

Policy to Practice:

The Rights of Persons with Disabilities in Ireland and the EU

by Barry Colfer and Emma Richardson



Introduction

The [United Nations \(UN\) Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#) was adopted by the UN in 2006. The UNCRPD marks the first legally-binding international instrument which sets minimum standards for the rights of people with disabilities.

The UNCRPD followed decades of negotiations at the level of the UN designed to change [attitudes and approaches to persons with disabilities](#). The UN sets out that the UNCRPD is intended to be a human rights instrument with an explicit, social development dimension. The Convention sets out a broad categorisation of persons with disabilities, emphasising that all persons with all types of disabilities must enjoy human rights and fundamental freedoms. In essence, the Convention asserts that disability rights are human rights. The Convention came into force in the EU in 2011. All Member States are party to it, and it is the first human rights convention concluded also by the EU. The Irish Government signed the Convention in 2007 and in March 2018 the Convention was ratified. Parties to the Convention are required to promote, protect, and fulfil the human rights of all persons with disabilities.

A key figure in the development of the UNCRPD, and in the process which has seen the mainstreaming of disability issues at the UN, is Professor Gerard Quinn, Professor Emeritus in Law at the University of Galway, Ireland, and founding Director of the University's Centre for Disability Law and Policy. Professor Quinn was appointed UN Special Rapporteur on the rights of persons with disabilities by the [Human Rights Council at its 45th session](#), in October 2020. Professor Quinn delivered the inaugural lecture in this [IIEA series in July 2023](#).

To provide some context, in 2023, according to the [Council of the European Union](#), some 27% of the adult population of the EU identified as having a disability. This amounts to more than 100 million people or one in four European adults. Ireland stands below the EU average, with 20.5% of people reporting having a disability, while Latvia has the highest reported rate at 40.7%. Notably, the share of women reporting a disability was higher than for men across all Member States, with 29.2% of the female population compared to 24.3% of the male population.

People with disabilities can face many challenges. Disability continues to increase a person's risk of poverty, reduces employment opportunities and can result in poorer health outcomes. In 2019, a [Eurobarometer survey](#) revealed that 52% of people with disabilities feel discriminated against while some 28.8% of people with disabilities live at risk of poverty or social exclusion, compared with 18% of people without disabilities. Starkly, in terms of social exclusion and the capacity for financial and personal autonomy, 17.7% of people with disabilities aged 20-26 were unemployed in 2020, compared to only 8.6% of people without disabilities of the same age. People with disabilities are more likely to leave school early, with only 29% obtaining post-second level education as opposed to 44% of the population of people without a disability.

Ireland and Disability¹

In Census 2022, 22% of the population of Ireland reported experiencing "at least one long-lasting condition or difficulty", which is taken by the [Disability Federation of Ireland](#) to be equivalent of more than one-in-five people in Ireland having a disability. Among people unable to work due to a long-standing health problem or disability, [2 in 5 are at risk of poverty, 1 in 5 live in poverty, and 1 in 2 live in deprivation](#). Meanwhile, the additional cost of living for persons with disabilities is well documented. In 2021, [the Irish Department of Social Protection estimated that the average annual costs faced by individuals with a disability](#) in Ireland ranges from €8,700 - €12,300, depending on factors such as the severity and type of disability. Notably, these estimates were published before the recent [increases in the cost of living](#).

Article 24 of the UNCRPD obliges the Irish Government to ensure that people are not excluded from education on the basis of disability. Yet, Ireland ranks the [lowest of the EU](#) for the employment rate for persons with disabilities, at 32.6%, well below the EU average of 51.3%. In terms of education, 14.4% of people with disabilities over the age of 15 have [discontinued their education](#) compared to 7.4% of the general population, although the participation rates in higher education for persons with disabilities are increasing. Thus, it's clear that much still needs to be done to protect and promote the rights of persons with disabilities in Ireland.

1 Please see Vivian Rath's 2023 paper [An Overview: Disability rights and policy in Ireland and the EU | IIEA](#).

A Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030

Under the Treaty on the Functioning of the European Union (TFEU) and the EU's Charter of Fundamental Rights, equality and non-discrimination are confirmed as cornerstones of EU policies. The EU's motto states that it represents a continent "united in diversity". Meanwhile, as announced by President von der Leyen, the [Strategy for the Rights of Persons with Disabilities 2021-2030](#) contributes to building the EU's 'Union of Equality', and sets out guidelines for how EU Member States can work to ensure the full participation of people with disabilities in society. Under this Strategy, the Commission provides a framework to support the actions taken by Member States to implement the UNCRPD.

This strategy builds on the [European Disability Strategy 2010-2020](#) and the [European Pillar of Social Rights](#) which, taken together '[serve\[s\] as a compass for employment and social policies in Europe](#)'. Primarily, the strategy is designed to assist the EU and its Member States with the implementation of the UNCRPD at both the EU and national levels.

However, we know that persons with disabilities face obstacles to gaining access to education and employment, when using public transport, and in living independently. The EU, as expressed through the latest iteration of the European Disability Strategy, should be committed to working to ensure that all citizens, including persons with disabilities, can participate fully in all aspects of society.

The Strategy is organised around three main themes to help guide Member State activities when it comes to disability policy, namely: EU rights; independent living and autonomy; and non-discrimination and equal opportunities.

As regards to EU rights, and in keeping with the fundamental right of free movement in the EU, the Commission has proposed the introduction of a [European Disability Card](#) to facilitate the mutual recognition of disability status across Member States. The Commission has also committed to taking measures to ensure the participation of persons with disabilities in elections and political life.

Relating to the independence and autonomy of person with disabilities, the Commission commits to promoting better social services for persons with disabilities across the Member States. However, it is worth noting that such services remain primarily a Member State competence, over which the Commission and the EU's institutions have highly limited direct influence.

In terms of non-discrimination and equal opportunities, under the Strategy, the EU aims to protect persons with disabilities from discrimination and violence. Starkly, some 20% of people with disabilities reported being victims of [violence](#) in 2023, opposed to [15% of the general adult population](#). Here the Strategy also aims to ensure access to culture, education, employment, health services, sport, and tourism for persons with disabilities across the EU.

Fundamentally, one cannot participate fully in society if your environment – be it physical or virtual – is not accessible to you. The Strategy makes references to the broad legal framework which seeks to promote accessibility for all persons, through for example the [European Accessibility Act](#) (which requires products and services including phones, computers, e-books, and banking services to be accessible for persons with disabilities), [Passenger rights](#) (ensuring that persons with disabilities have access to, air, rail, road, and sea travel), and the [Web Accessibility Directive](#) (which sets the terms for what public sector bodies should do to make websites and mobile applications more accessible). All of these measures can carry major consequences for non-compliance. Acknowledging that accessibility to the built environment, public spaces, and some modes of transportation can remain wanting, under the Strategy, the Commission launched the '[AccessibleEU](#)' initiative to promote good practices on accessibility across sectors in 2022, which provides a wealth of knowledge regarding rights and obligations with respect to accessibility. Not only are these measures designed to promote and protect the rights of persons with disabilities, but they also serve to develop and sustain a European Union that is truly without barriers to full participation in social life, in keeping with the principles and values as set out in the EU Treaties.

The EU's Member States are the key drivers with respect to the implementation of the rights under the UNCRPD. Delivering on the strategy will require buy-in and effort on the part of national governments, state agencies, employers, NGOs, and the citizenry alike. Thus, the Commission has established the [Disability Platform](#), bringing together the national authorities from across the EU that are responsible for implementing the UNCRPD, along with organisations and bodies representing the interests of persons with disabilities. The [Commission insists](#) that persons with disabilities will be central to the work of the platform, and to the process of implementing the Strategy for the Rights of Persons with Disabilities 2021-2030, in general. This strategy not only seeks to support Member States with the implementation of the UNCRPD, but also to mainstream disability matters into all EU policies and initiatives, while promoting the EU's role as an advocate for the rights of persons with disabilities both within its borders and beyond.

IIEA Disability Policy Series 2024

2024 marked the second year of the IIEA's Disability Policy series which covered three different but related areas. The next section sets out a brief summary of each discussion and how they seek to contribute to public discourse, as well as key takeaways that might be drawn for policy makers and citizens alike.

In this year of elections in 2024, our first event looked at *'Inclusivity for Persons with Disabilities? The Electoral Rights of Persons with Disabilities in the European Union,'* with [Alejandro Moledo](#), the Deputy Director of the European Disability Forum (EDF). Alejandro leads and coordinates the EDF's advocacy and policy work at the EU level. He also supports the work of the European Parliament Disability Intergroup and is a member of the Spanish Blind Organisation (ONCE), for which he previously worked as a journalist and regional representative of young visually impaired people.

Mr Moledo's address aimed to give an overview of the findings of the European Disability Forum's 6th Human Rights Report, which is entitled *Political Participation of Persons with Disabilities*. He began by outlining the work of the European Disability Forum, which is an advocacy umbrella organisation with 100 members, run by persons with disabilities for persons with disabilities. Their mission is to implement the UNCRPD.

The EDF 6th Human Rights Report looks at the CRPD article 29 which focuses on persons with disabilities' participation in political and public life, examining the legal and practical barriers that they face in doing this across EU Member States. They collected data from European Parliament elections and municipal elections on political participation, also bringing in particular cases at national level that brought substantial change such as campaigns run by advocates.

Mr Moledo noted that less than 5% of MEPs have a declared disability, in comparison to 15% of the overall population that classify themselves as a person with a disability. In his address, Alejandro made it clear that there is a need for further representation of persons with disabilities in the European Parliament and that political parties at all levels should be more proactive in making their processes more inclusive. The variety and diversity of electoral systems at national level makes it challenging to come up with harmonised recommendations on how to make the European elections accessible and inclusive to persons with disabilities. However, Mr Moledo noted the following pillars on how to provide equal access to elections: accessibility; reasonable accommodation; and free choice of assistance to ensure secrecy of your vote.

Alejandro outlined the diversity of voting systems across EU member states and their impact on accessibility. Some countries use preferential voting, others closed lists, and methods for casting votes vary widely. Accessibility challenges arise from this diversity, such as the need to ensure polling stations, materials, and voting methods accommodate all voters. He outlined some examples of assistive tools that Member States use to do this, including the use of tactile stencils in Ireland. Other tools include mobile ballot boxes and brail stencil kits.

Mr Moledo spoke about the legal barriers that persons with disabilities face when voting in some countries, particularly for persons under guardianship. Recent progress includes changes in Luxembourg and Slovenia, ensuring everyone has the right to vote. However, fewer countries allow persons with disabilities to stand as candidates, reflecting a double standard. Practical barriers include inaccessible polling stations, lack of assistive tools, and restrictions on choosing a trusted assistant for voting.

Mr Moledo concluded with recommendations to strengthen electoral rights. These include decoupling voting rights from legal capacity status, enhancing accessibility, and fostering collaboration between electoral authorities and disability organisations. Alejandro emphasised that inclusivity in democracy benefits society as a whole, reflecting its values and diversity.

Key Takeaways:

Barriers to Electoral Participation - Legal and practical obstacles, such as restrictions based on guardianship, inaccessible polling stations, and lack of assistive tools, still prevent many persons with disabilities from exercising their electoral rights across the EU. While progress has been made, significant disparities remain in ensuring full inclusion.

Importance of Representation - Despite representing 15% of the population, persons with disabilities account for less than 5% of Members of the European Parliament. Increasing representation requires proactive measures from political parties to include persons with disabilities as candidates and to create accessible campaign processes.

Diversity and Inclusion in Democracy - Inclusive democracies benefit from the participation of all citizens. Alejandro emphasised the societal cost of inaction, noting that partnerships between electoral authorities and disability organisations lead to better outcomes. Ensuring accessibility, reasonable accommodations, and legal reforms enhances the inclusivity and legitimacy of democratic processes.

In our second event on *'Digital Assistive Technology as a Key Enabler to Assisted Living'* we heard from [Dr Cathal Morgan](#), from the World Health Organisation (WHO) Regional Office for Europe, who leads the workforce optimisation agenda within the Health Workforce and Service Delivery team. Before his current WHO role, Dr Morgan provided policy and technical advisory support to Governments in scaling access to rehabilitation, digital and assistive technologies with a key technical role in advising on disability-inclusive health policies. He has held several senior leadership positions within Ireland's public service, including as Head of Disability Operations in the Health Service Executive, and has worked with international organisations such as the International Initiative for Disability Leadership (IIDL) and EU EQUAL Initiative.

In his address to the IIEA, Dr Morgan reflected on the role of technology in the lives of persons with disabilities and how it can allow them to live their lives to the fullest potential. His presentation showcased the work of the WHO and Ireland's Global Agreement for digital assistive technology; with the goal of strengthening equitable access to assistive technology and harnessing the potential for digital technology across five interconnected pillars for access, which are: people, policy, products, personnel, and provision. Dr Morgan began by defining assistive technologies as an umbrella term that includes assistive products, related systems, and services. He also emphasised the importance of accessibility to these technologies and how they can maximise persons with disabilities' independence - an integral part of the UNCRPD. Assistive Technology Products cover a range of needs, like communication, mobility, hearing, vision, cognition, and self-care, with many users utilising more than one form of technology.

According to Dr Morgan, globally, there are 2.5 billion people who require access to one or more forms of assistive technology, with an estimated further 1 billion people who will be added to this number by 2050. Barriers to assistive technology persist globally, in both low- and high-income countries, due to inequity, stating that in some settings only 3% of people have access to assistive technologies. In low-income countries, this access is reduced further due to overall inequality. Dr Morgan also noted that ageing is a contributing factor to demand for these technologies. Two out of three people over the age of 60 need at least one assistive product. Access remains limited in many of these cases due to cost, low awareness, lack of support, and low availability. Poignantly, Dr Morgan pointed to the lack of support particularly during times of humanitarian crises or disasters where, often, there is no plan in place to provide these services to those in need when the situations arise, highlighting the need for systemic change.

In terms of what Ireland is doing, Dr Morgan stated that Ireland has been proactive through its collaboration with WHO's Regional Office for Europe. Ireland's work falls under three priority policy and activity areas. These are:

- 1) Country Assessments of current Assistive Technology Capacity: The assessment will evaluate the current landscape of available products, services, and workforce, informing where policy and investments is needed to allocated resources and meet growing demand.
- 2) Work Force Optimisation through scaling access to Digital Assistive Technologies: Professional support in addition to assistive technologies is essential, for example speech and rehabilitation specialists. This can be improved by developing programmes and strategies to enhance workforce capacity.
- 3) Organising Global Workforce Conferences and Digital Assistive Technologies Expos in Ireland: Ireland is a hub for innovation due to our education system and our established technology and pharmaceutical industries; by holding conferences and hosting Expos we can lead in furthering the development of assistive technology.

Key Takeaways:

Global Inequity in Access to Assistive Technology - Dr Morgan highlighted that access to assistive technologies is a challenge on a global scale. Factors such as income inequality, ageing populations, low awareness, and lack of support significantly hinder access, particularly in low-income countries and during humanitarian crises.

Ireland's Leadership Role in Assistive Technology Development - Ireland is proactively collaborating with the WHO's

Regional Office for Europe, focusing on three key areas: conducting assessments of current assistive technology capacity, optimising the workforce for scaling digital assistive technologies, and leveraging its role in innovation by organising global conferences and expos. These initiatives position Ireland as a leader in advancing assistive technologies and improving access to them.

Importance of Systemic Change for Equitable Access - Dr Morgan emphasised the need for systemic change to address barriers to assistive technology, including cost, availability, and professional support. The WHO's framework of five interconnected pillars (people, policy, products, personnel, and provision) provide a comprehensive approach to improving access, maximizing independence for users, and ensuring alignment with the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

In the final instalment of the series, [Kirsi Konola](#) spoke to us about *'Driving Inclusion: Enhancing Disability Services and Policies Across Europe'*. Ms Konola is the President of the European Association of Service Providers for Persons with Disabilities (EASPD) and the CEO of Tukena Foundation. Tukena is one of Finland's largest value-based social service providers, dedicated to promoting the good life of people with disabilities. Kirsi is deeply committed to advancing the human rights of persons with disabilities and transforming services and service structures to enable their full realisation. Her work focuses on developing inclusive, human rights-based services in collaboration with broad networks and particularly with individuals, their families, and professionals.

The European Association of Service Providers for Persons with Disabilities (EASPD) is a non-profit NGO in the disability sector, promoting the views of over 20,000 social services and their umbrella associations. The EASPD's mission is to promote equal opportunities for people with disabilities through effective and high-quality service systems. They play a key role at European level as a representative of disability providers.

In her address to the IIEA, on International Day of Persons with Disabilities on 3 December 2024, Ms Konola outlined the EU framework on disability and the UNCRPD, noting that the introduction of the UNCRPD marked a paradigm shift that made people change the way we see people with disabilities, particularly from a legislative point of view. According to Ms Konola, this was a movement away from a social protection lens, as objects for medical treatment, to being subjects with rights who are capable of making decisions and being active members in society, which is a fundamental change that was needed. Thus, the EU's focus is to adapt the environment to help persons with disabilities to help them enjoy their rights.

Ms Konola discussed how the UNCRPD impacts the EU through changing policy framework, EU laws (i.e. the Disability Act), funding (e.g. moving away from "old-fashioned services like institutionalisation"), and reforms. According to Konola, the EU now has a clear vision for disability policy - moving away from a medical approach of care and supports towards a right-based approach to care and support person with disabilities. This allows for an approach that is person-centred, user-driven, community-based, inclusive and focused on quality of life rather than quality of services.

Kirsi highlighted some key documents that show this paradigm shift, including the *European Pillar of Social Rights* (2017), the *European Care Strategy* (2022), and the *Union of Equality Strategy for the Rights of Persons with Disabilities* (2021-2030). She focused in on the newly released *Guidance on independent living and inclusion in the community of persons with disabilities* as part of the Strategy mentioned. This Guidance sets out how EU funding can be put towards in-home and community-based services and supports, ensuring wider accessibility, and helping to build up a skilled and sufficient workforce in the care and support sector. The main actions needed to ensure the success of the second phase of the Strategy are - employment and skills guarantee; guidance on public procurement and state aid; an early childhood intervention package; and scaling up independent assistive technology centres. Konola pointed to Italy as a good example for education inclusion and noted how Greece has made important steps led by government and the EASPD with the European Commission in disability inclusion reform, including a national strategy and action plan.

However, Kirsi did acknowledge that re-institutionalisation tendencies are still present in many countries despite positive policy change at EU level due to national policy implementation and supports. Working towards deinstitutionalisation, defined by the EASPD as the process of developing a range of high quality, individualised services based in the community, including prevention, eliminating the need for institutional care, is essential to progressing disability inclusion.

Ms Konola concluded with steps to transforming disability services:

- 1) A strong legal and political environment must be ensured for persons with disabilities;
- 2) reshaping services through combining formal and informal supports and services, using well-managed technology, implementing the UNCRPD, leadership, expertise and co-design together with persons with disabilities;
- 3) human rights must be combined to the whole service delivery system;
- 4) persons with disabilities leading on all issues that affect their lives; and
- 5) integrating individuals' social capital to ensure equal inclusion across services.

Key Takeaways

EU Framework and Policy Evolution – Ms Konola highlighted the significant impact of the UNCRPD on EU policies, moving away from the idea that disability services should be institutionalised and medical models to a rights-based, person-centred approach. Strategies like the European Pillar of Social Rights and the Union of Equality Strategy aim to ensure inclusive, community-based support systems for person with disabilities.

Deinstitutionalisation as a Goal for Disability Policy - Deinstitutionalisation was highlighted as essential for achieving disability inclusion, requiring a range of individualised, high-quality community-based services. While positive policy changes are evident at the EU level, challenges persist due to re-institutionalisation tendencies in some countries, emphasising the need for better national implementation and monitoring.

Steps to Transform Disability Services - To enhance inclusion, Ms Konola outlined that ensuring strong legal and political environments for disability policy, integrating human rights into service delivery, and reshaping services through co-design with persons with disabilities are essential actions. Ultimately, this will empower person with disabilities to lead in decisions that affect their lives and to be active members of society.

Conclusion and Analysis

The IIEA Disability Policy programme has sought to map out the current disability policy landscape at the domestic (Irish), EU, and international levels and has raised questions relating to political engagement, access to employment, and family policy. Ultimately the programme has aimed to promote an understanding of disability policy in Ireland and to locate that within its European and wider international contexts.

In 2024, it is clear that disability policy and the rights of persons with disabilities are increasingly central to public discourse in Ireland and across the EU, but much more can be done to promote and defend the rights of persons with disabilities. The effective implementation of the UNCRPD and various EU policies and legislation, including the EU's *Strategy for the Rights of Persons with Disabilities (2021-2030)*, set out clear guidance and steps that can be taken for this to happen. The Strategy is designed to assist the EU and its Member States with the implementation of the UNCRPD at the EU and national levels, and various initiatives such as the EU's Disability Platform seeks to promote awareness of best practice and knowledge exchange. Clearly, it is for Member States themselves to mobilise the leadership and resources that are necessary to allow persons with disabilities to fully participate in all aspects of society and live independently.

This contribution, and series in general, seeks to highlight some of the most important issues relating to disability policy in Ireland and across the EU today but it is by no means exhaustive. It is hoped that this exercise can serve to promote discussion and understanding of some of the most important topics relating to disability policy in Ireland that are of such vital importance for a vibrant, inclusive society.

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