and Equality Policy is established within the HSE, providing advice and guidance on the ADMC to staff and management. Since 2016, it has delivered information and briefing sessions on the ADMC to staff across a range of services, with over 10,000 staff attending. The office has developed an explainer video to raise awareness of the ADMC. Three demonstration sites have been identified to examine the implementation of the ADMC in their services.

161. Draft statutory Codes of Practice have been transferred to the Director of the DSS; 4 healthcare Codes of Practice, prepared by a HSE Working Group, and 11 non-healthcare Codes of Practice prepared by the NDA. The Codes will facilitate and support implementation of the ADMC, once fully commenced.

162. A number of provisions of the ADMC were commenced in October 2016 to advance the establishment of the DSS and the recruitment of its Director.

1. Property

163. Ireland's equality legislation prohibits discrimination across nine grounds, including disability, in relation to selling a property, making or ending a tenancy agreement, providing accommodation or any related service or amenity, or ending the provision of accommodation.

164. In relation to the property rights of people who have decision-making capacity difficulties under the ADMC, a person will be presumed to have the capacity to make property decisions. However, if they have decision-making capacity difficulties, the appropriate level of supports will be provided to enable the person, as far as possible, to make decisions in relation to their property.

2. Finance

165. Ireland's equality legislation prohibits discrimination on the grounds of disability in the provision of goods and services and this includes banking, insurance, grants, loans, credit or financing services. Part 4 of the Disability Act outlaws the use of genetic information for insurance, pensions or mortgages.

166. The Central Bank of Ireland has a Code of Practice aimed at ensuring that vulnerable people can gain access to mainstream financial services. This Code of Practice applies to the regulated activities of regulated financial services providing entities. The Central Bank's Consumer Protection Code contains specific provisions in relation to vulnerable consumers. This Code is currently being revised to reflect the ADMC.³⁷

167. Banking and Payments Federation Ireland, in collaboration with Safeguarding Ireland, launched a campaign to highlight the need for greater awareness of the real risks of financial abuse and to call on adults to plan ahead to safeguard their finances.³⁸

³⁷ <https://www.centralbank.ie/regulation/consumer-protection/consumer-protection-codes-regulations>.

³⁸ <https://www.bpfi.ie/key-topics/safeguard-your-money/>.

Article 13

Access to justice

168. The Government is working to ensure the right of people with disabilities to effective access to justice on an equal basis to others.

1. Legal aid

169. The Legal Aid Board (LAB) provides Civil and Criminal Legal Aid to eligible people in Ireland. People with disabilities have equal access to legal aid. The LAB has appointed an Access Officer in accordance with the Disability Act.

2. Courts

170. The Courts Service is improving the accessibility of the courts system for people with disabilities. Hearing aids can be adapted to make use of induction loops that form part of the Service's public address system in the courtrooms of refurbished buildings. Refurbished courthouses have signage and directions at doorways and entrances and exits. Signage and contact details for court offices are in Braille. Wheelchair ramps are provided in many courthouses and wheelchair users can give evidence in many courthouses at the front of the court beside the witness box.

171. A large scale construction and refurbishment project of regional courthouses took place as part of the Government's Infrastructure and Capital Investment Plan 2016–2021. Completed courthouses are fully accessible, with additional facilities for vulnerable witnesses and victims of crime.

172. The Courts Service has an Access Officer to ensure that the organisation complies with all legislation in providing facilities to staff and service users with disabilities.

173. Every citizen aged over 18 whose name is on the electoral register in Ireland can be called for jury service. However, there are exceptions relating to people who have certain disabilities and people who are unable to read or have a long-term impairment.

174. Under the ISL Act, courts have a "duty to do all that is reasonable to ensure that any person competent in ISL and who cannot hear or understand English or Irish appearing in or giving evidence before it may be heard in that language".

175. Legislation is planned to amend the Juries Act to provide that deaf people who need the services of a sign language interpreter and people with mental illness, subject to a functional capacity test, will be eligible for jury service on an equal basis with others. In 2020, the first deaf juror sat on a jury and took part in deliberations. She was assisted in her task by a number of ISL interpreters.

176. Ahead of the ADMC's commencement, draft rules of court to facilitate the operation of the new capacity regime have been prepared by the Courts Service, which is continuing to consult with the DSS Director and relevant court offices on the matter.

177. A *Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences* was published in July 2020.³⁹ It made recommendations to improve the experience of victims and vulnerable witnesses, including those with disabilities, who interact with the criminal justice system. Implementing the recommendations outlined in the review is a priority for the Government and an implementation plan (*Supporting A Victim's Journey: A Plan to Help Victims and Vulnerable Witnesses in Sexual Violence Cases*) was published by the Minister for Justice in October 2020.⁴⁰ Actions include:

³⁹ http://www.justice.ie/en/JELR/Review_of_Protections_for_Vulnerable_Witnesses_in%20the_Investigation_and_Prosecution_of_Sexual_Offences.pdf/Files/Review_of_Protections_for_Vulnerable_Witnesses_in%20the_Investigation_and_Prosecution_of_Sexual_Offences.pdf.

⁴⁰ http://www.justice.ie/en/JELR/Supporting_a_Victims_Journey.pdf/Files/Supporting_a_Victims_Journey.pdf.

(a) Providing all serving members of An Garda Síochána engaged in front line policing with specialist training for engaging with victims of sexual crime and vulnerable witnesses;

(b) Ensuring that consent is covered in sex and relationships education and support for disability service users;

(c) Amending legislation to provide legal advice, in appropriate circumstances, to a parent, guardian or other responsible adult where the victim is a child or a person with a mental illness or intellectual disability;

(d) Introducing a cohort of appropriately qualified intermediaries who have undergone a prescribed course of training on the role of intermediaries and are placed on a register.

178. The NDA has prepared an advice paper on the use of intermediaries in respect of individuals with communication difficulties interacting with the criminal justice system. The Department of Justice is working with stakeholders, including the NDA, to introduce intermediaries to assist in the communication process, whether between lawyers and witnesses during trial or, earlier, during police interviews.

3. Education and Training

179. On appointment, judges are provided with a bench book entitled *The Equal Treatment of Persons in Court*. This contains the legal framework concerning disability and *inter alia* has sections on people with disabilities, children with disabilities, mental disability, physical disability, interpreters, and practical arrangements to be considered in accommodating a person with a disability.

180. The NDA has developed the document: *Assisting People with Autism: Guidance for Justice Professionals in Communicating with People with Autism*.⁴¹ It provides information about autism to assist those working in the civil and criminal justice system to communicate with and support people who have autism.

181. An Garda Síochána's Diversity and Integration Strategy 2019–2021 includes a working definition for use by An Garda Síochána in its investigation and recording of hate crimes, to the effect that a hate crime is "any criminal offence which is perceived by the victim or any other person to, in whole or in part, be motivated by hostility or prejudice, based on actual or perceived age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender."⁴²

Article 14

Liberty and security of the person

182. The ECHR Act 2003 gives effect to the standards set out in the ECHR in national law, allowing these rights to be considered before the Irish Courts. Furthermore, Article 40.4.1 of the Constitution protects the right to liberty, stating that no citizen shall be deprived of their personal liberty save in accordance with law. No distinction is made on the grounds of disability.

183. As stated previously, Ireland has declared its understanding that the Convention allows for compulsory care or treatment of persons, including measures to treat mental disorders, when circumstances render treatment of this kind necessary as a last resort, and the treatment is subject to legal safeguards.

184. To strengthen Ireland's laws on liberty and security of the person, and to ensure that Ireland fully complies with Article 14 of the Convention, the Government is developing

⁴¹ <http://nda.ie/Publications/Justice-and-Safeguarding/Assisting-People-with-Autism-Guidance-for-Justice-Professionals/>.

⁴² <https://www.garda.ie/en/crime-prevention/community-engagement/community-engagement-offices/garda-national-diversity-integration-unit/diversity-and-integration-strategy-2019-2021-english-v1-1.pdf>.

specific legislation on Protection of Liberty Safeguards to ensure that people are not unlawfully deprived of their liberty in relevant facilities.

185. An approach has been developed to provide for situations in which an individual lacks the capacity to consent to their care arrangements (which amount to a deprivation of liberty). This will provide a legal basis for these care arrangements to be authorised by a body to be established within the health service. The authorisation will not cover any other decision to be made in relation to that individual e.g. financial decisions or consent to medical treatment. Work to refine the draft legislative proposals is ongoing.

1. Mental Health and Disability Settings

186. Currently, everyone who is involuntarily admitted to an approved centre under the Mental Health Acts 2001–2018 has their case reviewed by a Mental Health Tribunal within 21 days of the making of the admission or renewal order detaining the person. Tribunals are independent and the reviews are there to protect the person's rights.

187. A comprehensive review of the Mental Health Act is underway. The General Scheme of a Bill to amend the Mental Health Act was approved by Government in July 2021. It takes into account recommendations of an Expert Group Review of the Act, the views of the Mental Health Commission (MHC), Ireland's obligations under this Convention, and submissions from two public consultations.⁴³

188. The MHC has published a *Code of Practice on the use of Physical Restraint in Approved Centres* under its remit.⁴⁴ The MHC has commenced a review of this Code of Practice and a public consultation took place from July to September 2021 as part of this process. This review and consultation will include updating of *The Rules Governing the use of Seclusion and Mechanical Means of Bodily Restraint*.

189. The Health Information and Quality Authority (HIQA) has published *Guidance for Designated Centres on the use of Restraint Procedures*, which apply to providers of residential services for adults and children with disabilities.⁴⁵ Restraints practices covered by the Guidance are physical, mechanical, chemical and environmental. The Guidance gives practice direction and states that restraints should be a practice of last resort and that such procedures should only be used in strict adherence to international human rights instruments, national legislation, regulations, policy and evidence-based practice guidelines. HIQA inspections of Designated Centres review use of restraint procedures and safeguards in place in centres. In addition, HIQA has carried out a series of focused inspections around the theme of restrictive practice in both older people's and disability services.

2. Criminal Justice

190. The Prison Rules 2007 were developed in accordance with The Prisons Act, 2007 and regulate the operations of prisons in Ireland.^{46,47} They apply to all prisoners, including those with a disability. The *Irish Prison Service (IPS) Healthcare Standards, 2011* guide the provision of health services to prisoners. The rules state that prisoners, including those with a disability, are entitled to the provision of healthcare to the same standard as that available to medical card holders. The Standards provide for a health assessment for all prisoners on reception into prison.⁴⁸

191. The IPS Psychology Service provides tailored assessment and intervention services for people in custody with a particular emphasis on mental health and personality disorder presentations, risk presentations, and trauma-informed approaches. In addition to working

⁴³ <https://www.gov.ie/en/publication/47068-draft-heads-of-a-bill-to-amend-the-mental-health-act-2001/>; https://www.mhcirl.ie/for_H_Prof/codemha2001/Use_of_Physical_Restraint/Code_of_Practice_on_the_use_of_Physical_Restraint_in_Approved_Centres1.html.

⁴⁵ <https://www.hiqa.ie/sites/default/files/2017-01/Guidance-on-restraint-procedures.pdf>.

⁴⁶ <http://www.irishstatutebook.ie/eli/2007/si/252/made/en/print>.

⁴⁷ <http://www.irishstatutebook.ie/eli/2007/act/10/enacted/en/html>.

⁴⁸ http://www.irishprisons.ie/images/pdf/hc_standards_2011.pdf.

with prison operational staff, the IPS Psychology Service works closely with other multi-disciplinary team members to facilitate cohesive and streamlined care.

192. The National Forensic Mental Health Service (NFMHS) at the Central Mental Hospital (CMH) provides a Mental Health Prison In-Reach Service and Court Diversion Service to the IPS. This includes consultant forensic psychiatrists, non-consultant hospital doctors, community forensic psychiatric nurses and other staff. The NFMHS provides healthcare services to prisoners on the same basis of access and entitlement as in the wider community. The HSE supports the provision of extensive drug and alcohol programmes in prisons.

193. An important initiative in this area is the establishment in April 2021 of a High Level Taskforce (HLTF) on the mental health and addiction challenges of people interacting with the Criminal Justice System. The HLTF is a joint taskforce of the Department of Justice and the Department of Health. It is tasked with delivering an implementation plan for outstanding recommendations from the reports of the Interdepartmental Group to examine issues relating to people with mental illness who come into contact with the criminal justice system. The HLTF consists of senior representatives from across the criminal justice and health sectors, including An Garda Síochána, Probation Services, Irish Prison Service and the Health Service Executive. The HLTF has begun consultation with relevant stakeholders.

194. The Equal Status Acts and Public Sector Equality and Human Rights Duty apply to Irish prisons, and prisoners with a disability have a right to reasonable accommodations under that legislation.

195. Oberstown Children Detention Campus provides facilities for all children detained by the Courts. The individual needs of young people are addressed through an individual placement plan. The framework to meet the young people's needs is based on the Children Act, 2001 and considers care, education, health and wellbeing, their offending behaviour and preparation for return to family and community life. Children in Oberstown have access to the Assessment, Consultation and Therapy Service, a national service that provides clinical services to children. An in-reach psychiatric service is available and a psychiatrist and psychiatric nurse work as part of the multidisciplinary team.

196. In 2016, a major capital development project was completed on the Oberstown campus, which now includes a 60 bed facility designed to meet the complex and individual needs of young people, including those with physical and sensory disabilities.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

197. People with disabilities, like all people in Ireland, are protected from torture or cruel, inhuman or degrading treatment or punishment. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was given effect in Ireland by the Criminal Justice (United Nations Convention against Torture) Act 2000.

198. Ireland has ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and received its latest visit from the Council of Europe Committee for the Prevention of Torture in 2019. This was the first visit to Ireland during which the Committee visited residents with intellectual disabilities in social care settings.

199. A revised HSE National Consent Policy was published in 2019 to provide one overarching policy on consent to guide staff. The need for consent, and the application of the general principles in this policy, extend to all interventions conducted by, or on behalf of, the HSE on service users in all locations. This includes social as well as healthcare interventions and applies to those receiving care and treatment in hospitals, in the community and in residential settings. Other than in exceptional circumstances, consent must be obtained before starting treatment or investigation, or providing personal or social care for a service user, or involving a service user in teaching and research. Exceptional circumstances relate primarily to emergency situations where it is necessary to intervene in the absence of consent in order

to preserve the service user's life or health, or where the service user lacks capacity to give personal consent and a decision is made in their best interests. Specific materials and approaches to informed consent by people with intellectual disabilities have been developed in consultation with intellectual disability service users. For example, in preparation for the COVID-19 vaccination programme for people in intellectual disability services, the HSE worked in partnership with disability organisations and service users to develop information and materials to guide people with intellectual disabilities to give informed consent to vaccination.⁴⁹

200. Clinical trials are currently governed by the European Communities (Clinical Trials on Medicinal Products for Human Use) Regulations, 2004.⁵⁰ The Regulations transposed into Irish law the provisions of the EU Clinical Trials Directive (2001/20/EC). A new Clinical Trials Regulation (EU) No 536/2014 was adopted in 2014, and implementation is planned to take place in 2021. When this new Regulation is implemented, Directive 2001/20/EC and associated laws will be repealed. The Regulation provides for Member States to maintain specific national measures to protect people with disabilities and other vulnerable people who may be considered for participation in clinical trials.

201. Any person with a mental disorder in an approved centre under the Mental Health Act 2001 cannot take part in a clinical trial.

Article 16

Freedom from exploitation, violence and abuse

202. The Government has taken measures to protect people with disabilities from all forms of exploitation, violence and abuse, including gender and child based violence and abuse. Ireland has robust policy and legislation to ensure the protection of people with disabilities in health and social care settings as well as in the home. The NDIS includes specific commitments to ensure the rights of people with disabilities under Article 16.

203. The General Scheme of the Criminal Justice (Hate Crime) Bill 2021 was published in April 2021.⁵¹ The policies and principles underpinning the General Scheme were developed following a comprehensive public consultation.⁵² The characteristics protected by the new legislation include disability.

204. *Sexual Abuse and Violence in Ireland*, a report conducted by the Health Services Research Centre at the Royal College of Surgeons in Ireland in association with the Dublin Rape Crisis Centre was published in 2002.⁵³ It included a chapter on the Sexual Abuse of People with Learning Disabilities. In 2019, the Government began a new major national study on sexual violence in Ireland.

205. The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 prohibits the withholding of information on certain offences against children and vulnerable adults, including people with a disabilities.⁵⁴

206. The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 provides a statutory basis for the vetting of persons carrying out relevant work with children or vulnerable people, including people with disabilities.⁵⁵

⁴⁹ <https://www.hse.ie/eng/about/who/qid/other-quality-improvement-programmes/consent/>.

⁵⁰ <http://www.irishstatutebook.ie/eli/2004/si/190/made/en/print>.

⁵¹ [http://www.justice.ie/en/JELR/General_Scheme_Criminal_Justice_\(Hate_Crime\)_Bill_2021.pdf/Files/General_Scheme_Criminal_Justice_\(Hate_Crime\)_Bill_2021.pdf](http://www.justice.ie/en/JELR/General_Scheme_Criminal_Justice_(Hate_Crime)_Bill_2021.pdf/Files/General_Scheme_Criminal_Justice_(Hate_Crime)_Bill_2021.pdf).

⁵² http://www.justice.ie/en/JELR/Pages/Legislating_for_Hate_Speech_and_Hate_Crime_in_Ireland_Report.

⁵³ https://repository.rcsi.com/articles/report/The_SAVI_report_sexual_abuse_and_violence_in_Ireland/10770797/1.

⁵⁴ <http://www.irishstatutebook.ie/eli/2012/act/24/enacted/en/html>.

⁵⁵ <http://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html>.

207. The Law Reform Commission developed an Issues Paper on A Regulatory Framework for Adult Safeguarding.⁵⁶

208. A national safeguarding policy for the health and social care sector is being developed and will apply to all public, voluntary, and private health and social care settings.

209. *National Standards for Adult Safeguarding* were launched in 2019.⁵⁷ They provide a consistent approach to preventing and responding to harm by helping health and social care services to reduce the risk of harm, promoting people's rights, health and wellbeing, and empowering people to protect themselves. They support the development of a culture where safeguarding is embedded into practice.

210. Section 8 of the Regulations governing provision of residential disability services sets out detailed requirements for protection of residents from abuse. HIQA oversees the implementation of these measures through its programme of inspections and registration of disability services. As part of their statutory functions to monitor services, HIQA and the MHC inspect safeguarding adherence in the respective settings for which they have a remit. Both publish their inspections of services on their websites and both may take enforcement actions if required.⁵⁸

211. The *Safeguarding Vulnerable Persons at Risk of Abuse – National Policy and Procedures* applies to all HSE and HSE funded social care services.⁵⁹ It outlines principles to promote the welfare of vulnerable people and to safeguard them from abuse. These include a requirement that all services must have a publicly declared “No Tolerance” approach to any form of abuse and must promote a culture that supports this approach. The HSE is working to expand the scope of this policy, so that it will apply across all HSE and HSE-funded healthcare services in addition to social care services.

212. The National Safeguarding Office has the core function of overseeing the implementation, monitoring, review and ongoing evaluation of the Safeguarding Policy. It also coordinates safeguarding training. Its Annual Reports provide statistics on safeguarding issues across services.

213. There are over 1,700 Designated Officers across the social care sector who have a responsibility for safeguarding in their services, supported by the development of a national adult safeguarding training programme. The 2019 Annual Report of the National Safeguarding Office recorded 21,788 attendances at safeguarding training, well above the KPI target of 10,000.⁶⁰

214. The HSE has appointed a confidential recipient who will receive and report concerns of abuse or neglect in complete confidence. The confidential recipient presents an annual report setting out numbers of calls and complaints received.

215. Safeguarding Ireland, an independent organisation, works to raise public understanding of safeguarding issues and has developed draft legislation in respect of establishing a regulatory framework for adult safeguarding.

Children

216. *Children First: National Guidance for the Protection and Welfare of Children*, 2017 (*Children First*) is a national guidance document to assist people in identifying and reporting child abuse.⁶¹ It describes the steps that should be taken to ensure that the child or young person is protected from harm and the statutory responsibilities for mandated persons and

⁵⁶ <https://www.lawreform.ie/news/law-reform-commission-publishes-issues-paper-on-a-regulatory-framework-for-adult-safeguarding.874.html>.

⁵⁷ <https://www.hiqa.ie/sites/default/files/2019-12/National-Standards-for-Adult-Safeguarding.pdf>.

⁵⁸ <http://www.irishstatutebook.ie/eli/2013/si/367/made/en/print>.

⁵⁹ <https://www.hse.ie/eng/services/publications/corporate/personsatriskofabuse.pdf>.

⁶⁰ <https://www.hse.ie/eng/about/who/socialcare/safeguardingvulnerableadults/national-safeguarding-office-annual-report-2019.pdf>.

⁶¹ https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf.

organisations under the Children First Act, 2015. *Children First* specifically identifies the increased vulnerability of children with disabilities to abuse.

217. The HSE Children First National Office has launched a revised *Child Protection and Welfare Policy* that is applicable to all HSE and HSE-funded services and aligns with the requirements of the Children First Act and the principles of the guidance. It incorporates policy for child protection and guidance for staff in safeguarding children. It requires staff to complete mandatory training in child protection and reporting obligations.⁶²

218. The *Child Protection Procedures for Primary and Post-Primary Schools* (2017) give direction and guidance to school authorities and personnel in meeting their statutory obligations under The Children First Act and *Children First*.⁶³ Following the introduction of these procedures, the Inspectorate of the Department of Education introduced revised inspection procedures for monitoring and reporting the implementation of the procedures in primary and second-level schools, including specialised Child Protection and Safeguarding Inspections. The outcomes of inspections are published in inspection reports and quarterly summaries are provided to the Department's Child Protection Oversight Group. Under the procedures, all primary schools are required to implement fully the 'Stay Safe' programme, a primary school based approach to the prevention of child abuse, which plays a valuable role in helping children develop the skills necessary to enable them to recognise and resist abuse and potentially abusive situations.⁶⁴

219. The *Anti-Bullying Procedures for Primary and Post-Primary Schools* set out the requirements on schools in relation to preventing and tackling school-based bullying behavior, including identity based bullying.⁶⁵ Both the procedures and the Action Plan on Bullying specifically identify the vulnerability of pupils with a disability and were informed by the NDA submission Preventing School Bullying of Children with Special Educational Needs or Disability.⁶⁶

Article 17

Protecting the integrity of the person

220. The Irish Courts have interpreted the Irish Constitution as including the right to bodily integrity. Ireland recognises the right of every person, including those with disabilities, to respect for his or her physical and mental integrity on an equal basis with others.

1. Medical Treatment

221. The Medical Council of Ireland regulates medical doctors and gives direction to doctors on the capacity to consent. The Council's *Guide to Professional Conduct and Ethics for Registered Medical Professionals* includes guidance on will and preferences and the functional test of capacity.⁶⁷

222. The need for consent, and the application of the general principles in the HSE *National Consent Policy*, extend to all interventions conducted by or on behalf of the HSE on service users in all locations.⁶⁸ The policy gives specific guidance on medical treatment where it is deemed that a lack of capacity to consent exists. A separate National Consent Policy relates to consent for children and young people.⁶⁹ Both the Medical Council and HSE also provide

⁶² <https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/hse-child-protection-and-welfare-policy/>.

⁶³ https://www.education.ie/en/Schools-Colleges/Information/Child-Protection/child_protection_guidelines.pdf.

⁶⁴ http://www.staysafe.ie/teachers_dlsen.htm.

⁶⁵ <https://www.education.ie/en/publications/policy-reports/anti-bullying-procedures-for-primary-and-post-primary-schools.pdf>.

⁶⁶ <http://nda.ie/nda-files/Preventing-School-Bullying1.pdf>.

⁶⁷ <https://www.medicalcouncil.ie/news-and-publications/reports/guide-to-professional-conduct-ethics-8th-edition.html>.

⁶⁸ <https://www.hse.ie/eng/about/who/qid/other-quality-improvement-programmes/consent/national-consent-policy-hse-v1-3-june-2019.pdf>.

⁶⁹ <https://www.tusla.ie/uploads/content/NationalConsentPolicyPart2.pdf>.

guidance on seeking consent in situations where consent is not provided, or where it is withdrawn.

223. Where a person is a Ward of Court and needs a healthcare intervention for which written consent is required, the approval of the President of the High Court must be obtained. In emergency situations, necessary treatment may be administered in the person's best interests.

224. The ADMC provides for a legislative framework confirming the validity of Advance Healthcare Directives (AHD), based on the general legal principle that a person has a right to make decisions regarding medical treatment and that appropriate procedures must apply where the person lacks decision-making capacity.

2. Psychiatric Treatment

225. For the purposes of the Mental Health Act, consent means consent in writing, obtained freely without threats or inducements, where the consultant psychiatrist certifies that a person is capable of understanding the nature, purpose and likely effects of the proposed treatment and the psychiatrist has given adequate information, in a form and a language that the person can understand, on the nature, purpose and likely effects of the proposed treatment. Consent to treatment is required except where the consultant psychiatrist considers that the treatment is necessary to safeguard a person's life, restore their health, alleviate their condition or to relieve their suffering, and they are incapable of giving such consent because of their mental disorder.

226. Psycho-surgery and electro-convulsive therapy may not be performed without a person's consent, unless they are unable to give consent. In the case of psycho-surgery, a Mental Health Tribunal must authorise the treatment. No cases of psycho-surgery have taken place under the Mental Health Acts, 2001–2018. Psycho-surgery has been explicitly banned for the duration of Part 5 of the Emergency Measures in the Public Interest (COVID-19) Act 2020. In the case of electro-convulsive therapy, if a person is unable to give their consent, the proposed programme of therapy must be approved by the consultant psychiatrist responsible for the person's care and treatment, and by another consultant psychiatrist.

227. If a person has been on medication for three months, their consultant must ask for consent to continue medication. If the consultant believes that a person does not understand the decision and a second consultant psychiatrist agrees, a person can be given the medication for up to three months at which time another review must take place.

228. To protect rights, there is an Inspector of Mental Health Services as required by the Mental Health Act. The Office of the Inspector carries out inspections of mental health facilities. The Inspector may be requested by the MHC to carry out an inquiry into any approved centre, or any premises where mental health services are provided, or the care and treatment provided to a specified person.

3. Sterilisation and forced abortion

229. In relation to forced abortion, treating a person, or carrying out any medical procedure on a person without their consent is an assault and punishable by criminal law. The Non-Fatal Offences Against the Person Act 1997 sets out the law on consent, which could give rise to a claim for trespass against the person and/or professional negligence. The HSE National Consent Policy sets out guidelines in this area.

Article 18

Liberty of movement and nationality

230. People with disabilities in Ireland have the same right under law to Irish nationality as other people. People with disabilities are free to apply for and obtain a passport. There are special provisions where there are difficulties in getting a photograph of the person due to their disability. All Irish people, including those with a disability, have the right to freedom of movement, which can only be constrained in accordance with the law.

231. Irish immigration policy does not discriminate on the basis of disability. People with disabilities can apply for the right to enter or remain in Ireland in the same way as all other people. An immigration officer may refuse permission to land to a non-Irish national for specified reasons, which include that the person suffers from a condition listed in the relevant legislation.⁷⁰

232. Under Irish law, all births, including those of children with a disability, must be registered within three months. All children must be registered with their name.

Article 19

Living independently and being included in the community

233. Disability policy in Ireland has a strong focus on the independence and inclusion of people with disabilities in their communities.

1. Enabling Independent Living

234. In 2011, *Time to Move on from Congregated Settings – a Strategy for Community Inclusion*, was published. It sets out a vision for community living for people with disabilities, in which people are enabled to move from congregated settings to their own homes in the community, with supports. The Strategy is focused on enabling people to ‘live ordinary lives in ordinary places’. More than three quarters of residential services for people with disabilities are now in small-scale community-based housing units.⁷¹

235. Challenges exist in the implementation of *Time to Move On*, including delays in the process, sourcing additional funding schemes, the increasing costs of properties, and Covid-19. Despite these challenges, in 2020, 120 people moved to new homes in the community under this policy. Funding is committed in 2021 for 144 people to transfer from congregated residential disability settings to community-based housing, and for 18 places to support people with disability under the age of 65 to move from nursing homes to their own homes in the community. Progress on decongregation is tracked in HSE Annual Progress Reports. The HSE Disability Capital Programme provides an allocation of €100 million spread over a number of years for the provision of housing to support people transitioning from congregated settings.

236. The NDA has evaluated the outcomes and costs of new and emerging models of service in the disability sector in a study due to be published in late 2021. The study consisted of 426 interviews with people with disabilities. Phase 1 involved 146 participants pre- and 91 participants post-transition from congregated settings to the community. Phase 2 involved 280 participants who lived in the community and were in receipt of a range of disability services. Findings include that residential care is associated with lower quality of life scores, especially if the person has been in a congregated setting. Smaller settings lead to better quality of life scores. Establishing the costs of different models of service was challenging as there is no standardised costing methodology or common accounting framework. However the study found that the higher staff to client ratio in community settings tends to make community settings more expensive.

237. The Government also adopted a *National Housing Strategy for People with a Disability 2011 – 2016* (NHSPWD) and a National Implementation Framework. These provide a framework for the delivery of housing for people with disabilities through mainstream housing options, and were developed in conjunction with *Time to Move On*. The

⁷⁰ The First Schedule to the Immigration Act 2004 specifies the relevant conditions as “1. Diseases subject to the International Health Regulations for the time being adopted by the World Health Assembly of the World Health Organisation. 2. Tuberculosis of the respiratory system in an active state or showing a tendency to develop. 3. Syphilis. 4. Other infectious or contagious parasitic diseases in respect of which special provisions are in operation to prevent the spread of such diseases from abroad. 5. Drug addiction. 6. Profound mental disturbance, that is to say, manifest conditions of psychotic disturbance with agitation, delirium, hallucinations or confusion”.

⁷¹ <https://www.hse.ie/eng/services/list/4/disability/congregatedsettings/time-to-move-on-from-congregated-settings-%E2%80%93-a-strategy-for-community-inclusion.pdf>.

timeline for the strategy was extended in order to allow further opportunity for its outcomes to be delivered. Under the remit of the Department of Housing, Local Government and Heritage, a successor strategy for the period 2022–27 is being drafted for publication in 2021.⁷²

238. Housing and Disability Steering Groups, a key NHSPWD measure, have been established in all local authority areas to facilitate a coordinated and integrated approach to meeting the housing needs of people with disabilities.

239. Resources have been developed to support people with disabilities to move into the community successfully, namely:

(a) The *Community Living Transition Planning Toolkit* guides service providers in supporting people to develop their plan to move into the community.⁷³

(b) *Supporting People with Disabilities to Access Appropriate Housing in the Community* provides information for service providers on the mechanisms and funding options available to secure homes for people.⁷⁴

(c) *Making A Home: A Practical Guide to Creating a Home and Moving to the Community* is a resource for service providers and stakeholders supporting people to move from congregated settings to homes in the community.⁷⁵

(d) NDA/CEUD has published *Universal Design Guidelines for Homes in Ireland* informed by research, a literature review of national and international best practice and guidance and a consultation process with key stakeholders.⁷⁶

240. The Capital Assistance Scheme and Capital Advance Leasing Facility provide funding and loans to Approved Housing Bodies for the provision of accommodation for people with specific categories of housing need, including people with disabilities.

241. The Housing Adaptation Grants for Older People and People with a Disability are for private home owners and are 80% funded by central government, with a 20% contribution from local authorities. The grants are aimed at facilitating changes needed to make homes suitable for a person with a disability or mental health difficulty, or to enable people to remain living independently in their own homes. A new single application form has been produced in plain English, certified by the National Adult Literacy Association, for the scheme.⁷⁷

242. The NDA developed a policy advice paper on Universal Design Homes, under Action 97 of the NDIS. The paper recommends ways of achieving Universal Design solutions for new housing so that new homes can be accessed and used by all persons, irrespective of size, age, ability or disability.⁷⁸

243. NDA/CEUD published guidelines on *Dementia Friendly Dwellings for People with Dementia, their Families and Carers*, to help people to remain living at home and in their community independently and safely.⁷⁹

244. *Assisting People with Autism: Guidance for Local Authority Housing Officers* is an NDA document that provides information about autism and assists those working in

⁷² <https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/Housing/FileDownload%2C30737%2Cen.pdf>.

⁷³ <https://www.hse.ie/eng/services/list/4/disability/congregatedsettings/community-living-transition-planning-toolkit-nov-2018.pdf>.

⁷⁴ <https://www.hse.ie/eng/services/list/4/disability/congregatedsettings/guidancedoconhousingoptions.pdf>.

⁷⁵ <https://www.hse.ie/eng/services/list/4/disability/congregatedsettings/making-a-home-a-practical-guide-to-creating-a-home-and-moving-to-the-community-july-2019.pdf>.

⁷⁶ <http://universaldesign.ie/Built-Environment/Housing/>.

⁷⁷ <https://rebuildingirelandhometloan.ie/>.

⁷⁸ <http://universaldesign.ie/Built-Environment/Housing/>.

⁷⁹ <http://universaldesign.ie/Built-Environment/Housing/Dementia-Friendly-Dwellings/>.

housing-related areas of local authorities to understand autism so to support people with autism applying for housing.⁸⁰

2. Enabling and supporting community living

245. People with disabilities are entitled to avail of the full range of community care services. The relevant community care services, supported by General Medical Practitioners, may include a public health nurse, home help, personal assistance, psychological services, speech and language therapy, occupational therapy, social work services and physiotherapy. The HSE provides a range of specialist disability services, including adult day services, respite, specialised seating and AT services, gait analysis, orthopaedics, adult rehabilitation consultants, feeding, eating, drinking and swallowing services.

246. The Transforming Lives programme is a national collaborative effort to build better services for people with disabilities that was developed in response to the *Value for Money and Policy Review of Disability Services* (2012).⁸¹ The priority objective is to address the need for a better service model for people with disabilities where greater flexibility, choice and control from the service user perspective is central. The focus is on developing individualised person-centred supports to enable people to participate to their full potential in economic and social life in the community and to live ordinary lives in ordinary places.⁸²

247. A major reconfiguration of therapy resources for children with disabilities into multi-disciplinary geographically based teams is taking place under the HSE National Programme on Progressing Disability Services for Children and Young People. These teams will provide for all children with disabilities to receive services where they live or where they go to school. Evidence to date from areas where this has been rolled out shows that implementation of this programme will also have a positive impact on waiting lists for Assessments of Need and therapy provision. Eighty Disability Network Team Leads are being appointed to facilitate reconfiguration of services in remaining areas.

248. *New Directions* is the overarching Transforming Lives policy document that sets out how ‘day services’ in the future will be based on individualised outcome-focussed supports.⁸³ The National Person-Centred Planning (PCP) Framework, developed to focus the delivery of services and supports on the person, was piloted in five provider organisations in 2019 and a workplan to inform national implementation has been developed.⁸⁴ A Quality Outcomes Framework to underpin quality assurance of the services was developed as was a Guidance document on the Effective Participation of People with Disabilities in Decision Making aimed at supporting their full participation.⁸⁵

249. A key Government objective is to provide people with services and supports that will empower them to live independent lives, and to have greater independence to choose services to support their needs. To achieve this, a Task Force on Personalised Budgets, whose membership included people with disabilities, was established. It reported in 2018, and Government committed to developing a demonstration project to test the recommendations of the report. A pilot programme was initiated in 2019 and will run to the end of 2021. The NDA will lead an independent evaluation of the project in terms of the experience of participants, and the administration process and costs involved, to guide the development of a national programme.⁸⁶

⁸⁰ <http://nda.ie/Publications/Environment-Housing/Housing-Publications/Assisting-People-with-Autism-Guidance-for-Local-Authority-Housing-Officers/>.

⁸¹ <https://www.gov.ie/en/publication/ed3564-value-for-money-and-policy-review-of-disability-services-in-ireland/>.

⁸² A good description of the different strands of the Transforming Lives process and progress being made up to that point is set out in *transforming-lives-progress-report-2016.pdf* (hse.ie).

⁸³ <https://www.hse.ie/eng/services/list/4/disability/newdirections/newdirections.html>.

⁸⁴ <https://www.hse.ie/eng/services/list/4/disability/newdirections/person-centred-planning-framework-report.pdf>.

⁸⁵ <https://www.hse.ie/eng/services/publications/effective-participation-in-decision-making-final.pdf>.

⁸⁶ <https://www.gov.ie/en/publication/4ea89a-task-force-on-personalised-budgets/>.

Article 20

Personal mobility

250. Ireland is committed to effective measures to provide the best personal mobility options to people living with disabilities. Significant work is underway to improve personal mobility options and ensure that the built environment is accessible.

251. The Disabled Drivers and Disabled Passengers Scheme provides a range of tax reliefs linked to the purchase and use of specially constructed or adapted vehicles by drivers and passengers with a disability.⁸⁷

252. Disabled Persons' Parking Permits or Cards (also known as European Parking Cards or Disabled Parking Badges) are available to people living in Ireland with certain disabilities, whether they are drivers or passengers.

253. The Way2B initiative, developed by Trinity College Dublin, involves a smartphone and smartwatch solution, which allows carers to pre-programme set routes with turn-by-turn directions, which users can follow easily and independently.

254. People who are blind or visually impaired, and are registered owners of a trained guide dog, may avail of Guide Dog Allowance tax relief. Case law on the Equal Status Acts establishes that people with disabilities who use guide dogs must be reasonably accommodated by service providers.

255. People with disabilities may apply for VAT (value added tax) refunds on certain special aids and appliances. In some cases, people who pay for aids and appliances that are for the exclusive use of a person with a disability can also claim the refund. This scheme can also apply to adaptation and installation work being carried out to make a home more suitable for an older person or for a person with a disability.

256. The Health Act 1970, as amended, makes provision for the HSE, or a body providing services on its behalf, to supply 'medical or surgical appliances' to eligible people, as well as provisions for ophthalmic and aural appliances and for equipment, materials or similar articles.

257. Aids and appliances are provided by the HSE to enable people to live at home and to assist with early discharge from hospital. These products, which include beds, mattresses, wheelchairs, hoists, prostheses, dressings, and respiratory equipment, are prescribed by health professionals to eligible people.

258. Assistive Technology (AT) for independent living and personal mobility purposes is provided by a combination of HSE and non-governmental organisation (NGO) services. Separate AT provision is available in the education and employment sectors. HSE community aids and appliances services are organised mainly at local level and delivered through Occupational Therapy, Physiotherapy, Public Health Nursing, and Speech and Language Therapy services. More technologically advanced AT is generally provided by specialist NGOs. A 2015 report on Assistive Technology Usage and Unmet Need amongst People with Disabilities in Ireland found that there are high levels of usage of AT, but also of unmet need.⁸⁸

259. The HSE has established a working group on Digital and Assistive Technology to develop a strategy to improve the use of these technologies in disability services.

Article 21

Freedom of expression and opinion, and access to information

260. The Irish Constitution protects the right to freedom of expression, assembly and association. The Government is fully committed to realising the rights of people with

⁸⁷ <https://www.revenue.ie/en/importing-vehicles-duty-free-allowances/guide-to-vrt/reliefs-and-exemptions/scheme-for-persons-with-disabilities.aspx>.

⁸⁸ <http://nda.ie/Publications/Disability-Supports/Assistive-Technology/Assistive-Technology-Usage-and-Unmet-Need-amongst-People-with-Disabilities-in-Ireland.html>.

disabilities under Article 21. The NDIS commits to support people with disabilities to achieve full active citizenship and engagement.

1. Accessible formats and technologies

261. Part 3 of the Disability Act requires public bodies to make their buildings and services accessible. Section 25 requires them to make their public buildings accessible, as far as practicable, to people with disabilities, while section 26 requires them to integrate, where practical and appropriate, their services for people with disabilities with those for other people. The Act makes provision for Access Officers within public bodies so that people with disabilities can make requests for assistance to access services.

262. Under the Disability Act, communications by a public body to a person with a hearing or visual impairment must, as far as practicable, be provided in an accessible format, following a request. Information provided electronically must, as far as practicable, be compatible with adaptive technology. Published information relevant to people with intellectual disabilities, must be made available in easy to read formats.

263. The EU Web Accessibility Directives (WAD) requires that the websites and mobile applications of public bodies are made more accessible, with particular regard to people with disabilities. It obliges public bodies to ensure that their website or mobile applications are accessible by making them perceivable, operable, understandable and robust, in line with the EN harmonised standard (EN 301 549 V2.1.2), which is equivalent to conformance rating AA with WCAG 2.1. The WAD was transposed into Irish law in September 2020 by the European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020. The NDA is named as the national monitoring body in the Regulations and is due to submit its first monitoring report to the Minister for the Environment, Climate and Communications in December 2021.⁸⁹

2. Encouraging Mass Media

264. The BAI implements broadcasting codes and standards and supports Irish audiences to hold broadcasters to account. The BAI, in line with the Broadcasting Act 2009, develops Access Rules that determine the levels of subtitling, sign language and audio description that licensed broadcasters are required to provide. The current rules run for the period 2019–2023.⁹⁰

3. Recognising and promoting the use of sign languages

265. The ISL Act was signed into law in 2017 and was commenced in December 2020, making ISL an official language of Ireland. Under the Act, public bodies are required to prepare and implement ISL action plans, and provide free ISL interpretation to people using, or seeking access to statutory entitlements and services. The first periodic report on the operation of the ISL Act is being finalized.

266. The Sign Language Interpreting Service (SLIS) is the national Sign Language Interpreting Service for Ireland. Publicly funded through the Citizens Information Board, its mission is to ensure that deaf people can live as full and equal citizens and it seeks to achieve this by promoting, and advocating for the availability of, quality interpretation services to deaf people and service providers in Ireland.

267. The NDIS commits to extending hours of the ISL remote interpretation service to evenings and weekends and to resourcing SLIS to increase the number of trained ISL and deaf interpreters; to put a quality-assurance and registration scheme for interpreters in place; and to provide ongoing professional training and development.

268. Key achievements of SLIS to-date include:

⁸⁹ S.I. No. 358/2020 – European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020.

⁹⁰ https://www.bai.ie/en/media/sites/2/dlm_uploads/2019/01/AccessRules_2019_vFinal-1.pdf.

(a) Establishment of a Register of ISL Interpreters in December 2020 (see under Article 30 below);

(b) The Irish Remote Interpreting Service, which provides a live video-link to an ISL interpreter, is in operation from Monday to Friday 9am to 7pm, Saturday 10am to 4pm and Sunday from 12pm to 2pm. From January to June 2021, SLIS also provided remote interpreting through a Pilot Application, which offered on-demand and appointment based ISL via smart devices. An evaluation of the Pilot is under review to inform a potential permanent model.

(c) A number of initiatives are in place or being developed to increase the number of trained ISL interpreters and to provide ongoing professional training and development. These include an “Introduction to Deaf Interpreting” programme in Trinity College Dublin; a comprehensive calendar of CPD events; a Mentor Training programme; and research on ISL interpreting as a profession.⁹¹

Article 22

Respect for privacy

269. The Irish Constitution does not specifically state a right to privacy. However, the Irish courts have held that the right to privacy is one of a number of unenumerated rights that flow from the Constitution, which guarantees that the State will defend and vindicate the personal rights of the citizen. This applies to people with disabilities. Article 8 of the ECHR also applies to all persons.

270. The Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR) apply equally to all persons in Ireland.

271. Patients, including people with disabilities, have a right to access their medical records in a number of different ways. In addition to Data Protection law, patients may request access to medical records under the Freedom of Information (FOI) Acts and through discovery in the course of court proceedings. Under the FOI Acts, an FOI body must give ‘reasonable assistance’ to a person with a disability, so to facilitate the exercise of their rights under the Acts.

272. Doctors, medical personnel and health institutions have a duty to maintain patients’ records in confidence, although there are circumstances in which they may be obliged to give this information to third parties. In such cases, the Medical Council’s *Guide to Professional Conduct and Ethics for Registered Medical Practitioners* sets out the ethical duty in this regard.⁹²

273. HIQA has issued a Privacy Assessment Impact Toolkit⁹³ specifically for the health and social care sector. HIQA’s National Standards for Residential Services for Children and Adults with Disabilities⁹⁴ include standards for the protection and respect of the privacy of service users. HIQA monitors adherence to privacy standards in residential disability centres as part of its role in the monitoring, inspection and registration of such centres.

Article 23

Respect for the home and the family

274. The ECHR Act gives effect to ECHR standards in national law. Article 8 concerns the right to respect for family life. The Irish Constitution also contains a fundamental right to the protection of the family.

⁹¹ <https://slis.ie/>.

⁹² <https://www.medicalcouncil.ie/news-and-publications/reports/guide-to-professional-conduct-and-ethics-for-registered-medical-practitioners-amended-.pdf>.

⁹³ <https://www.hiqa.ie/sites/default/files/2017-10/Privacy-Impact-Assessment-toolkit-A5.pdf>.

⁹⁴ <https://www.hiqa.ie/reports-and-publications/standard/national-standards-residential-services-children-and-adults>.

1. Relationships

275. The Government has repealed the Marriage of Lunatics Act 1811, under which any marriage entered into by a ward of court was automatically void, by commencing section 7.1 of the ADMC in February 2021.

276. The Criminal Law (Sexual Offences) Act 2017 repealed a previous law, which made it an offence to have, or attempt to have sexual intercourse with a ‘mentally impaired’ person. The new law focuses on a person’s capacity to make the decision to have sexual contact rather than on the person’s status as having a disability.

2. Family planning

277. In the 2016 Census, 209,222 women with disabilities stated that they had children. 63.7% of women with disabilities are mothers, compared to 46.9% of women without disabilities. There were 118,040 single mothers with disabilities. 115,312 mothers with disabilities were married, including in same sex civil partnerships. 28,916 mothers with disabilities were separated and/or divorced and 66,318 were widowed.

278. An individual seeking to adopt a child, must first be assessed for eligibility and suitability. Any person, including people with disabilities, who meet the required criteria, can apply to be assessed for eligibility and suitability.

279. People with disabilities can become foster carers provided that, as part of the assessment for suitability, it is determined that their disability or medical condition does not prevent them from caring for a child.

280. The Health (Regulation of Termination of Pregnancy) Act 2018 permits termination of pregnancy where there is a risk to the life, or of serious harm to the health, of the pregnant woman, in an emergency situation where such a risk is immediate, where there is a condition present which is likely to lead to the death of the foetus either before or within 28 days of birth, and without restriction up to 12 weeks of pregnancy.⁹⁵ The Act provides universal access to termination of pregnancy services for people who are ordinarily resident in the State. The My Options Programme provides free, non-judgmental, confidential information and counselling to people experiencing crisis pregnancy. The service is available by freephone helpline, with online web chat and ISL translation also available.⁹⁶

3. Supports for family and home life

281. The *National Carers’ Strategy* is the strategic framework for Government policy on carers for older people, children and adults with an illness or a disability. It aims to support people to live in dignity and independence in their own homes and communities for as long as possible. Since 2018, people in receipt of Carer’s Allowance or Carer’s Benefit are eligible to receive free GP care without the need for a financial assessment.⁹⁷

282. First 5 aims to ensure that babies and young children – including those with disabilities – will have access to safe, high-quality, evidence-based integrated primary, preventative and specialist healthcare services. The strategy also commits to developing a national model of parenting services, including for parenting children with additional needs.

283. Children with disabilities are entitled to the same services and family benefits as all other children. There are additional specific supports available for families caring for a child with a disability. GPs provide free developmental examinations in the weeks following birth, while public health nurses monitor the development of babies in their first months and provide information and support. Early intervention services offer support from multidisciplinary teams for children with disabilities.

284. The Disability Act provides for an Assessment of Need (AON) for people with disabilities and the drawing up of individual Service Statements. The purpose of the assessment is to determine the health and education needs arising from a child’s disability,

⁹⁵ <http://www.irishstatutebook.ie/eli/2018/act/31/enacted/en/html>.

⁹⁶ <https://www2.hse.ie/services/unplanned-pregnancy-support-services/my-options-freephone-line.html>.

⁹⁷ <https://www.gov.ie/en/publication/a1e44e-national-carers-strategy/>.

and the services required. 100 additional posts were provided in 2019 to Children's Disability Services to address a backlog in these assessments. A new Standard Operating Procedure was introduced nationally in 2020 to streamline and improve the AON process. It is expected that the current reconfiguration of children's disability services into locally-based disability network teams will have a positive impact on waiting lists both for AON and therapy interventions.

285. A number of additional income supports are available to families caring for a child with a disability, including:

- (a) Carer's Benefit: a short-term payment to people who give up employment to care for someone who requires full-time care and attention – 3,646 recipients in March 2021;
- (b) Carer's Allowance: a means-tested payment for people caring full-time for a person who needs support because of disability or illness – 89,552 recipients in March 2021;
- (c) Domiciliary Care Allowance (DCA): a monthly payment for a child aged under 16 with a severe disability, who requires ongoing care and attention – 45,277 recipients in respect of 50,270 children – in July 2021;
- (d) Annual Carer's Support Grant of €1,850: available to all carers providing full-time care to an older person or a person with a disability regardless of their means or social insurance contributions. This award can be used for any purpose at the discretion of the carer and is not taxed – grants issued to 118,614 carers in respect of 132,224 care recipients in 2021.

4. Protections for children

286. Under the Child and Family Agency Act 2013, Tusla – the Child and Family Agency – has a statutory duty to promote the welfare of children who are not receiving adequate care and protection. Tusla must have regard to the principles that:

- (a) It is generally in the best interests of the child to be brought up in their own family;
- (b) Having regard to the rights and duties of the parents, the welfare of the child is the first and paramount consideration; and
- (c) As far as is practicable, the wishes of the child should be considered.

287. With respect to admission to alternative care, Tusla policy is to place children in a family-based setting with over 92% of children in foster care placements. One of its priorities is to provide safer, more reliable and effective services for children in care and to develop a range of placement options for children with additional needs.

Article 24 Education

288. People with disabilities in Ireland have equal rights of access to education. The Equality Acts prohibit discrimination against people with disabilities in admission, access, participation, and expulsion and sanction. Anti-discrimination legislation protects teachers and other education staff with disabilities.

289. The Education (Admission to Schools) Act 2018 requires schools to state in their admission policy that they will not discriminate against an applicant on a number of grounds, including disability. The provisions of the Act also seek to ensure that 'soft barriers' do not exclude children, including by prohibiting schools in their enrolment processes from taking into account a student's academic ability, skills or aptitude.⁹⁸

290. The Education Act 1998 makes provision for the education of every person in the state, including people with disabilities, or other SEN, and provides generally for primary, post primary, adult and continuing education, and vocational education and training.

⁹⁸ <http://www.irishstatutebook.ie/eli/2018/act/14/enacted/en/html>.

291. The Education for Persons with Special Education Needs Act 2004 (EPSEN) provides that a child with SEN should be educated in an inclusive environment with children who do not have SEN, unless it is not in the best interests of the child with SEN, or if it is inconsistent with the effective provision of education for the children with whom the child is to be educated.⁹⁹

292. EPSEN defines the term ‘special educational needs’ as: “a restriction in the capacity of the person to participate in and benefit from education on account of an enduring physical, sensory, mental health or learning disability, or any other condition which results in a person learning differently from a person without that condition”.

293. EPSEN’s provisions encompass the preparation of education plans by schools, assessment of children with SEN, the duties of schools, and the work of the National Council for Special Education (NCSE).

294. The NCSE’s statutory functions include coordinating the provision of education supports to children with SEN, planning for the integration of students with SEN in mainstream education settings, and allocating supports for students with disabilities in mainstream and special school settings in accordance with national policies. The NCSE is developing policy advice on special schools and classes. A Progress Report, published in 2019, highlighted Ireland’s obligations under Article 24.¹⁰⁰

295. The Government continues significant investment in the area of special education support and is committed to helping every child, particularly those with SEN, to fulfil their potential. In 2021, approximately €2 billion will be invested in SEN support, an increase of over 50% since 2011.

296. Some EPSEN provisions remain to be implemented and the Government has committed to consulting with stakeholders on how best to progress aspects of EPSEN on a non-statutory basis. Consultations with education partners and stakeholders took place on the development of a new model for allocating special education teachers, prior to its introduction in 2017. Further consultations took place with education partners and stakeholders on a comprehensive review by the NCSE of the SNA scheme, and will continue in relation to the implementation of recommendations in the resulting report.¹⁰¹ The NCSE has published policy advice papers on how aspects of EPSEN could be introduced initially on a non-statutory basis.¹⁰²

1. Statistics

297. People with disabilities in Ireland finish school earlier than people without a disability and have lower levels of educational attainment, though this gap is closing. A comparison of Census data in 2011 and 2016 shows that the gap had narrowed by over 3% and that there was an increase in the number of people with disabilities who have higher qualifications.

298. For the 2018/19 school year, 8,224 pupils, (approximately 0.88% of the pupil population) attended special schools, while 8,384, or 0.9% of pupils, attended special classes in mainstream schools. The remaining pupils with SEN attended mainstream classes with additional support.

299. Mainstream schools now have discretion to provide additional teaching support to pupils who require it from within their overall allocation for special education teaching support, based on the identified learning needs of pupils. A formal diagnosis of a disability or SEN is not required. It is estimated that 18% of the mainstream pupil population, or 167,518 pupils, received some form of additional teaching support.

300. In 2019, within the Further Education and Training (FET) sector, 13,098 students self-reported as having a disability.

⁹⁹ <http://www.irishstatutebook.ie/eli/2004/act/30/enacted/en/html>.

¹⁰⁰ <https://ncse.ie/wp-content/uploads/2019/11/Progress-Report-Policy-Advice-on-Special-Schools-Classes-website-upload.pdf>.

¹⁰¹ <https://ncse.ie/wp-content/uploads/2018/05/NCSE-PAP6-Comprehensive-Review-SNA-Scheme.pdf>.

¹⁰² <https://ncse.ie/policy-advice>.

301. In higher education, the *National Plan for Equity of Access to Higher Education 2015–2021* set targets for increasing the numbers of people with disabilities participating in higher education. A 2018 Progress Review of this Plan found that the target of 8% (i.e. that 8% of new entrants to higher education would be students with disabilities) had been exceeded and the overall participation rate stood at 10.5%. The Review data were from 2017 and showed that targets had been surpassed in respect of two of the three categories of disability. There was a 71% increase in participation by students with physical or mobility disabilities; participation rates by deaf students or those hard of hearing had increased by 46%; and participation by students who are blind or have a vision impairment had increased by 24%.¹⁰³ In 2019/2020, 12.2% of new entrants were students with disabilities. A new National Access Plan to cover the period 2022–2026 is now in development.¹⁰⁴

2. Early education

302. In 2010 Ireland introduced the universal, free pre-school Early Childhood Care and Education (ECCE) programme. In 2018 it expanded to two years for all children between 2 years and 8 months and 5 and a half years of age.

303. In 2016 the Access and Inclusion Model (AIM) was established as part of the ECCE. AIM is a model of supports designed to ensure that children with disabilities can access the ECCE. Its goal is to empower providers to deliver an inclusive pre-school experience, ensuring that every eligible child can meaningfully participate in the ECCE and avail of the benefits of quality early years care and education. The budget for the AIM programme increased under Budget 2020, from €33 million to €43 million per year.

304. Since its introduction, more than 5,000 children with disabilities have received targeted AIM supports to enable them to participate in mainstream pre-school and many other children are benefitting from universal AIM supports. The End of Year 3 Evaluation of AIM commenced in December 2020.

305. A trial scheme was undertaken in the 2019–2020 preschool year to provide nursing supports through AIM to children with complex healthcare needs in mainstream preschool. The trial was impacted by COVID-19 and was extended for 2020–2021 with an evaluation to follow.

306. The Leadership for Inclusion Programme is a free higher education blended-learning programme for early childhood teachers to promote the inclusion of all children. After completing the programme, graduates carry out the role of Inclusion Coordinator.

307. A core element of AIM is the *Diversity, Equality and Inclusion Charter and Guidelines for Early Childhood Care and Education*, published in 2016. They support those working in early childhood care and education to develop practices that embrace diversity, equality and inclusion and to create an inclusive culture where all children can flourish and realise their potential.¹⁰⁵

308. First 5 contains a commitment to improving transitions for all children entering primary school. The strategy commits to provide continued funding and support for two full years of the ECCE, to undertake a review of the programme and, over the lifetime of the strategy, to introduce a universal legal entitlement to pre-school.

309. The NDA/CEUD worked with DCEDIY in 2019 to produce *Universal Design Guidelines for Early Learning and Care Settings*. These guidelines set out the key Universal Design considerations and guidance for Early Learning and Care settings in Ireland.¹⁰⁶

¹⁰³ <https://hea.ie/policy/access-policy/progress-review-of-the-national-access-plan-and-priorities-to-2021/>.

¹⁰⁴ <https://www.gov.ie/pdf/?file=https://assets.gov.ie/136502/a244259a-d405-48eb-89d3-edd88d289907.pdf#page=null>.

¹⁰⁵ <https://aim.gov.ie/app/uploads/2021/05/Diversity-Equality-and-Inclusion-Charter-and-Guidelines-for-Early-Childhood-Care-and-Education.pdf>.

¹⁰⁶ <https://aim.gov.ie/universal-design-guidelines-for-elc-settings/>.

3. Supporting school access

310. Education is compulsory from the ages of six to sixteen, or until students have completed three years of second-level education. Education for children with SEN may be provided in mainstream classes in mainstream schools, in special classes in mainstream schools, or in special schools.

311. Section 29 of the Education Act 1998, gives parents (and students over 18) the right to appeal certain decisions made by a board of a school to the Department of Education. This includes refusal to enroll a student or permanent exclusion of a student.

312. A number of grants and schemes are available to support access to school for students with a disability:

(a) The School Transport Scheme provides free school transport to children with diagnosed disabilities who meet the criteria. An application can also be made for an escort to accompany the pupil if their care and safety needs require such support. If a transport service is not available, a Special Transport Grant may be awarded. In the 2019/20 school year, over 120,000 children, including over 14,200 children with SEN, were transported to primary and post-primary schools throughout the country at a cost of over €219m in 2019 – of which 50% related to children with SEN;

(b) The Assistive Technology Grant is provided to schools towards the cost of computers and specialist equipment required for educational purposes;

(c) Funding is provided for specially trained visiting teachers for children who are deaf/hard of hearing or blind/visually impaired;

(d) A Typing Tuition Scheme is available to visually impaired pupils on the recommendation of the visiting teacher;

(e) The ISL Scheme funds a weekly tuition service whereby a tutor visits the home of a deaf/hard of hearing pre-school child or school-going pupil to provide training in ISL for the child and their family.

313. The scheme of Reasonable Accommodations at the State Examinations facilitates access to the certificate examinations by candidates who would have difficulty in accessing the examination or communicating with an examiner because of a physical, visual, hearing and/or learning difficulty.

314. The NCSE supports schools and parents through its network of Special Educational Needs Organisers (SENO). A SENO can advise schools and parents on the facilities, services, and resources available to assist children with SEN.

315. Pupils with SEN can be supported in school by Special Needs Assistants (SNAs). SNAs play an important role in assisting teachers to support students with SEN who have additional care needs. SNAs usually support a number of students with additional care needs in the school. There were over 16,000 SNAs supporting over 39,000 pupils in the 2019 school year. This is increasing to 18,014 in 2021, an increase of 70% since 2011. The need for SNA training was identified by the NCSE in its recent review of the SNA scheme. A new National Training Programme for SNAs will begin in 2021, with 3,500 places available over the next four years.

316. Schools are required to put in place Personal Pupil Plans for all pupils availing of SNA support. The plan must focus on the pro-active development of student's independence skills and outline the programmes and strategies that are being used to meet the child's needs.

317. The National Educational Psychological Service (NEPS) supports the wellbeing, academic, social and emotional development of children in primary and post-primary schools through the provision of school-based psychological services, with particular regard to students with SEN.

318. NEPS has developed a Continuum of Support model to support the development of inclusive school environments for children with SEN. This model recognises that individual special educational needs may occur anywhere along a continuum, and that the level of intervention and support provided in school should match those needs and their changing

nature over time. Guidelines have been issued to assist teachers to identify needs and to develop and evaluate interventions to meet them.¹⁰⁷

319. Children with more severe levels of disability may require placement in a special school or special class attached to a mainstream primary school. Each such facility operates at a specially reduced pupil teacher ratio. In the 2019/20 school year, there were 1,621 special classes in mainstream school supporting approximately 8,500 pupils. There are 124 special schools, with 1% of children with SEN enrolled in those schools.

320. The Education (Admission to Schools) Act 2018 provides powers to compel a school to designate a school place for a pupil with SEN, where the NCSE has identified a need for such provision.

321. A new School Inclusion Model (SIM) pilot programme was introduced to provide the right support at the right time, by personnel with relevant qualifications and skills. It includes teaching and care supports, speech and language and occupational therapies, nursing for children with the most complex needs, training for SNAs, and behavioural and psychological support.

322. Budget 2021 provided for an additional 990 SNAs to support frontloading of SNAs into schools – a key feature of the SIM – as well as new special classes and new places in special schools. Budget 2021 expands the SIM pilot, with supports available to more schools from September 2021.

323. All mainstream schools receive an allocation of Special Education Teaching (SET) support based on the profiled needs of the school. The SET allocation model gives schools the flexibility to provide additional teaching support for all pupils who require such support and to deploy resources based on each pupil's individual learning needs. The Department of Education has published guidelines for schools on how to deploy their resources.¹⁰⁸

324. 13,620 SET posts are currently available for allocation to mainstream primary and post primary schools. Budget 2021 provided for an additional 145 special education teachers, bringing the total provision to 13,765, an increase of over 40% since 2011.

325. Lámh (meaning 'hand' in Irish) is a manual sign system to support communication by children and adults with intellectual disabilities and communication needs. The NCSE funds Lámh – an independent organisation – to deliver training for schools and teachers in Lámh communication. The number of schools that participated in Lámh training in 2020 was 150, with 196 teachers attending.

4. Teacher training

326. Ireland is committed to training teachers who provide quality, inclusive teaching. All initial teacher education in Ireland that leads to registration must have professional accreditation from the Teaching Council whose role is to promote and regulate professional standards in teaching. CPD is provided for teachers to support the inclusion of students with SEN in mainstream classrooms.

327. A new ISL Bachelor of Education programme (primary school teaching) for deaf students was established in 2019.¹⁰⁹

328. The *Programme for Access to Higher Education* supports initial teacher education providers to develop access programmes for currently under-represented groups, including people with disabilities.

¹⁰⁷ https://www.education.ie/en/Schools-Colleges/Services/National-Educational-Psychological-Service-NEPS/-neps_special_needs_guidelines.pdf.

¹⁰⁸ <https://www.education.ie/en/The-Education-System/Special-Education/Guidelines-for-Primary-Schools-Supporting-Pupils-with-Special-Educational-Needs-in-Mainstream-Schools.pdf>.

¹⁰⁹ <https://www.education.ie/en/Press-Events/Press-Releases/2019-press-releases/PR19-01-24.html>.

5. Tertiary and Further Education

329. Ireland is committed to providing access and equity to learners with a disability in higher and further education and training.

330. The Disability Access Route to Education (DARE) is a third level alternative admissions scheme. DARE offers places under reduced criteria to school leavers who have experienced additional educational challenges because of disability. In 2020, 4,012 individual applicants to DARE received an offer of a place in higher education (representing a 27.6% increase on the number of offers made in 2019) with 3,146 accepting their offer.

331. The Fund for Students with Disabilities assists further and higher education institutions to ensure that both full and part time students with disabilities have the necessary assistance and equipment to enable them to access, fully participate in and complete their courses. It also supports students from Ireland to study on approved courses in other EU countries, Northern Ireland and Great Britain. In the 2019/20 academic year, over 14,000 students received supports eligible for funding under the FSD.

332. Ireland's *National Plan for Equity of Access to Higher Education 2015–2021* set an overall target for entry into higher education by people with disabilities and has led to increases in participation rates. The number of students with disabilities in higher education institutions has increased from 1,144 in 2016/17 to 1,465 in 2019/20. These totals are made up as follows:

- Physical/mobility disabilities – 667 in 2016/16 and 767 in 2019/20;
- Deaf/Hard of hearing – 306 in 2016/17 and 352 in 2019/20;
- Blind/Have a visual impairment – 174 in 2016/17 and 234 in 2019/20.

333. The NAP target figure for 2021 was 1,319, which has been surpassed.

334. Within the FET sector, Specialist Training Providers deliver flexible training programmes for people with disabilities. Courses are generally one to two years in duration and lead to accreditation. Course examples include ICT and vocational multi-skills. Specialist vocational training can feature additional training duration, adapted equipment, transport arrangements, and enhanced programme content as required. An enhanced trainer-learner ratio is available on these programmes. In 2019, 3,705 students participated in Specialist Training Provision (STP). SOLAS (the State Further Education and Training Agency) is currently conducting an independent evaluation of STP.

335. SOLAS issued National Guidance for Implementing Universal Design for Learning (UDL) in Irish Further Education and Training in 2021.¹¹⁰

Article 25 Health

336. One of the objectives of the NDIS is that people with disabilities are supported to achieve and maintain the best possible physical, mental and emotional wellbeing.

337. Some people with disabilities have impairments that are associated with a health condition. Furthermore, people with disabilities are older on average than the rest of the population, as prevalence of impairment rises with age. These two factors are associated with increased vulnerability to ill health. The Irish Health Survey 2015 indicated that 38% of people with disabilities described their health as 'very good' or 'good', compared to 89% of non-disabled people in these two categories.

¹¹⁰ <https://www.solas.ie/guidance-for-implementing-universal-design-for-learning-in-irish-further-education-and-training-/>.

1. Improving health outcomes

338. The HSE funds the system of primary, specialist and hospital care provided to the general public, including people with disabilities. It also provides a range of specialist services for people with disabilities, including assessment, habilitation, rehabilitation and specialist multi-disciplinary therapies, community support services, respite, and residential care. These are delivered by the HSE and by not-for-profit and private sector bodies, funded through service arrangements.

339. The HSE has established a cross-departmental Autism Assessment and Pathways Project to develop an operational model for a tiered approach to autism assessment, and to identify clear and functioning pathways to services. The project board includes a person with autism and a parent of a person with autism.

340. Sláintecare is a ten-year programme to transform health and social care services. As part of Sláintecare, work has begun to develop a Social Care Strategy to address the challenges involved in supporting a growing population of people with disabilities to live with independence and dignity.¹¹¹

341. *Healthy Ireland – A Framework for Improved Health and Wellbeing 2013–2025* is the national framework for action to improve health and wellbeing.¹¹²

342. *Sharing the Vision – a Mental Health Policy for Everyone 2020–2030* envisages a mental health system that addresses the needs of the population through a focus on the requirements of the individual, placing the individual at the centre of service delivery.¹¹³

343. The *National Sexual Health Strategy 2015–2020* aims to improve sexual health and wellbeing and reduce negative sexual health outcomes. It identifies people with an intellectual disability as one of a number of vulnerable groups that require targeted support.¹¹⁴

344. In 2019, the Government published *Smile agus Sláinte – the National Oral Health Policy*.¹¹⁵ It recognises that there is unmet need in the current oral health care system, in particular for people with disabilities.

345. *A Healthy Weight for Ireland* is Ireland's Obesity Policy and Action Plan for the period 2016–2025. The policy notes that people with disabilities are one of the groups most at risk of obesity, and that obesity can adversely affect mental health.¹¹⁶

346. HIQA, in conjunction with Safeguarding Ireland, has developed *Guidance on a Human Rights-based Approach in Health and Social Care Service* to support health and social care service providers to take a human rights-based approach to care and support for adults, and there is an accompanying e-learning course.¹¹⁷

347. The *Second National Intercultural Health Strategy 2018–2023* provides an integrated approach to addressing the health and support needs of HSE service users from diverse ethnic and cultural backgrounds. One strategic objective is to address health inequalities in relation to disability and mental health.¹¹⁸

348. Ireland has a *National Physical Activity Plan* aimed at increasing physical activity levels across the whole population, including people with disabilities. The plan identifies specific actions in the area of disability, including the development of guidelines, support

¹¹¹ <https://www.gov.ie/en/campaigns/slaintecare-implementation-strategy/>.

¹¹² <https://www.hse.ie/eng/services/publications/corporate/hienglish.pdf>.

¹¹³ <https://www.gov.ie/en/publication/2e46f-sharing-the-vision-a-mental-health-policy-for-everyone/>.

¹¹⁴ <https://www.gov.ie/en/policy-information/8feae9-national-sexual-health-strategy/?referrer=http://www.health.gov.ie/healthy-ireland/national-sexual-health-strategy-2015-2020/>.

¹¹⁵ <https://www.gov.ie/en/publication/90687b-smile-agus-slainte-national-oral-health-policy/>.

¹¹⁶ <https://www.gov.ie/en/publication/c778a9-a-healthy-weight-for-ireland-obesity-policy-and-action-plan-2016-202/>.

¹¹⁷ <https://www.hiqa.ie/reports-and-publications/guide/guidance-human-rights-based-approach-health-and-social-care-services>.

¹¹⁸ <https://www.hse.ie/eng/about/who/primarycare/socialinclusion/intercultural-health/intercultural-health-strategy.pdf>.

materials and referral pathways to promote physical activity for use by organisations providing mental health services and disability services.¹¹⁹

2. Early detection and intervention programmes

349. Public health nurses provide children's development checks (free-of-charge) against a series of norms, generally at 9 months, 18 months and 2 years. Universal screening of 2 year olds for developmental delay during public health nurse visits is to be introduced to facilitate early identification and onward referral for therapeutic intervention of children who may be at risk of developmental delay.

350. The Disability Act provides for Assessments of Need for people with disabilities and the drawing up of Service Statements.

351. Ireland has a National Screening Service (NSS) that encompasses the national breast, cervical, bowel and diabetic retina screening programmes. The NSS Screening Promotion Team works to ensure the entire eligible population, including people with disabilities, can avail of the services. In partnership with women with intellectual disabilities, the NSS has developed easy to read and accessible information on the Breast Check service.¹²⁰

3. Preventing further harm or disability

352. The *National Positive Ageing Strategy* (NPAS) promotes the health, wellbeing and quality of life of people as they age by focusing attention on issues relevant to older people across the policy development and service delivery process. One of the national goals of the strategy is to support people as they age to maintain, improve or manage their physical and mental health and wellbeing. An objective is to prevent and reduce disability, chronic disease and premature mortality as people age.¹²¹

353. National positive ageing indicators reports are published periodically to monitor trends and changes in the participation levels, health, and security of older people against NPAS goals. The second positive ageing indicators report was published in 2019 and included indicators for people ageing with intellectual disabilities.¹²²

354. The *Irish National Dementia Strategy* was launched in 2014. Underpinned by the principles of personhood and citizenship, it aims to improve service and supports so that people with dementia can live well for as long as possible in their own communities. A National Dementia Office drives the Strategy's implementation.¹²³

4. Accessible and equal health care

355. Ireland's equality legislation prohibits discrimination in the provision of health services, and public health services are required to comply with the Public Sector Equality and Human Rights Duty.

356. The *National Guidelines on Accessible Health and Social Care Services* were created to give effect to obligations under the Disability Act. They detail statutory obligations on the provision of accessible services and give practical guidance to staff on providing services to patients and clients with disabilities. Over 200 health care workers have been trained across the HSE to support access to services.¹²⁴

357. The Government funded the establishment of an independent Patient Advocacy Service in 2019. It offers a confidential helpline with experienced patient advocates on hand

¹¹⁹ <https://www.gov.ie/en/policy-information/b60202-national-physical-activity/>.

¹²⁰ [Guidance-on-supporting-women-with-disabilities-to-use-the-BreastCheck-resources.pdf](#).

¹²¹ <https://www.gov.ie/en/publication/737780-national-positive-ageing-strategy/>.

¹²² <https://www.gov.ie/en/publication/0e84e9-positive-ageing-indicators-2018/>.

¹²³ <https://www.gov.ie/en/publication/62d6a5-national-dementia-strategy/?referrer=http://www.health.gov.ie/wp-content/uploads/2014/12/30115-National-Dementia-Strategy-Eng.pdf>.

¹²⁴ <https://www.hse.ie/eng/services/yourhealthservice/access/natguideaccessibleservices/natguideaccessibleservices.pdf>.

to provide information and support to patients who want to make a formal complaint about the care they experienced in a public hospital.

358. Private health insurance providers must apply an Open Enrolment principle and must accept anyone who wishes to join, subject to any applicable waiting periods before cover takes effect, regardless of age, sex or health status, although restrictions on cover may apply. The Health Insurance Authority is the independent statutory regulator for the private health insurance market. Complaints about private health insurance can be made to the Financial Services and Pensions Ombudsman.

359. HSE *National Policy on Access to Services for Children and Young People with Disability or Developmental Delay* is being implemented under a programme to drive equity of access to health services based on each child's individual need, not on diagnosis.

5. Women and girls

360. The *National Strategy for Women and Girls* commits to the development of a Women's Health Action Plan under Objective Two: Advance the Physical and Mental Health and Wellbeing of Women and Girls.

361. The *National Maternity Strategy* underlines the need to ensure that antenatal care is accessible to women with disabilities and notes that women with disabilities may need targeted antenatal education.¹²⁵

362. A Women's Health Taskforce was established in 2019 to improve women's health outcomes and experiences of healthcare.

Article 26 Habilitation and rehabilitation

363. Ireland is committed to enabling people with a disability to attain, maintain and regain lives that are as independent as possible.

1. Health

364. The *National Strategy & Policy for the Provision of Neuro-Rehabilitation Services in Ireland* commits to developing accessible services based on clinically assessed need. People presenting with neurological conditions, including acquired brain injury, are included within the recommended scope for local specialist inpatient neuro-rehabilitation units. A National Steering Group was established in 2017 as a governance structure to advance implementation of the Strategy and provide guidance and support to the local implementation teams in each health area.¹²⁶

365. Arising from Ireland's ratification of this Convention, the HSE in 2020 established a National Clinical Programme for People with Disability, with a strong rights-based ethos, and with participation by civil society in its primary decision making body, the Disability Advisory Group.

366. A newly constructed National Rehabilitation Hospital opened in 2020, significantly enhancing the environment for patients and contributing to achieving optimum outcomes from their Rehabilitation Programmes.

2. Employment, training and social services

367. Ireland is committed to providing workplace rehabilitation that supports injured or sick employees to remain at, or return to the workplace.

368. The Department of Health has responsibility for rehabilitative training (not linked to the labour force), which is provided in accredited training centres. 2,193 training programme

¹²⁵ <https://assets.gov.ie/18835/ac61fd2b66164349a1547110d4b0003f.pdf>.

¹²⁶ <https://www.hse.ie/eng/services/list/4/disability/neurorehabilitation/national-strategy-policy-for-the-provision-of-neuro-rehabilitation-services-in-ireland.pdf>.

places are funded at any one time. They provide skills training to enable individuals to access other services or activities, for example, independent living skills to enable a person to take up employment or education, or to access a day service place. Places are open to people who have acquired a disability, or those who would require additional supports before moving to a day service or further education setting on leaving school. The NCSE has published information for school leavers on rehabilitative training options.¹²⁷

3. Assistive Technology

369. Under the NDIS, Ireland has committed to developing proposals to address access to, and affordability of, necessary aids, appliances or assistive technologies required for everyday living for people with disabilities whose entry, retention or return to work could be jeopardised by being unable to access or afford these items. Plans will be developed to implement the most viable proposals. A Working Group on Assistive Technology has been established to advance this commitment.

Article 27

Work and employment

370. The Irish Courts have interpreted the Irish Constitution as including the right to seek work and earn a living. This right extends to all persons, including those with a disability.

371. While Ireland accepts the provisions of Article 27 of the Convention, it has entered a reservation that this is subject to the understanding that none of its obligations relating to equal treatment in employment and occupation shall apply to the admission into or service in any of the Defence Forces, An Garda Síochána, the Prison Service, the Fire Brigade, the Irish Coastguard, and the Ambulance Service. The rationale behind this reservation is to allow for the continued operation of appropriate occupational health assessments in recruitment to front line posts where there are particular requirements with regard to performance of duties. This arises in the case of operational roles in the Defence Forces, An Garda Síochána, the Prison Service, and the Emergency Services. The reservation is not intended to preclude recruitment of persons with disabilities into alternative and appropriate roles but rather it is accepting of the fact that an accident or fire scene, for example, may not be a safe or appropriate working environment for a person with certain types of disability. Part 5 of the Disability Act 2005 makes provision for certain conditions for the employment of people with disabilities in public service employment. It does not currently apply to the Defence Forces, the Garda Síochána or prison officers of a prison. Employment Exemptions are provided for in s37(5) of the Employment Equality Act as amended.

1. Major Policy Initiatives

372. The CES is the primary disability employment policy initiative in Ireland.¹²⁸ It uses a cross-government approach to address barriers to employment of people with disabilities. Its strategic priorities are to build skills, capacity and independence, to provide bridges and supports into work, to make work pay, to promote job retention and re-entry to work, to provide co-ordinated and seamless supports and to engage employers.

373. The Strategy is implemented through agreed 3-year action plans, monitored by an Implementation Group with an independent chairperson. The CES Phase Two Action Plan covers the period 2019 – 2021.¹²⁹ Work has begun to develop an action plan for the 2022–2024 period.

374. Building on the extensive supports put in place over the course of the COVID-19 pandemic, the Government's Economic Recovery Plan (launched June 2021) sets out a new phase of supports, investment and policies for economic recovery and renewal. It has four pillars, the second of which focusses on 'helping people back into work', with an ambition

¹²⁷ <https://ncse.ie/wp-content/uploads/2018/04/NCSE-Post-School-Options.pdf>.

¹²⁸ <https://assets.gov.ie/18906/1120bc6ad254489db9571c74e8572f44.pdf>.

¹²⁹ http://www.justice.ie/en/JELR/CES_Action_Plan_2019_to_2021.pdf/Files/CES_Action_Plan_2019_to_2021.pdf.

to have 2.5 million people in work by 2024, exceeding pre-pandemic levels. It includes measures to bring marginalised and vulnerable groups, including people with disabilities, into the labour force.¹³⁰

375. ‘Pathways to Work 2021–2025’ (launched July 2021) is the Government’s national employment services strategy, and a key delivery mechanism of the Economic Recovery Plan’s second pillar. The strategy seeks to support those who lost employment as a result of the COVID-19 pandemic. It also includes a strand on ‘Working for All – Leaving No One Behind’, to support those unemployed prior to the pandemic, those looking to join or return to the workforce, and those facing barriers to work. In seeking to promote better employment outcomes for all in society, the strategy includes measures targeted at people with disabilities; including advancing the Early Engagement Roadmap for young people with disabilities, and reviewing current long-term disability payment schemes.¹³¹

376. The Roadmap for Social Inclusion, 2020–2025 (RSI) aims to reduce consistent poverty in Ireland and increase social inclusion for the most disadvantaged.¹³² The RSI has seven goals, each underpinned by specific commitments. Goal 5 seeks to support people with disabilities and to improve their social inclusion by reducing poverty rates, improving employment outcomes and delivering better services. The RSI commits to increasing the employment rate (for people with disabilities) from 22.3% to 25% (by Census 2021¹³³) and then to 33% (by Census 2026).

2. Protections

377. Ireland’s equality legislation prohibits discrimination on the grounds of disability in a wide range of employment and employment-related areas, including recruitment and promotion, equal pay, working conditions, training or experience, dismissal and harassment, including sexual harassment. As outlined under Article 5, employers are required to provide reasonable accommodations to candidates seeking access to employment and to employees. The WRC is a statutory body with the power to adjudicate on discrimination complaints, including those relating to disability, in the areas of redundancy, unfair dismissal, minimum notice, minimum wage, hours of work and leave. A review by the NDA of 82 WRC and Labour Court decisions found that the WRC/Labour Court found in favour of the employee in 40% of cases relating to the failure to provide reasonable accommodation.

378. There are no barriers to a person with a disability joining a trade union in Ireland.

379. The Make Work Pay (for people with disabilities) Report was published in 2017 following a commitment in the CES. It sets out 24 recommendations to support people with disabilities to enter or return to employment. A number of specific actions have been taken arising from the recommendations of this report, including:

(a) Removal of the requirement that work undertaken must be ‘rehabilitative’ in nature to be allowable under the conditions that apply both to the medical card and to disability income supports.

(b) Increases to the weekly earnings disregards for both the Disability Allowance and Blind Pension.

(c) People on a long-term disability related income support payment now retain their entitlement to free travel for five years if they move into employment and off the payment.

(d) A fast track return to income supports where the employment option is not successful.

(e) An increase to the medical card income disregard.

¹³⁰ <https://www.gov.ie/en/campaigns/709d1-economic-recovery-plan/>.

¹³¹ <https://www.gov.ie/en/publication/1feaf-pathways-to-work-2021/>.

¹³² <https://www.gov.ie/pdf/?file=https://assets.gov.ie/46558/5cea3d74aa934fe780cc521ddbe477a7.pdf#page=1>.

¹³³ Postponed to 2022 due to the COVID-19 Pandemic.

(f) A “Ready Reckoner” to assist people to calculate their net financial position when taking up employment.¹³⁴

380. Part 5 of the Disability Act relates to the employment of people with disabilities in the public sector. It sets a target that at least 3% of public sector employees should be people with a disability. The Government has committed to increase this to 6% by 2024. In 2018, the figure was 3.3% (7,585 people). The NDA monitors compliance with Part 5 and publishes an annual report. It issues determinations of non-compliance for bodies that do not meet the target for two consecutive years.

381. In 2018, the Public Appointments Service (PAS) appointed a Diversity and Inclusion Officer. The role includes ensuring that public service recruitment processes are accessible to people with disabilities, and developing a Diversity and Inclusion Strategy for the public service (this was published in March 2021).¹³⁵

382. In 2020, An Garda Síochána published an Equality, Diversity and Inclusion Strategy & Action Plan 2020–2021. The document outlines a set of strategic goals and 11 priority actions to build a culture of awareness and respect for equality, diversity and inclusion matters in the workplace.¹³⁶

383. The Oireachtas Work Learning programme is an internship programme which places people with disabilities in internships in the Houses of the Oireachtas (Parliament).¹³⁷

384. DSP’s new Work Placement Experience Programme is a short-term labour market initiative, launched July 2021, which aims to provide 10,000 placements to jobseekers who have been unemployed for 6 months. Jobseekers in receipt of DSP’s Disability Allowance or Blind Pension are eligible for the programme.¹³⁸

385. DSP funds specific supports for graduate jobseekers with disabilities through its Willing Able Mentoring (WAM) and GetAhead programmes. Under the WAM programme, graduates with disabilities undertake 6 month, paid, mentored work placements with employers in both the public and private sectors, while the GetAhead programme provides a support network for graduates with disabilities.¹³⁹

386. DSP, in a joint-funding arrangement with the EU through the European Social Fund, launched the Ability Programme, a pre-activation programme for young people with disabilities, in 2018. The programme has supported over 2,600 young people with disabilities aged between 15 and 29 years of age. The 27 projects funded were selected to assist young people in their transition from school and other settings into further education and employment.¹⁴⁰

387. At the time of writing, DSP is putting in place funding for two initiatives whose aim is to improve employment (including self-employment) opportunities both for people with disabilities and for carers, with a specific focus on supports for young carers.

388. The NDA has published *Assisting People with Autism in Employment: Guidance for Line Managers and HR Professionals* to assist line managers and HR professionals better to understand autism and to recruit, work with and support staff with autism effectively.¹⁴¹

¹³⁴ <https://www.gov.ie/en/publication/0fb542-make-work-pay-report/>.

¹³⁵ <https://www.publicjobs.ie/en/diversity-and-inclusion>.

¹³⁶ <https://www.garda.ie/en/about-us/publications/policing-plans/strategy/ags-equility-diversity-and-inclusion-strategy-statement-and-action-plan-2020-to-2021.pdf>.

¹³⁷ <https://www.oireachtas.ie/en/press-centre/press-releases/20190925-first-oireachtas-work-learning-owl-participants-graduate-from-life-changing-programme/>.

¹³⁸ <https://www.gov.ie/en/service/95fe1-work-placement-experience-programme/>.

¹³⁹ <https://www.ahead.ie/wam>.

¹⁴⁰ <https://www.gov.ie/en/service/d38c9e-apply-for-funding-under-the-ability-programme/>.

¹⁴¹ <http://nda.ie/Publications/Employment/Employment-Publications/Assisting-People-with-Autism-Guidance-for-Line-Managers-HR-Professionals.pdf>.

389. In 2019, 200 people with disabilities were employed through the Community Services Programme, which supports over 400 community organisations to provide local services through a social enterprise model.¹⁴²

3. Private sector and self-employment

390. The Government has funded the establishment of the Employers for Change service, launched in 2021. It provides expert peer advice and information on employing people with disabilities, to enhance the confidence and competence of individual employers to employ, manage and retain staff with disabilities.¹⁴³

391. The DSP Wage Subsidy Scheme (WSS) provides financial incentives to private sector employers to employ jobseekers with disabilities. WSS supports are structured under three separate strands and employers can avail of more than one strand simultaneously.

(a) Strand I is a general subsidy for any perceived productivity shortfall in excess of 20% for a person with a disability, in comparison to a colleague without a disability. The rate of subsidy is €5.30 per hour giving a total annual subsidy available of €10,748 per annum based on a 39 hour week;

(b) Strand II is payable when an employer employs three or more people with disabilities who are supported by a WSS Strand I payment. This top-up payment is a percentage of the Strand I subsidy based on the number of employees with a disability employed. It is intended to cover any additional supervisory, management and other work based costs relating to these employees;

(c) Under Strand III, employers who employ 25 or more workers with a disability are eligible for a grant of up to €30,000 per year towards the expense of employing an Employment Assistance Officer to support these employees.

392. In June 2021, 1,602 private sector employers were availing of the subsidy in respect of 2,539 employments.

393. The DSP Disability Awareness Support Scheme provides grants of up to €20,000 to private sector employers to arrange disability awareness training for staff who work with a colleague who has a disability.

394. Enterprise Ireland, the government agency responsible for the development and growth of Irish enterprises in world markets, conducted a programme of research, including consultation with people with disabilities, to inform its delivery of supports and programmes for people with disabilities who are involved in or considering entrepreneurship.

395. The National Standards Authority of Ireland (NSAI) has an Excellence Through People certification scheme.¹⁴⁴ The Scheme recognises organisations that can show they facilitate access for employees, visitors and job applicants who have physical, intellectual and/or sensory disabilities.

4. Employment and vocational training and supports

396. DSP manages Ireland's Public Employment Service (PES), which is delivered through its nationwide network of Intreo centres and through contracted providers delivering services, such as EmployAbility and Local Employment Services (LES) on its behalf.

397. Jobseekers with disabilities, who seek support from their local Intreo centre, work with a case officer to access employment supports, including assistance and advice on employment, training and personal development opportunities. Intreo delivers a case-managed service, based on individual needs, to support a jobseeker to enter or re-enter the workforce. Intreo case officers may refer clients to an EmployAbility provider, if they feel that the person would benefit from this more specialised service.

¹⁴² <https://www.gov.ie/en/policy-information/487d0f-the-community-services-programme/>.

¹⁴³ <https://www.employersforchange.ie/>.

¹⁴⁴ <https://www.nsai.ie/certification/management-systems/excellence-through-people/>.

398. As part of the CES, DSP is committed to developing an ‘early engagement’ approach for people (including jobseekers) with disabilities. This will see the PES actively engaging with people with disabilities at the earliest opportunity, on a voluntary basis, to offer supports to assist them in achieving their employment ambitions. This is in line with recommendations in the Make Work Pay Report 2017, and will initially focus on people with disabilities aged between 18 and 22 and in receipt of Disability Allowance.

399. DSP contracts for the provision of LES with 22 companies in 26 locations. Providers deliver a case managed employment service for all jobseekers, including those with disabilities. Jobseekers work with an LES Mediator to develop a personal progression plan in order to access the full range of employment supports. LES Mediators may refer clients to an EmployAbility provider, if they feel that the person would benefit from this more specialised service.

400. EmployAbility is a specialist model of supported employment services to respond to the additional difficulties faced by some jobseekers with disabilities in securing and maintaining employment in the open labour market. DSP contracts 24 companies to deliver EmployAbility services in 31 locations for approximately 3,000 case-managed jobseekers with disabilities at any point in time. Budget 2021 included a measure to introduce a training support grant of up to €1,000 for jobseekers availing of EmployAbility services. The grant can be used to access short-term training or other supports.

401. Individual Placement and Support is a model of supported employment, funded by the Department of Health through the HSE, for people with mental health difficulties. Under this model, employment specialists are integrated into community mental health teams to support service users to return to work, and they provide individualised, time-unlimited support to the employer and the employee.

402. In 2019, the Department of Education commissioned an independent review of the career guidance tools and information provided to learners at all ages and stages. Findings from this review aligned with NDA advice and identified the absence of career guidance provision in special schools as an issue. The Department has established an internal taskforce to progress the recommendations of the review, including those relating to special education.¹⁴⁵

5. Reasonable Accommodations and supports

403. The Employment Equality Acts oblige employers to take reasonable steps to accommodate the needs of employees and job applicants with disabilities, except where to do so would impose a disproportionate burden. Denial of reasonable accommodation can be a freestanding cause of action under the Employment Equality Acts and amounts to discrimination on the disability ground.

404. DSP supports jobseekers and employees with disabilities and employers in the private sector to take appropriate measures to help a person with a disability to obtain or sustain employment under its Reasonable Accommodation Fund (RAF). The RAF consists of the following four grants:

(a) The Workplace Equipment Adaptation Grant provides funding towards the cost of adapting premises or equipment to provide a more accessible workplace for people with disabilities. The grant may also cover specialist training for assistive technology.

(b) The Employee Retention Grant assists employers to retain an employee who acquires an illness, condition or impairment which impacts on their ability to carry out their job. The grant can be used to identify accommodation and/or training to enable the employee to stay in their current position, or to retrain them so that they can take up another position within the company.

(c) The Job Interview Interpreter Grant provides funding to jobseekers who are deaf or hard of hearing or who have a speech impairment for an interpreter to attend job interviews with them. Funding is also provided for an interpreter during an induction period.

¹⁴⁵ <https://www.education.ie/en/Publications/Education-Reports/indecon-review-of-career-guidance.pdf>.

(d) The Personal Reader Grant enables an employee who is blind or visually impaired, and who needs assistance with job-related reading, to employ a personal reader.

405. The NDA published research in 2019 on barriers to the provision of reasonable accommodation, as well as good practices in this area. This will inform development of practical guidance for employers.¹⁴⁶ IHREC has indicated its intention to develop a Code of Practice on reasonable accommodation.

406. The Irish Congress of Trade Unions and the Irish Business and Employers Confederation launched the Reasonable Accommodation Passport scheme, which provides a confidential live record of barriers people face and the accommodations that have been agreed to reduce their impact.¹⁴⁷

Article 28

Adequate standard of living and social protection

407. Ireland has ratified the International Covenant on Economic, Social and Cultural Rights, which recognises the right of everyone to an adequate standard of living, including people with a disability and their families.

408. People with a disability in Ireland are at a higher risk of poverty than those without a disability.

409. DSP's disability and illness related payments, aimed at ensuring an adequate standard of living are listed below.

(a) The Disability Allowance is a means-tested allowance to people with a disability aged between 16 and 66 years of age. In June 2021, there were 154,112 recipients, some of whom also qualify for the Household Benefits Package (HHB) and Fuel Allowance.

(b) The Domiciliary Care Allowance is a monthly, non-means-tested payment for a child aged under 16 with a severe disability. In July 2021, there were 45,277 recipients, in respect of 50,270 children.

(c) The Blind Pension is a means-tested payment paid to blind and visually impaired people. Recipients may also be eligible for an additional Blind Welfare Allowance paid by the HSE. In June 2021, there were 1059 recipients of the Blind Pension, some of whom also qualify for the HHB and the Fuel Allowance.

(d) Illness Benefit is a short-term payment for employees insured under Pay Related Social Insurance, who cannot work due to illness. In June 2021, there were 46,644 recipients.

(e) The Invalidity Pension is a weekly payment to people who cannot work because of a long-term illness or disability. In June 2021, there were 58,630 recipients, some of whom also qualify for the HHB and the Fuel Allowance.

(f) Partial Capacity Benefit is available to people in receipt of Illness Benefit (for at least six months), or on Invalidity Pension, who have retained some capacity for work and wish to work. Recipients continue to receive a percentage of their Illness Benefit or Invalidity Pension while working. In June 2021, there were 3,206 recipients.

410. The Occupational Injuries Scheme provides:

(a) Disablement Benefit, which is payable to an insured person who suffers a loss of physical or mental faculty because of an occupational accident, or a prescribed occupational disease. It may be paid as a once off gratuity or in the form of a Disablement Pension with the rate of benefit depending on the degree of disablement;

¹⁴⁶ <http://nda.ie/publications/employment/employment-publications/reasonable-accommodations-obstacles-and-opportunities-to-the-employment-of-persons-with-a-disability1.html>.

¹⁴⁷ <https://www.ibec.ie/-/media/documents/influencing-for-business/labour-market-and-skills/reasonable-accommodation-passport-2019.pdf>.

(b) Injury Benefit, which is payable for up to 26 weeks, where a person is unfit for work because of an accident at work, while travelling to or from work, or an occupational disease.

411. Goal 5 of the Roadmap for Social Inclusion 2020–2025 is to ‘Reduce poverty among people with disabilities – help them to maximise their ability’. The Roadmap commits to:

(a) Reduce the AROPE rate from 36.9%, first to 28.7% (2025) and then to 22.7% (2030);

(b) Develop and consult on a ‘strawman’ proposal for the restructuring of long term disability payments to simplify the system and take account of the concerns expressed in the Make Work Pay report;

(c) Commission a new study on the cost of disability and publish a final report with recommendations.

412. The study on the cost of disability study has been completed and is under consideration by relevant government departments prior to publication. It addresses the following:

(a) what are the conceptual underpinnings of a “cost of disability”?

(b) based on Irish data, what is a reasonable estimate of a “cost of disability” for Ireland for different circumstances? and

(c) what are the implications for public policy and service delivery?

413. The NDA had previously commissioned research from economic consultants on how much extra it costs to live with a disability.¹⁴⁸

414. The Government recognises the valuable contribution of carers who care for family members, relatives and friends and seeks to support them through the actions outlined in the National Carers’ Strategy.¹⁴⁹

Article 29

Participation in political and public life

415. The NDIS commits to improve the accessibility of voting and voter information and to support people with disabilities in the achievement of active citizenship and engagement.¹⁵⁰

1. Voting

416. Several measures are in place to enable people with disabilities to exercise their voting rights. Voters may:

(a) vote at an alternative polling station if their local station is inaccessible;

(b) use postal voting (for voters living at home who cannot go to the polling station due to a physical disability or illness);

(c) avail of the special voting facilities provided in hospitals, nursing homes or similar institutions, for residents who cannot go the polling station due to a physical disability or illness;

(d) receive assistance with voting at a polling station from a companion or from the presiding officer (for people with a visual impairment, physical disability or literacy difficulty).

417. Since 2018, a ballot paper template is available to enable blind and visually impaired people to mark their ballot paper without assistance if they wish to do so.

¹⁴⁸ <http://nda.ie/Publications/Social-Welfare/Cost-of-Living/>.

¹⁴⁹ <https://www.gov.ie/en/publication/a1e44e-national-carers-strategy/>.

¹⁵⁰ Actions 1.29 and 6.77 of the NDIS 2017-2021.

418. Audits have been undertaken of the accessibility of polling stations. At the May 2019 Local Elections, 51 buildings servicing 103 polling stations were not accessible to wheelchair users (1.6%, based on 6,500 polling stations). At the February 2020 General Election, this had reduced to 29 buildings servicing 43 polling stations (0.7%).

2. Participation in political and public life

419. Legislation is being drafted to repeal the prohibition on a person of ‘unsound mind’ from standing for election to the Dáil (national parliament, lower house), thereby also removing the disqualification for membership of the Seanad (upper house) and for election to the European Parliament.

Article 30

Participation in cultural life, recreation, leisure and sport

1. Access to cultural materials and activities

420. The Social Inclusion and Community Activation Programme (SICAP 2018 – 2023) is Ireland’s primary social inclusion intervention. A national programme delivered locally to help those in the greatest need, SICAP supports disadvantaged communities and individuals, including people with disabilities. Over 6,400 individuals with a disability have been assisted on a one-to-one basis since 2018. In addition to this one-to-one work, Local Development Companies undertake initiatives to help people with disabilities.

421. *Culture 2025*, Ireland’s National Cultural Policy Framework, recognises the right of everyone to participate in the cultural and creative life of the nation and sets an objective to increase the capacity of the cultural sector to allow greater participation.¹⁵¹

422. The Creative Ireland Programme is a culture-based, whole of government initiative to place creativity at the centre of public policy and public life.¹⁵² The Creative Communities initiative is part of the Creative Ireland Programme. It supports activities grounded in the community through funding provided to local authority Culture and Creativity Teams. Some activities provide opportunities for people with disabilities to experience creativity, such as facilitated play and learning for individuals with dementia, intellectual disabilities and autism; autism-friendly library services; performances highlighting issues facing the deaf community; and creative methods in promoting the learning of ISL. Under Creative Youth, the Creative Ireland Programme works to ensure participation in creative activity is accessible for all children and young people in both formal education and out-of-school settings.

423. The Arts Council is the national agency for funding, developing and promoting the arts. It is the principal funder of Arts & Disability Ireland (ADI), a national development and resource organisation for arts and disability. ADI promotes engagement with the arts at all levels – as professional artists, audience members and arts workers – for people with disabilities. It works to improve accessibility in arts programmes and venues. Its activities include the Realise Production Award, which is designed to support new work by artists with disabilities; and the Access Partnership Initiative, which brings together cultural venues in Dublin City in a local knowledge network to improve access and inclusion for people with disabilities across the arts in Dublin.

424. The Disability Act requires that, in so far as is practicable, public bodies must ensure that heritage sites are accessible to people with disabilities and can be visited with ease and dignity. The Code of Practice on Accessible Heritage Sites requires that interpretive information, where provided, should be accessible.¹⁵³

425. The EU (Marrakesh Treaty) Regulations 2018 provide for greater access to published works for people who are blind, visually impaired, or otherwise print disabled. Their objective is to improve the availability and accessibility of certain works by allowing for

¹⁵¹ <https://www.gov.ie/en/publication/62616d-culture-2025/>.

¹⁵² <https://www.creativeireland.gov.ie/en/>.

¹⁵³ http://nda.ie/ndasitefiles/Heritage_Code_of_Practice.Pdf.

copies of copyright protected works to be made available in accessible formats (e.g. Braille, large print, e-books or audiobook), without requiring the permission of the rights-holder.¹⁵⁴

426. The Copyright and Other Intellectual Property Law Provisions Act 2019 expands copyright exceptions for people with a disability, providing for access to a wider range of copyright works in accessible formats without infringing copyright.¹⁵⁵

427. The Irish Sign Language Act 2017 (ISL Act) provides for an accreditation scheme for ISL interpreters, funded by the Minister for Social Protection. The Register of ISL Interpreters (RISLI) was established in December 2020 and is a standards-based registration system for deaf and hearing ISL Interpreters in Ireland. Ongoing professional training is required in order to maintain registration. RISLI is governed by a Register Panel, which oversees registration applications, complaints and appeals, as well as CPD and Mentor Training for interpreters.

428. The ISL Act also makes provision for the Minister for Social Protection, with the consent of the Minister for Public Expenditure and Reform, to provide funds to facilitate access by users of ISL to social, educational and cultural events and services. A three month pilot ‘voucher scheme’ commenced in June 2021, using Operational Guidelines and Fair Usage and Complaints Policies that were informed by engagement with the deaf community.

429. One of the main funding criteria for the capital grant scheme for the refurbishment of existing play and recreation facilities is that all facilities and equipment funded must be accessible to all children, including those with disabilities. DCEDIY is currently a partner in a P4Play Horizon 2020 research partnership. Outcomes of the partnership will include the development of guidelines for the participation of children, including seldom-heard children, in the co-design of playgrounds.

2. Tourism and Sport

430. The NSAI published a voluntary national standard ‘Universal Design for Customer Engagement in Tourism Services’ in 2013. This promotes the Universal Design of communications in the tourism sector and contains requirements and guidance for service providers. It is complemented by the NDA’s Universal Design for Customer Engagement Toolkit.¹⁵⁶ In 2014, four case studies developed in partnership with Fáilte Ireland (Ireland’s National Tourism Development Authority) illustrated the business benefits for tourism service providers of using the toolkit.

431. Tourism Ireland (responsible for marketing the island of Ireland overseas as a holiday destination) is committed to improving the accessibility of its international website, Ireland.com, to ensure that services are accessible to all. The most recent version of the website is WCAG 2.1 Level AA compliant.

432. The Government’s Tourism Action Plan 2019–2021 identified accessible tourism as an element of enhancing the visitor experience. Under the plan:

(a) Fáilte Ireland is reviewing international policy and best practice in relation to accessible tourism to inform its approach to enhancing accessible tourism in Ireland;

(b) A pilot study has been conducted using the accredited accessible tourism model of the European Network for Accessible Tourism. Learnings from this study are informing Fáilte Ireland’s approach to supporting accessible tourism;

(c) In 2020, Fáilte Ireland delivered an awareness and education programme for representatives of local authorities along the Wild Atlantic Way about accessible tourism and business sustainability.¹⁵⁷

433. OPW Visitor Services have undertaken initiatives to improve accessibility across tourism and heritage sites. For example, at Ionad an Bhlascoid (The Blasket Centre) in County Kerry, in July 2021, the OPW completed a new viewing platform for the Wild

¹⁵⁴ <http://www.irishstatutebook.ie/eli/2018/si/412/>.

¹⁵⁵ <http://www.irishstatutebook.ie/eli/2019/act/19/enacted/en/html>.

¹⁵⁶ <http://universaldesign.ie/Products-Services/Customer-Engagement-in-Tourism-Services/Buisness.pdf>.

¹⁵⁷ <https://www.gov.ie/en/publication/7c8926-tourism-action-plan-2019-2021/>.

Atlantic Way initiative in association with Tourism Ireland. Using the principles embodied in the NDA's *Building for Everyone: A Universal Design Approach*, it incorporates frequent resting places for visitors with limited endurance, on the access route to the platform as well as on the platform itself. One such resting point offers panoramic views of the Blasket Islands archipelago, for those who are unable to go as far as the platform. Recent upgrading works at Brú na Bóinne, Newgrange provide universal access both physically in the building and through interpretation, incorporating measures for hard of hearing and including audio guides.

434. The National Sports Policy 2018–2027 sets out a vision for Irish sport. It highlights the lower participation of people with disabilities in sport and includes specific commitments to maximise participation.¹⁵⁸

435. The Sports Capital and Equipment Programme is the primary vehicle for government support for the development of sports and physical recreation facilities and the purchase of non-personal sports equipment.¹⁵⁹ The most recent funding round included a major focus on people with disabilities, with selection criteria weighted in favour of projects from disadvantaged areas or focused on people with disabilities. It is also a condition that all gym equipment funded must be accessible.

436. Sport Ireland, the authority tasked with the development of sport in Ireland, has a remit to promote participation in sport across all groups, including among people with disabilities. Sport Ireland's *Policy on Participation in Sport by People with Disabilities* is underpinned by Article 30.5 of the Convention. It supports a range of organisations to promote participation in sport among people with disabilities, including the Local Sports Partnerships, Paralympics Ireland and CARA, an independent organisation working to increase sport and physical activity opportunities for people with disabilities.¹⁶⁰

437. Sport Ireland and CARA developed a Sport Inclusion Disability Charter in 2018. Over 1,200 organisations and clubs have adopted the charter, committing to making their organisations more inclusive for people with disabilities.¹⁶¹

438. The Mixed Ability Rugby Programme is an initiative of the Irish Rugby Football Union (IRFU) that supports people with and without disabilities to play together in mixed teams at club level. Ireland was scheduled to host an international tournament in June 2020, however, this was deferred due to the COVID-19 pandemic. The IRFU has additional programmes that support participants with a physical, sensory or learning disability to achieve their potential through the game of rugby, whether as a player or volunteer. There are currently 38 clubs across the country offering disability inclusive rugby, with a plan to increase this number. The programmes also provide coaches, referees and staff with disability specific information and training.

439. A national network of Sports Inclusion Disability Officers (SIDOs) is being developed and aligned to local structures to increase the participation of people with disabilities in sport, fitness and physical activity. SIDOs work in partnership with statutory agencies, sports clubs, community groups, facility providers, schools, disability service providers and people with disabilities. In 2019, the reach of the network extended to 24,387 people with disabilities, with education and training provided to 2,649 people.

440. Ireland supports high performance athletes participating in World Games and Paralympic Games through the Disability National Governing Bodies and Paralympics Ireland. In 2019, through the International Carding Scheme, Sport Ireland supported 23 para-athletes from 6 sports to a total of €548,000. Investment in Paralympics Ireland was €1,714,000.

441. Ireland hosted the 2003 Special Olympics World Summer Games and Special Olympics Ireland, a sports organisation for people with an intellectual disability, receives government funding. Currently almost 8,000 athletes from across the island of Ireland

¹⁵⁸ <https://assets.gov.ie/15979/04e0f52cee5f47ee9c01003cf559e98d.pdf>.

¹⁵⁹ <https://www.sportscapitalprogramme.ie/>.

¹⁶⁰ <https://www.sportireland.ie/sites/default/files/2019-12/sport-ireland-policy-on-participation-in-sport-by-people-with-disabilities.pdf>.

¹⁶¹ <https://caracentre.ie/sport-inclusion-disability-charter/>.

participate in 15 different sports through Special Olympics. Special Olympics Young Athletes is a sport and play programme for children aged 2 to 7 years, with and without intellectual disabilities.

442. The Institute of Technology, Tralee, hosts the UNESCO Chair in Inclusive Physical Education, Sport, Recreation & Fitness. The purpose of the Chair is to promote an integrated system of research, training, information and documentation in the fields of inclusive physical education, adapted physical activity, sport, fitness and recreation for social inclusion of people with disabilities, their families and communities. The UNESCO Chair programme involves a broad range of national and international activities to promote inclusion, including through implementation of the 2017 Kazan Action Plan.¹⁶²

443. While the adverse impact of the COVID-19 pandemic on people with disabilities has been significant, it has also been associated with opportunity for innovation, including in the area of sport, as evidenced in the NDA's recent *Lockdowns Unlock Innovation* Report.¹⁶³

IV. Specific obligations

Article 31

Statistics and data collection

444. The National Census, conducted every five years by the Central Statistics Office (CSO) is an important source of periodic disability data. The Census gathers information on the number of people reporting a disability and the type of impairment, along with socio-economic information.

445. Following public consultation, engagement with key stakeholders, and pilot testing, the 2021 Census (postponed to 2022 due to the COVID-19 pandemic) will include enhanced questions on disability, reformatted to explore the extent/severity of any condition. This better aligns the census disability questions with the Washington Group questions, but continues to provide richer detail.

446. The CSO carried out a post-census National Disability Survey (NDS) in 2006 to produce the first detailed profile of people with disabilities in Ireland, using a questionnaire based on the social model of disability. The purpose was to establish a baseline to assess the severity and impact of disability on the population. 14,518 people with a disability were surveyed. The CSO is currently scoping the possibility of running a second NDS after the scheduled 2026 Census.

447. Ireland also gathers statistics and data on people with disabilities through a number of other measures. The two major household surveys conducted by the CSO (the Labour Force Survey¹⁶⁴ and the Survey of Income and Living Conditions¹⁶⁵), both gather information on people with disabilities.

448. Two separate databases of those receiving specialist disability services were amalgamated in 2019 into an enhanced database, the National Ability Supports System, operated by the Health Research Board.

449. DSP publishes information on the number of people receiving payments related to illness, disability and caring.

¹⁶² <http://www.ittralee.ie/en/unesco/>.

¹⁶³ <http://nda.ie/publications/others/research-publications/lockdown-unlock-innovations-report.html>.

¹⁶⁴ <https://www.cso.ie/en/statistics/labourmarket/labourforcesurvey/lfs/>.

¹⁶⁵ <https://www.cso.ie/en/aboutus/takingpartinasurvey/surveysofhouseholdsindividuals/surveyonincomelivingconditions/>.

450. Two longitudinal studies, Growing Up in Ireland¹⁶⁶ and The Irish Longitudinal Study on Ageing (TILDA)¹⁶⁷ also provide data on the experiences of people with disabilities in Ireland.

451. IDS-TILDA is a longitudinal study researching ageing in Ireland among people with an intellectual disability aged 40 and over.¹⁶⁸ This study is the first of its kind in Europe, and the only study directly to compare the ageing of people with intellectual disability with the general ageing population.

452. The NDA, under the National Disability Authority Act 1999, undertakes, commissions and collaborates in research projects and activities on issues relating to disability.

1. Disaggregation of data and statistics

453. The NDA has a statutory role to assist in the development of statistical information appropriate for the planning, delivery and monitoring of programmes and services for people with disabilities. The NDA works with the CSO to advise on collecting and analysing data relevant to disability, including intersectional data.

454. Ireland's Open Data Strategy 2017–2022¹⁶⁹ aims to increase the publication of high value government data in open format, making it publicly available and freely reusable and engaging with a broad community of stakeholders to promote its social and economic benefits and its reuse. This includes disability data.

2. Safeguards and Ethical Principles

455. Data collection is governed by the Data Protection Acts 1988–2018, which are in compliance with the General Data Protection Regulation (GDPR).

456. Part 4 of the Disability Act regulates genetic testing in a number of areas, including insurance, employment and the mortgaging of property, by prohibiting the processing of genetic data in these areas. The provisions aim to ensure that people who may be affected by genetic disorders will not be subject to any unreasonable requirements from an employer or an insurance or mortgage provider.

457. The Health Research Regulations 2018 were made under the Data Protection Act, following the introduction of GDPR.¹⁷⁰ They provide specific safeguards in relation to the processing of personal data for health research. Explicit consent is the default requirement, but the regulations provide for exemptions in limited circumstances where obtaining consent is not possible and the public interest in carrying out the research significantly outweighs the consent requirement. All exemption applications are considered by an independent committee. This process allows for the personal data of persons who lack capacity to consent to be included in research with a significant public interest, and subject to safeguards.

458. The Department of Health published the General Scheme of the National Research Ethics Committees Bill to provide a legislative basis for a National Research Ethics Committee framework that will also see the retention of local institutional research ethics committees. The Bill will be complemented by parallel secondary legislation relating to clinical trials of medicinal products and medical devices. The envisaged reforms will significantly enhance the research ethics committee framework across the spectrum of health research in Ireland. The National Office for Research Ethics Committees will support this reform process operationally.¹⁷¹

459. A National Consent for Research Policy is under development by the HSE.

¹⁶⁶ <https://www.growingup.ie/>.

¹⁶⁷ <https://tilda.tcd.ie/>.

¹⁶⁸ <https://www.idstilda.tcd.ie/>.

¹⁶⁹ <https://data.gov.ie/pages/open-data-strategy-2017-2022>.

¹⁷⁰ <https://www.hrb.ie/funding/gdpr-guidance-for-researchers/health-research-regulations-2018/>.

¹⁷¹ <https://www.gov.ie/en/publication/08835e-general-scheme-of-the-national-research-ethics-committees-bill/>.

Article 32

International co-operation

460. *A Better World*, launched in 2019, is a whole of government policy for international development that provides the framework for Ireland's expanding development cooperation programme, in line with the commitment to reaching the UN target of allocating 0.7% of Ireland's Gross National Income to official development assistance by 2030.¹⁷²

461. *A Better World* highlights Ireland's commitment to addressing the rights and needs of vulnerable people, including those with disabilities. It outlines a commitment to the Sustainable Development Goals (SDGs) and the central tenet of leaving no one behind. The development programme addresses the needs of people with disabilities in various ways – through Irish NGOs, in developing partner countries and through Ireland's humanitarian response.

462. Irish Aid – the Government's international development aid programme – adopts a 'twin-track' approach to disability, mainstreaming disability in programmes and policies, as well as supporting disability-specific programmes. It has a wide range of institutional partners in the disability area and has funded Irish-based NGOs to undertake health, education and human rights work that specifically benefits people with disabilities.

463. Irish Aid also supports disability partners in Ireland's Key Partner Countries, for example, the Comprehensive Community Based Rehabilitation Hospital in Tanzania. In Vietnam, Irish Aid supports civil society organisations working with people with disabilities on social inclusion, empowerment, health, early childhood detection of disabilities and activities related to risks arising from mines. Irish Aid supports the work of CBM Ireland in Ethiopia. The CBM project Bridge the Gap works to increase the participation of people with disabilities in community life through awareness-raising and disability training of local government officials, health workers, teachers, social workers, and wider community members, including people with disabilities and their families. Irish Aid is providing funding of €960,000 from 2018–2021 to this project.

464. Dóchas, the Irish Association of Non-Governmental Development Organisations, part funded by Irish Aid, supports a Dóchas Disability in International Development Working Group (DDIDWG), the objectives of which are to:

(a) raise awareness among Irish development organisations of the position of people with disabilities in low and middle income countries, with the aim of encouraging these organisations to mainstream disability into their development and humanitarian programmes;

(b) share best practice and knowledge between disability organisations with a national remit and international development NGOs, with other Dóchas Working Groups and with relevant national actors, with the aim of building capacity for disability inclusive development and humanitarian programming;

(c) influence Irish Aid and other state organisations, decision makers and policy makers to take action to integrate disability as a key issue into future development interventions and funding.

465. The DDIDWG engaged in the consultation process for *A Better World* and their contributions were considered in the drafting of the policy.

466. In 2018, the OECD Development Assistance Committee (DAC) introduced a policy marker to track development finance in support of people with disabilities. Ireland adopted the OECD DAC marker in 2020, signalling a commitment to integrating a disability perspective into development assistance.

467. Ireland's first SDG National Implementation Plan (2018–2020) sets out how the Government will implement the SDGs in Ireland and internationally. It contains specific

¹⁷² <https://www.irishaid.ie/media/irishaid/aboutus/abetterworldirelandspolicyforinternationaldevelopment/A-Better-World-Irelands-Policy-for-International-Development.pdf>.

goals and targets that take account of the rights of people with disabilities.¹⁷³ The Government developed the SDG Data Hub – a collaborative platform for reporting on progress towards the SDGs and sharing information on related initiatives. Ireland’s progress against each goal is measured using agreed UN and EU targets and indicators.¹⁷⁴

Article 33

National implementation and monitoring

468. DCEDIY is Ireland’s designated Focal Point and Coordination Mechanism under the Convention and is leading the development of an implementation plan to co-ordinate implementation of the Convention.

469. The NDIS monitoring structure ensures that the disability inclusion agenda is driven forward using a whole of government approach, with specific actions advanced by the departments and agencies responsible.

470. It is the State’s intention to designate IHREC as Ireland’s Independent Monitoring Mechanism. This designation will be provided for in the Assisted Decision-Making (Capacity) Amendment Bill.

471. The Joint Oireachtas Committee on Disability Matters was established in 2020.¹⁷⁵ It considers all disability matters, including the implementation of the Convention.¹⁷⁶

V. Report of stakeholder consultations

472. DCEDIY published a draft of this report for consultation in December 2020. The consultation ran until April 2021. The draft was published in screen reader, easy-to-read and Braille formats.

473. The consultation was designed to reach as many stakeholders as possible, in particular those often distanced from such processes. It featured:

- (a) A public consultation process inviting written submissions;
- (b) Three half-day online stakeholder consultation events hosted by DCEDIY in March and April 2021;

Each event had the maximum one hundred attendees registered. Professionally facilitated thematic discussions were held on the draft report. To make the online consultation sessions as accessible as possible, participants were invited to identify any accessibility requirements at registration. ISL interpretation and closed captioning were provided.

(c) A consultation process carried out by the recently established DPCN, the report of which was made available to DCEDIY to inform the preparation of this report;

(d) A consultation process to consult children and young people on their experience of their rights in Ireland. This process was designed to inform this report, as well as periodic reports under the Convention on the Rights of the Child and the Universal Periodic Report process;

(e) Funding from DCEDIY to civil society organisations, including DPOs, to support the shadow reporting process.

¹⁷³ <https://assets.gov.ie/19344/32f9bdd2aae2464caae37760edd1da04.pdf>.

¹⁷⁴ <https://irelandsdg.geohive.ie/>.

¹⁷⁵ Oireachtas Committees advise the Houses of the Oireachtas (Ireland’s national parliament) on specific areas. Committee members include TDs, Senators or both. Committees receive submissions and presentations from members of the public, interest groups and Government Departments. Their public meetings are broadcast live and recorded and they may publish reports on specific issues. Committees also scrutinise Government expenditure and debate proposed legislation.

¹⁷⁶ <https://www.oireachtas.ie/en/committees/33/disability-matters/>.

474. Key points raised in submissions to the consultation are captured in separate reports submitted for the information of the Committee as attachments to this report. The Committee is invited to consult these reports to gain a deeper view of the issues raised during the consultation.

475. Some general issues raised are briefly summarised below.

(a) Many participants shared their vision of a more inclusive, diverse, and equal society, in which the value and uniqueness of each individual is accepted and appreciated, and they can achieve their potential. This vision was considered crucial to the implementation and monitoring of the Convention in Ireland.

(b) The voices of people with disabilities must be central to the monitoring and review of the implementation of the Convention in Ireland.

(c) DPOs expressed the view that they are not yet adequately embedded in structures for monitoring disability strategies, and do not feel they are being duly recognised and prioritised in participation and consultation processes run by Government bodies, as required under Article 4.3 of the Convention and further to General Comment No. 7 of the Committee.

(d) More generally, stakeholders emphasised the need for participation and consultation in the planning, design, management, and monitoring of any initiative, strategy, policy, or law that impacts on their lives. Many submissions welcomed the establishment of the Government funded DPCN, while expressing the need for further awareness raising to support its work.

(e) The need for continued progress towards a social model of disability was highlighted, with the view expressed that the medical model of disability and associated language are still prevalent.

(f) Respondents described Ireland as ‘policy rich but implementation poor’ with well designed policies often suffering from inconsistent or delayed implementation. Concern was expressed that the State Report did not adequately reflect the lived experience of people with disabilities, the realities of the barriers they face in the realisation of their rights, and the role of the State in these dynamics.

(g) There was a widely held view that a more co-ordinated approach to the implementation of the Convention and of disability services generally is needed at local and national level, as people often experience fragmented services and supports, with multiple departments, providers, agencies, and independent organisations involved.

(h) DPOs and other stakeholders expressed the view that disability funding should be reoriented to support the full participation of people with disabilities in decision-making and in society, as current funding models were felt to be overly focused on service providers and on organisations run by non-disabled people.

(i) Respondents expressed the view that more services and supports are needed to move towards a person-centred approach and away from a system-led model.

(j) There was widespread agreement that the commencement of the ADMC and the establishment of the DSS are central to compliance with the Convention, with frustration expressed at the delays in commencing the ADMC and at the continuation of the wardship system in the interim.

(k) The need for better collection and use of disaggregated data to inform disability policy in Ireland was noted.

(l) Employment rates for people with disabilities were a particular concern.

(m) The need for continued improvements in accessibility and universal design was raised, with concern expressed at a perceived urban-rural divide in the provision of accessible services, particularly transport.

(n) Respondents saw a need for more rights based awareness raising and training initiatives.

- (o) Some submissions noted that while there exist many positive initiatives to support people with disabilities, these are often poorly promoted and/or difficult to access.
 - (p) Children and young people called for more safe spaces for young people at risk of exclusion, including young people with disabilities.
 - (q) Many stakeholders felt that the Optional Protocol to the Convention should be ratified by Ireland as soon as possible.
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