



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country: Ireland
Title: Ireland ratifies UN Convention on the Rights of Persons with Disabilities
Date: 10 April 2018
Expert: Judy Walsh
Context
Issue at stake: Rights of people with disabilities
Ground of discrimination: Disability
Source: Government of Ireland
Field: Employment, social protection, social advantages, access to goods and services, education, housing

Content

Policy development: On 20 March 2018, Ireland became the final EU Member State to ratify the UN Convention on the Rights of Persons with Disabilities (UNCRPD). A motion was passed in Dáil Éireann (the principal chamber of parliament) on 7 March, enabling the government to sign and deposit the instrument of ratification with the United Nations. Ireland has not, however, ratified the Optional Protocol to UNCRPD and has entered reservations and declarations on articles 12 (in relation to legal capacity), 14 (liberty and security of the person) and 27 (employment). The reservation on Article 27(1) accepts the provisions of the Convention, subject to the understanding that none of the obligations relating to equal treatment in employment and occupation shall apply to the admission into or service in any of the Defence Forces, An Garda Síochána (police), the Prison Service, the fire brigade, the Irish Coastguard and the ambulance service.

Key points of analysis: Since Ireland is a dualist State, ratification has no direct impact within the domestic legal system. A number of legislative measures have been enacted in recent years to align national law with the Convention but the primary proposed changes to anti-discrimination legislation are pending. A revised text of the Disability (Miscellaneous Provisions) Bill 2016 will be published in 2018. Section 4 of that Bill, as initiated, purports to amend the current legislative provision on reasonable accommodation for people with disabilities in accessing goods and services (section 4, Equal Status Acts 2000-2015). Specifically, the 'disproportionate burden' standard that applies in the employment field will also apply to the provision of services by public sector bodies and certain private sector commercial entities, replacing the current lower threshold of 'nominal cost'. The Bill is also expected to confer a formal monitoring function on Ireland's national equality body, the Irish Human Rights and Equality Commission, in accordance with article 33 UNCRPD.

Internet link source: <http://www.justice.ie/en/JELR/Pages/PR18000083>;
<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2018030700038#VV01200>;

<https://www.oireachtas.ie/viewdoc.asp?DocID=34322&&CatID=59>.