



Mission Permanente de l'Irlande
auprès de l'Office
des Nations Unies
à Genève

Office of the High Commissioner for Human Rights
Palais Wilson
52 rue des Paquis
CH-1211 Geneva 10

06 October 2010

Dear Sir/Madam,

Please find attached the amended version of Ireland's contribution to the survey arising from Human Rights Council Resolution 13/11 - "Human Rights of Persons with Disabilities: national implementation and monitoring and introducing as the theme for 2011 the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities".

The Permanent Mission of Ireland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration

Yours sincerely,

Micheál Tierney
Deputy Permanent Representative

Human Rights Council Resolution 13/11 - "Human Rights of Persons with Disabilities: national implementation and monitoring and introducing as the theme for 2011 the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities"

Response from Ireland

a) Key measures adopted at national level to implement the Convention on the Rights of Persons with Disabilities, and relative budgetary allocations

Ireland was in the first group of countries to sign, subject to ratification, the UN Convention on the Rights of Persons with Disabilities when it opened for signature on 30 March 2007.

It is the Government's intention to ratify the Convention as quickly as possible. The Irish Constitution takes a dualist approach to international treaties and therefore Ireland does not become party to treaties until it is in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary.

The Government launched the National Disability Strategy in September 2004 to underpin the participation of people with disabilities in Irish society. The strategy builds on existing policy and legislation, including the policy of mainstreaming public services for people with disabilities and in many respects comprehends many of the provisions of the Convention. The key elements of the strategy currently are:

- the Disability Act 2005
- sectoral plans prepared by six Government Departments - Enterprise, Trade and Innovation; Health and Children; Transport; Social Protection; Environment, Heritage and Local Government; and Communications, Energy and Natural Resources - that set out how each department will deliver specific services for people with disabilities
- the Citizens Information Act 2007
- the Education for Persons with Special Educational Needs Act 2004

In addition, a high-level inter-departmental committee was established under the chairmanship of the Disability Policy Division of the Department of Community, Equality and Gaeltacht Affairs to advise on any changes to legislation, policies, programmes and schemes that may be required to enable ratification of the Convention. The group has developed a work programme to address matters that need to be aligned with the Convention.

With regard to budgetary allocations, Section 5 of the Disability Act requires each Minister or relevant public body to allocate out of the money available to them the maximum amount they consider appropriate for disability services, having regard to the overall resources available to them and to the other functions for which they must provide. The overall allocation of Exchequer funding for the provision of disability specific services is provided for in the annual Estimates. Table 1 below shows the disability expenditure by category over the period 2006-2010. This expenditure includes funding exclusively or primarily provided by Government Departments/Offices for persons with disabilities or expenditure on disability services

which are part of a wider programme/project where the cost of the disability element of the service can be readily identified. It does not include the cost of such services which have been mainstreamed as part of a service or which are now a standard part of a project specification where the cost of the disability element of the service or project cannot be readily identified and costed separately.

Category of Expenditure	Outturn 2006	Outturn 2007	Outturn 2008	Provisional Outturn 2009	Estimate 2010
	€'000	€'000	€'000	€'000	€'000
Accessibility	81,658	8,763	5,683	5,774	8,003
Sectoral Plans	24,906	93,458	94,907	102,702	105,706
Income Maintenance	1,901,782	2,624,733	2,854,654	2,836,537	2,962,657
Services	3,163,948	2,435,009	2,657,927	2,742,794	2,671,597
Total	5,172,294	5,161,963	5,613,171	5,687,807	5,747,963

b) Challenges and obstacles to the full implementation at national level of the Convention on the Rights of Persons with Disabilities

In preparation for Ireland's ratification of the Convention, the Government is progressing implementation of its provisions on an ongoing basis through the National Disability Strategy and the high-level inter-departmental committee (see information provided under (a) above).

One of the key requirements to enable ratification of the Convention is mental capacity and guardianship legislation, which is the responsibility of the Department of Justice and Law Reform. The main purpose of this legislation is to reform the existing Wards of Court system as it applies to adults, and replace it with a modern statutory framework governing decision-making on behalf of adult persons who lack full capacity. When enacted, the legislation will replace and repeal the Lunacy Regulation (Ireland) Act 1871, currently the chief legislation in this area. The draft provisions of this legislation establish that there is a presumption of capacity; that no intervention in the person's decision making will take place unless it is necessary having regard to the individual needs and circumstances of the person. A person shall not be treated as unable to make a decision unless all practical steps to help them make a decision have been taken without success. The draft provisions of the legislation further provide that any act done or decision made thereunder must be done or made in a way which is the least restrictive of a person's rights and freedoms. A General Scheme of the provisions to be included in the legislation was published in September 2008 after which written submissions from interested parties were invited. Submissions received and views expressed at a conference held in February 2009 were also examined for consideration during the drafting of the legislation. The draft legislation is expected to be submitted for progression through the Parliamentary approval process in the current Parliamentary session.

c) The existence, scope and content of policies and/or guidelines adopted at national level to guide international cooperation in support of the Convention

d) Forms of international cooperation at bilateral and multilateral level that, as a complement to national efforts, can play a key role in assisting the realization of the Convention at national level

e) Examples of engagement in international cooperation and assessment of their impact on promoting the realization of the convention

Ireland participates fully in the European Union High Level Group of Representatives of the Member States on Disability (HLG). This group is coordinating the development of the new EU Disability Strategy 2010-2020, a strategy which will closely align its activities with the Convention. Ireland contributes annually to the HLG report on member states implementation of the Convention

The EU Commission are hosting a Work Forum on the implementation of Article 33 of the UNCRPD on 18-19 November 2010 to examine and discuss the practical implications of implementing this Article. Ireland, along with other member states and a large number of NGOs will be participating in this event. In advance of this Work Forum Ireland will also be attending a preparatory meeting which is being held in Brussels on 14 October to assist the Commission in identifying the main issues and cases that should be represented and discussed at the Forum.

A special group has been established under the EU Working Party on Human Rights to progress a Code of Conduct regarding the EU's ratification of the UNCRPD. Ireland has been involved with the Commission in the drafting and negotiation of this Code of Conduct.

Ireland also participates fully with the European Co-Ordination Forum for the Council of Europe Disability Action Plan 2006 - 2016 (CAHPAH) and reports on implementation of this Action Plan which seeks to promote the rights and full participation of people with disabilities in society. In developing this Action Plan due account was taken of existing European and International instruments, treaties and plans, particularly the then draft Convention on the rights of persons with disabilities.

