



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

Darragh O' Brien T.D.
Minister for Housing, Local Government and Planning
Custom House
Dublin D01W6X0

16 May 2024

Sent via email: MINISTER@housing.gov.ie

Dear Minister O'Brien,

The Irish Human Rights and Equality Commission ('the Commission') is Ireland's national human rights and equality body. As well as our broad mandate to protect and promote human rights and equality in Ireland, we are the Independent Monitoring Mechanism for Ireland under the United Nations Convention on the Rights of Persons with Disabilities ('UNCRPD').

Following the ratification of the UNCRPD, in 2018 we established a Disability Advisory Committee ('DAC'), comprised primarily of disabled people, under Section 18 of the Irish Human Rights and Equality Commission Act 2014.

The role of the DAC is:

- to assist and advise the Commission on matters related to its function of keeping under review the adequacy and effectiveness of law and practice in the State relating to the protection of people with disabilities; and
- to advise the Commission on the fulfilment of its independent monitoring role under the UNCRPD.

A key issue that the DAC has emphasised, in its advisory capacity to the Commission, is the right to political participation, including exercising the right to vote, for disabled people.

We are urging you, in the run up to the local and European elections, to ensure that there are no barriers to disabled people exercising their rights to participate fully in public life and to influence legislation and policies which impact them through the democratic process.

We continue to have concerns regarding the State's fulfilment of its obligations under Article 29 (participation in public life), Article 9 (accessibility) and Article 4(3) (participation of persons with disabilities in decisions about legislation and policies) of the CRPD.



Over the last six years, we have made submissions to various departments, including your own, detailing recommendations on progressing the accessibility of voting and voter information for disabled people.

The DAC recently considered the experience of disabled people in exercising their right to political participation, including in exercising their voting rights in the recent referendum. Despite our recommendations, it is disappointing that many barriers still remain for disabled voters.

While it is important to stress the right to political participation extends far beyond the right to vote – for example, disabled people have the right to participate and lead in political processes– we would like to highlight a number of concerns that the DAC have identified.

These include:

- **Information barriers including lack of access to political candidates and party information, lack of knowledge of the electoral process, including when and how to vote**

Accessible information to support voters to make an informed decision should be provided and awareness-raising activities conducted through appropriate channels, including information on purpose of the vote/election, where and how people can vote, and what supports are available to them to do so.

- **Physical barriers such as inaccessible polling stations, mobility barriers and inaccessible materials used in elections, such as ballot papers, polling booths, and limited options for voting**

Polling stations should be able to provide reasonable accommodations such as private booths for voters with impaired vision or hearing and lower booths for wheelchair users. The provision of disability checklists to electoral officials, and provision of appropriate tools and infrastructure will be important in this regard.

- **Assistance barriers including limited voting assistance, lack of training for polling staff on how to provide assistance and limitations in who is afforded assistance**

Polling station staff must be guided and enabled to clearly communicate that assistance to disabled voters is available, and to provide that assistance. Furthermore, staff, management and disabled people living in hospitals, nursing homes and other residential settings should be made aware of voters' Constitutional right to cast their vote.

All of these barriers are reinforced by ableist attitudes and structural barriers that prevent disabled people from participating equally in political processes.



The local government sector has statutory obligations under the Public Sector Equality and Human Rights Duty, as provided by Section 42 of the Irish Human Rights and Equality Act 2014, to eliminate discrimination and to promote equality of opportunity and treatment of service users.

We are currently providing information on equality and human rights issues that can impact on a person's right to vote to the Chief Executives of all local authorities, the Local Government Management Agency and the Association of Irish Local Government. This information highlights the barriers above and suggests discrete steps and actions that can be delivered in the immediate term that will improve access to voting for disabled people and other voters. Please find a copy of this action plan enclosed.

We urge your department to ensure that the practical steps we have advised are applied in advance of, and on, June 7th and would urge you to take all appropriate steps within your power to ensure this.

Furthermore, we urge you to review the effectiveness of the steps taken within your departments remit, in the aftermath of June 7th and address attitudinal and systemic barriers that remain. We note the role of An Coimisiún Toghcháin in increasing electoral participation of under-reached groups such as persons with disabilities, and its legislative remit to conduct post-electoral event reviews, including of support provided by returning officers' and presiding officers' to facilitate voting by blind, incapacitated, and illiterate voters at polling stations. We urge all parties to apply a disability-led and rights-based approach to this review, and to ensure collection of appropriately disaggregated data on political participation, a key indicator to assess the States' compliance with Article 29.

Finally, we would like to reiterate that disabled people are best placed to inform local authorities what provisions are required to enable their active participation, and we encourage officials to engage with local and national disabled peoples organisations in this regard.

Yours sincerely

Deirdre Malone

Director



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- CC Malcolm Noonan T.D., Minister of State with responsibility for Nature, Heritage and Electoral Reform
- CC Michael Moynihan, T.D., Cathaoirleach, Chair of Joint Oireachtas Committee on Disability Matters, Leinster House, Kildare St, Dublin 2
- CC Ms. Justice Marie Baker, Chairperson, An Coimisiún Toghcháin, the Electoral Commission, Dublin Castle, Dublin 2