



OLLSCOIL NA GAILLIMHÉ
UNIVERSITY OF GALWAY

An tIonad Dlí & Beartais Míchumais
Centre for Disability Law & Policy



Disability
Legal
Information
Clinic

A review of Ireland's law and policy in light of Ireland's obligations under the 4 Articles of the UNCRPD

Accessible Summary

Report for: DPO Network

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February 2024

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Introduction

This report is for the DPO Network. It looks at how Ireland's laws and policies match up to what is written in the UN Convention on the Rights of Persons with Disabilities. In the report this is called the Convention.

The report has 4 sections. Each section looks at one part of the Convention.

There is a section on

- Article 19 – Independent Living,
- Article 24 – Education,
- Article 27 – Work and Employment,
- Article 28 – Social Protection

This document is a short version of what is in the report. It is not legal advice.

The report and this document were written by students from the Centre for Disability Law and Policy in the University of Galway. It is part of a course they are doing and the Disability Legal Information Clinic run by the Centre.

About the DPO Network

Five groups of disabled people have agreed to work together in the DPO Network. The groups work together to make sure when Ireland is changing its laws and policies it is following the Convention.

The groups that are part of the DPO Network are:

- Disabled Women Ireland
- Irish Deaf Society
- Independent Living Movement Ireland (ILMI)
- The National Platform of Self Advocates
- AslAm

Ireland and the Convention

Ireland has ratified the Convention. This means that the Government has made a promise in law to follow the Convention and change its laws and policies when it needs to.

The Committee on the Rights of Persons with Disabilities make sure that countries are doing this. The Government has sent in Ireland's first report to the Committee. The Committee have not looked at the report or asked the government any questions about it yet.

The Committee also want disabled people to send in reports and tell if the laws and policies are working and what it is like being a disabled person in Ireland.

There is an extra part of the Convention called the Optional Protocol. The Optional Protocol lets people send complaints to the Committee when countries are following the Convention. The Irish Government have not ratified the Optional Protocol yet. This means that disabled people in Ireland cannot make complaints to the Committee yet.

Article 19 – Independent Living

Disabled people have a right to choose where they want to live and who they want to live with. They need houses that they would want to live in and supports that will help them be part of the community and do things that they like to do. But disabled people feel like there are not enough houses and they wait too long for houses. There are not enough supports and they cannot get supports for a long enough time. The supports do not always fit what they really want or need. Information about houses and supports is difficult to get and understand. To fix this, the government has to build more houses for disabled people so that they can choose a house that they would want to live in and stop putting disabled people in places like nursing homes.

Disabled people who are living in places like nursing homes and who should not be living there, should move to other houses where they want to live. The government must make sure that disabled people can easily go to all places like cinemas or a friend's house.

Disabled people must also easily go to and use services like doctors and banks. These places must be able to give disabled people more supports if they need it like someone who can sign Irish Sign Language.

Disabled people should be able to use services where someone comes to help them with whatever they need help with and pay for services that they need and want. Someone else should not be choosing what a disabled person needs or wants. The government must make information easy to get and understand and ask and listen to what disabled people need and want.

Article 24 – Education

There are many laws about disability and education in Ireland, but the main one is called the “Education for Persons with Special Educational Needs Act 2004”. This law says that disabled children should learn together with everyone else. This law also lists services for disabled children. This law is not fully in action, so some of those services are not accessible.

Disabled people do not have the same chances to learn as others. In primary schools disabled students sometimes learn together with everyone else. However often they learn with other disabled students in special classes or go to school for fewer hours. Disabled students do not always have access to the supports they need. Fewer disabled people go to university compared to people without disabilities.

Education is not inclusive enough for disabled students. The government should put the Education for Persons with Special Educational Needs Act 2004 into action and add a law about the right to inclusive education for all levels. Disabled students should not learn in separate classes or schools and must get individual support.

In university, buildings should be accessible and disabled students should have easy access to support. The government should make a plan so that more disabled people can go to university.

Teachers and Special Needs Assistants are not trained enough. They should be trained so that they can teach disabled students together with the other students. To become a Special Needs Assistants people should have a special certificate and get extra training.

Article 27 – Work and Employment

Disabled people have a right to have a chance to get good jobs, move ahead in those jobs and get training in the same way as non-disabled people.

The law in Ireland says that disabled people have the same right as other people to get a job. It also says that some disabled people can be paid less, if their employer or their boss thinks someone else could do more work in the same time. Ireland has a lot of policy about work for disabled people but it does not seem to be making a real difference to their lives.

Disabled people in Ireland find it much harder to find work, get training for a job and get a promotion or move ahead compared with non-disabled people. Almost half of the disabled people who are not working would like a job but they do not have the right supports to work. Employers or bosses need to be more helpful and use the supports that are there to make their workplaces more accessible. Other kinds of access should also be provided, like having a personal assistant (PA) at work, flexible work hours and being able to work from home, and good transport options. Support to take some courses or return to work after an accident or illness is also needed.

The councils and government have to give jobs to a certain number of disabled people. This number is too low. It needs to go up and jobs in other places should be included too.

The law needs to be changed so that disabled people can no longer be paid less. The law should also make it clear that employers should talk to disabled workers about their needs and to take those needs seriously.

Article 28 – Social Protection

Disabled people have a right to a good enough standard of living. They also have a right to get help from the government to make it better and make sure they are not very poor.

Some of the ways the government helps disabled people are by setting up payments they can get. This can be called social protection.

Examples of these payments in Ireland are Disability Allowance, Blind Pension and Domiciliary Care Allowance. There are also payments to help disabled people with health, housing, and transport payments.

These benefits are often not enough to support disabled people and the extra costs they face because of their disability. Some of the problems are that it takes very long to sort out applications for the payments and lots of people have to apply more than once to get them.

Lots of disabled people are afraid of losing their disability benefits if they work full-time or get married. Disabled people are not properly supported when they try to access social housing or public transport. To properly support disabled people, the government needs to change the payments system. The new system should not consider how much money a disabled person's partner gets. It should be a personalised system which looks at different aspects of a disabled person's life. Applications need to be processed as quickly but as carefully as possible.

The government also needs to increase accessible public transport in rural areas. The government should also increase the amount of social housing available for disabled people.

Conclusion

This report talked about four different parts of the Convention but there were a few things that were the same or stood out in more than one part.

To follow the Convention the Ireland needs to:

- Change its laws to include clear rights for disabled people. Disabled people should be able to go to court to make sure they get these rights and get help to do this when they need it.
- Stop setting up pilot or short term projects and make sure there is money and people available to run things long term.
- Make sure disabled people are part of every stage of changing Ireland's laws and policies to follow the Convention.
- Gather information to show if the plans they have are working and if they are following the Convention.