



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

# Socio-economic rights and disability

## Issues paper

Disability Advisory Committee

*19<sup>th</sup> June 2023*



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## Introduction

This paper is intended to support a DAC discussion on the thematic areas of employment, adequate standard of living, health and education, in advance of Ireland’s fourth review under the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Commission will be submitting a parallel report to this review, and it will include commentary on the implementation of the above socio-economic rights for disabled people.

Economic Equality is a strategic priority in the Commission’s Strategy Statement 2022-2024. Reporting to the Committee on Economic, Social and Cultural Rights (Committee) is an important way to further Commission work in this priority area, and to link it with our commitment to eradicate ableism through State action and public understanding.

As well as being protected under ICESCR, socio-economic rights are strongly protected under the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Relevant provisions include:

- Article 24 (education)
- Article 25 (health) and Article 26 (habilitation and rehabilitation)
- Article 27 (work and employment)
- Article 28 (adequate standard of living and social protection)



The Commission's parallel report will be published in **January 2024** and this project is therefore at an early stage of development. We are seeking input from experts at this time to ensure that the particular issues faced by disabled people in exercising their socio-economic rights are correctly framed and emphasised at the outset.

This discussion paper focuses on **four key areas** which we consider to be of importance, and which will particularly benefit from the input of disability experts. However, please note that the parallel report will cover a range of issues, not limited to the above.<sup>1</sup> All sections of the report will be developed in close consultation with civil society organisations and rights-holders.

## International Covenant on Economic, Social and Cultural Rights

The **International Covenant on Economic, Social and Cultural Rights** entered into force in 1976. As a member of ICESCR, Ireland commits to respecting, protecting and fulfilling economic, social and cultural rights. The **Committee on Economic, Social and Cultural Rights** is the United Nations Treaty Body, which monitors the implementation of ICESCR. States are required to submit regular reports to the Committee on measures adopted and progress made in protecting Covenant rights.

Ireland's fourth review under ICESCR began in February 2021, when Ireland submitted its **State report**. The Committee adopted its **List of Issues** in March 2022. This list sets out the main areas of concern in relation to the implementation of ICESCR. Ireland must **respond to the List of Issues** by 30 June 2023. The Commission will submit its parallel report to the Committee before 15 January 2024. Civil society organisations, including Disabled Person's Organisations, are also required to submit their reports before this deadline. The Committee's review of Ireland will take place in Geneva during its 75th session, between 12th February and 1st March 2024. A delegation from the Commission will be in attendance at the review.

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<sup>1</sup> For an indication of the topics that will be covered, please see the Committee's [List of Issues in relation to the fourth periodic report of Ireland](#).



## IHREC Parallel Report on ICESCR

### Key Themes

The Policy and Research department is developing the thematic areas to be covered in IHREC's parallel report on ICESCR, through initial desk research and internal consultation. As the next step in the process, the team is currently engaging with external stakeholders to further develop these thematic areas and ensure that all issues are adequately and accurately covered before drafting of the report begins. The parallel report will be considered by the Commission at Plenary in December 2023.

The principle of **intersectionality** will inform all aspects of the report, and therefore discussions on disability will feature across the entire report. In line with the Commission's Strategy Statement 2022-2024, the eradication of racism, ableism, ageism, sexism, will be a guiding principle.

Given the range of sections of the report, which will refer to disability, and in order to facilitate a focused and productive discussion in the session, we have highlighted a number of **disability-specific issues** which we are proposing for inclusion in the report. This list is not exhaustive and we welcome input from the DAC on socio-economic rights more broadly.

#### *Work and Employment*

- The disability employment gap.
- Lower rates of remuneration for disabled employees.
- Reasonable accommodation at work.
- The need to harmonise social welfare payments so that disabled people do not lose income when entering employment.

#### *Adequate Standard of Living*

- Disproportionate poverty rates among disabled people.
- The lack of progress implementing recommendations in *Cost of Disability Report*.
- Social exclusion of disabled people.



- Specific housing issues for disabled people, including difficulties obtaining adaptation grants and community-based services, resulting in disabled people living in residential institutions rather than the community.

#### *Health (including Mental Health)*

- Accessibility, availability, affordability and quality of health services.
- Covid-19 transmission in residential healthcare settings.
- Gaps in care between the public and private healthcare sectors, in relation to both physical and mental health.
- The State's failure to conceptualise mental health as a disability.
- Inadequate resourcing of mental health services and failure to implement policies.
- Delays progressing the Mental Health (Amendment) Bill.
- Child and adolescent mental health issues, including findings of CAMHS report, admission of children to adult units.
- Seclusion and restraint.

#### *Education*

- Review of the Education for Persons with Special Educational Needs Act.
- Inclusive education and harmonisation with UNCRC and UNCRPD.
- Reasonable accommodation in higher education and during transition periods.

### Plans for Stakeholder Engagement

Engagement with the DAC is one of a number of consultations, which will be taking place to inform the Commission's parallel report. The Commission will be hosting a **Civil Society Forum** on 14 June 2023. The aim of the Civil Society Forum is to garner the views of individuals and organisations working on socio-economic rights issues. It will be an opportunity to raise concerns and offer solutions and recommendations. The Forum will feature working group discussions on poverty and social exclusion (including social welfare and public services); housing and accommodation; health (including mental health and sexual and reproductive health); employment; education; and gender.



The Commission will also be conducting a **research poll** to gather quantitative data on public perceptions of socio-economic rights in Ireland. We anticipate that this research will be undertaken between July-September 2023 and will feature questions on disability.

These engagements will highlight areas for deeper investigation by the Commission as part of its scoping work for the report, as well as directly informing the report. Policy & Research will consider if there are consultation gaps and seek to fill these through additional meetings with civil society organisations before drafting begins.

The Commission is also encouraging civil society organisations to engage directly with the Committee, through development of civil society reports and attendance at the review in 2024. The Commission has prepared a civil society guide to reporting under ICESCR, which is available on request.

## Questions for DAC discussion

- What are the DAC members' views and experiences of disabled people's access to their rights to **employment, adequate living standards, health and education**?  
Noting that this discussion paper has provided a broad overview of the thematic areas to be covered, are there specific issues faced by disabled people accessing these rights, which are not captured above?
- What are the DAC members' views and experiences of disabled people's access to **other socio-economic rights** (for example, protection of the family and children, cultural rights, climate change)?
- What are the DAC members' views on how best to ensure that the views of disabled people are adequately considered during the ICESCR consultation period?
- Do the DAC members have suggestions for questions on disability, which could be included in the ICESCR research poll?



- Apart from creating a civil society guide to reporting under ICESCR, how can the Commission assist disabled people's direct engagement with the ICESCR reporting process?