



Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas  
Irish Human Rights and Equality Commission



**IHREC**  
Monitoring Mechanism  
Independent Monitoring Mechanism  
under the United Nations Convention on  
the Rights of Persons with Disabilities

Roderic O' Gorman T.D.  
Minister for Children, Equality, Disability, Integration and Youth  
Miesian Plaza  
50 – 58 Lower Baggot Street  
Dublin D02 XW14

CC: Minister of State for Disability, Anne Rabbitte, TD  
CC: Minister of State for Mental Health and Older People, Mary Butler, TD  
CC: Cathaoirleach, Joint Oireachtas Committee on Disability Matters, Michael Moynihan, TD

5 December 2024

**Re: Accession to the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities**

Minister O' Gorman, a chara,

On behalf of the Irish Human Rights and Equality Commission ('the Commission'), I welcome the recent accession to the Optional Protocol to the UN Convention on the Rights of People with Disabilities ('the CRPD') and its coming into force in the coming days is a milestone. The Commission, alongside Disabled People's Organisations, international human rights mechanisms including the Committee on Economic, Social and Cultural Rights, and international actors including the former UN Special Rapporteur on the rights of persons with disabilities Professor Gerard Quinn, has consistently called on the State to ratify the Optional Protocol. Whilst the State signed the CRPD in 2007 and ratified it in 2018, the last EU member state to do so, it did not ratify the Optional Protocol. This had left Ireland an international and European outlier, with only four other EU member states yet to ratify the Optional Protocol).

Whilst the accession to the Optional Protocol is an important step towards the State fulfilling its obligations to protect the rights of disabled people, and will provide an important and necessary pathway for disabled people to make a complaint directly to the UN to vindicate their rights, as you note in your correspondence on November 14<sup>th</sup>, much remains to be done by the State towards the full implementation of the CRPD. I note that disability is consistently the number one reason that people contact the Commission regarding their rights.



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You noted in your recent correspondence that the Optional Protocol is just one part of Ireland's broader approach to compliance with the CRPD, and we welcome your commitment to continued engagement with IHREC regarding implementation of the CRPD.

The protection and fulfilment of CRPD rights should be guaranteed and upheld in national legislation. The Commission has repeatedly called for the review and amendment of legislative frameworks, including the Equality Acts, EPSEN Acts, the Mental Health Act, and to bring forward legislation that adequately safeguards individuals at risk and/or deprived of their liberty.

Further, noting that the Optional Protocol does provide an ultimate pathway for redress, the Commission will shortly publish research regarding the implementation of Article 13 of the CRPD - 'Access to Justice' – which will present stark findings about a justice system that is failing to protect the rights of, and provide accountability to, disabled people. The Commission will reiterate the need for a comprehensive review of existing legislation and public policy, with a focus on aligning legal frameworks with international standards, and in particular the CRPD. Priority consideration in this regard should be given to the Equal Status Acts 2000-2018 and the Employment Equality Acts 1998-2015, Mental Health Act 2001, the Disability Act 2005 and the Criminal Law (Insanity) Act 2006.

I acknowledge the update you have provided regarding ongoing work to develop Ireland's next National Disability Strategy, which we expect will present an implementation plan to advance delivery of the CRPD across civil, political, economic, social and cultural rights in Ireland. We remind you of the opportunity that this strategy presents for the State to address the recommendations that have been made by international human rights reporting mechanisms, including United Nations and Council of Europe mechanisms. I enclose for your reference a record of recommendations pertaining to disability and CRPD rights made by international reporting bodies. We request information on how these will be addressed in the National Disability Strategy.

The meaningful engagement with disabled people and Disabled People's Organisations, must be at the foundation of the CRPD implementation strategy. I request an update from your



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Department that sets out how disabled people will be central in the design, implementation and monitoring of the National Disability Strategy and CRPD implementation, as well as a coherent and well-resourced plan for coordination, implementation and monitoring.

In our role as the Independent Monitoring Mechanism under Article 33 of the CRPD, and supported by our Disability Advisory Committee, the Commission will continue to monitor and report on the State's implementation of the CRPD in giving full effect to the rights of disabled people. We note that the State is scheduled to be reviewed on the UN Convention on the Elimination of Racial Discrimination and the UN Convention on the Elimination of Discrimination Against Women (when the State submits its late reports on both). We will use these opportunities to monitor and report on the intersectional rights of disabled people to the UN.

We urge the government to ensure that public bodies and government departments across all sectors, not least in the education, health, justice and social care sectors, fully cooperate and engage with the Independent Monitoring Mechanism. Furthermore, the Commission reiterates its previous calls that you provide an annual statement in the Dáil on Ireland's progress on implementation of CRPD.

The Commission remains available to provide advice to the Government in support of the above.

In line with our publications policy, this correspondence will be published on our website. This policy only pertains to IHREC-issued communications, and not to correspondence received by us.

Le dea-mhéin,

Deirdre Malone

Director