



**INCLUSION IRELAND**

National Association for People with an Intellectual Disability

# **Submission to the Department of Business, Enterprise and Innovation**

**On the transposition of Directive (EU) 2017/1564  
into Irish law (The Marrakesh Treaty)**

**January 2018**

**This document is written in font 12 Verdana in line with Inclusion  
Ireland plain English guidelines.**

## **1. About Inclusion Ireland**

Established in 1961, Inclusion Ireland is a national, rights based advocacy organisation that works to promote the rights of people with an intellectual disability.

Inclusion Ireland uses a human rights-based approach to its work. This recognises persons with an intellectual disability as rights holders with entitlements, and corresponding duty bearers and their obligations. Inclusion Ireland seeks to strengthen the capacities of persons with an intellectual disability to make their claims and of duty bearers to meet their obligations.

The vision of Inclusion Ireland is that of people with an intellectual disability living and participating in the community with equal rights as citizens, to live the life of their choice to their fullest potential. Inclusion Ireland's work is underpinned by the values of dignity, inclusion, social justice, democracy and autonomy.

## **2. Introduction**

Inclusion Ireland welcomes the opportunity to contribute to the Department of Business, Enterprise and Innovation's consultation on the transposition of Directive (EU) 2017/1564 into Irish law (The Marrakesh Treaty).

The aim of the Marrakesh Treaty is to make it easier to access books and other printed materials in accessible formats. Implementation of the Marrakesh Treaty will make it easier to create accessible versions of books and to share them with other countries.

The programme for Partnership Government commits to:

"...support people with disabilities in maximising their potential, by removing barriers which impact on access to services, education, work or healthcare. A particular focus will be placed on supports at key transition points – going to school, progressing to further training or education, commencing employment, or moving into a new home."

Lack of accessible information acts as a barrier to the full participation of persons with disabilities on an equal basis with others. Implementation of the Marrakesh Treaty, would provide access for people with disabilities to

published works, leading to much greater levels of equality, particularly in relation to education, work and culture.

Transposing the Marrakesh Treaty into Irish law would also help to advance the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), in particular:

- Article 9 (Accessibility)
- Article 21 (Freedom of expression and opinion, and access to information)
- Article 24 (Education)
- Article 30 (Participation in cultural life, recreation, leisure and sport)

The Marrakesh Treaty directly addresses Article 30.3 of the UNCRPD, “that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access”<sup>1</sup>.

### **3. Background**

Census 2016 showed that 643,131 (13.5% of the population) have a disability, 66,611 of which have an intellectual disability<sup>2</sup>.

Of the total number of disabled persons, one quarter reported a difficulty with learning, remembering or concentrating and one third reported a difficulty with a job, business or attending school or college<sup>3</sup>. These figures demonstrate the level of need that exists for accessible reading materials in Ireland.

Under current copyright legislation, producing accessible reading materials can be both time consuming and very costly. For example, every time a college wants to produce an accessible book for a student with a disability, they must get permission to do so from the copyright holder. The college cannot automatically use this for future students with disabilities. They also cannot access accessible versions of reading materials from other countries without express permission. This means that the process of making accessible materials must be repeated over and over again, in a time consuming and expensive way.

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<sup>1</sup> UNCRPD, Art 30.3

<sup>2</sup> Central Statistics office (2017). Census 2016

<sup>3</sup> Ibid

The ratification of the Marrakesh Treaty would facilitate inclusive, fair, timely and affordable access to published works for persons with disabilities. This would lead to greater participation in education, employment and culture, which are key to inclusion in economic, social and political life.

## **4. Key issues**

### **4.1 Education**

Inclusive education is about making education accessible to all students. UNESCO defines education inclusion as:

“A process of addressing and responding to the diversity of needs of all learners through increasing participation in learning, cultures and communities, and reducing exclusion within and from education. It involves changes and modifications in content, approaches, structures and strategies, with a common vision which covers all children of the appropriate age range and a conviction that it is the responsibility of the regular system to educate all children”.<sup>4</sup>

Currently, a severe shortage of accessible formats prevents students with disabilities from reaching their full human potential and locks them out of many aspects of education, further increasing their risk of experiencing poverty. Ratification of the Marrakesh Treaty would increase the availability of accessible curricular materials and help to alleviate inequalities that exist for students with disabilities.

### **4.2 Employment**

In Ireland, people with disabilities are considerably less likely to be in employment, with 36% of persons with a disability of working age in employment compared to 73% of the general population<sup>5</sup>. Though the percentage of people with disabilities at work increased between 2011 and 2016, the workplace participation gap between people with disabilities and the general population actually widened<sup>6</sup>.

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<sup>4</sup> Ahuja, A., Ainscow, M., & Price, P. (2005). *Guidelines for Inclusion: Ensuring Access to Education for All*. Paris: UNESCO

<sup>5</sup> Central Statistics Office (2017). *Census 2016*

<sup>6</sup> Central Statistics Office (2017). *Census 2016 and Census 2011*

Employment rates are even lower among those with an intellectual disability, with 17% of those with an intellectual disability in employment in 2016. Less than 1% of people registered with the National Intellectual Disability Database are in open employment<sup>7</sup>.

People with disabilities are over three times more likely to live in a jobless household (42% compared to 12% of the general population), according to analysis by the Quarterly National Household Data Survey. In the same study, 35% of those not working expressed an interest in working part-time, while 8% expressed an interest in full-time employment.<sup>8</sup>

It is the view of Inclusion Ireland that the ratification of the Marrakesh Treaty would allow people with disabilities to gain access to published works that would assist them in training, and in professional and personal development. This in turn would lead to greater workplace inclusion. Although employment helps keep people out of consistent poverty, jobs are not only about financial reward. Having a job increases independence and social inclusion.

### **4.3 Culture**

The UNCRPD states that “Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilise their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society”<sup>9</sup>.

The arts play an important role in the lives of people with disabilities, providing opportunities for creativity and self expression whilst allowing people to achieve other personal objectives.

As far back as 1996, the Commission on the Status of People with Disabilities found that “children and adults with disabilities should have the chance to participate in arts activities in school or in adult education activities”. They also recommended that arts awareness courses should be provided by disability services to increase understanding about the importance of the arts for people with disabilities. This would also allow for the identification of talented artists with disabilities<sup>10</sup>.

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<sup>7</sup> HRB (2017). Report of the National Intellectual Disability Database (NIDD) 2016

<sup>8</sup> Quarterly National Household Data Survey. 2016. Dublin.

<sup>9</sup> UNCRPD

<sup>10</sup> Commission on the Status of People with Disabilities, 1996. A strategy for equality. Dublin: Commission on the Status of People with Disabilities.

The ratification of the Marrakesh Treaty would allow people with disabilities to claim their right to access cultural life. It would also provide access for people with an intellectual disability to the diverse range of ideas and experiences shared by authors.

## **5. Conclusion**

Access to information plays an important role in shaping the thoughts, ideals and values of an individual. The current shortage of accessible printed works, excludes a large number of Irelands disabled citizens from education, employment and cultural life.

Ireland has committed to ratifying the UNCRPD early in 2018 and the ratification of the Marrakesh Treaty would set Ireland along the path to abiding by legal obligations contained in numerous Articles of the Convention.

## **Recommendations**

- Ratify and implement the Marrakesh Treaty
- Ensure that the application to become a designated body is open to a broad range of not for profit bodies such as civil society organisations, educational bodies or any individual or agency that aims to produce accessible works for the benefit of persons with disabilities
- Ensure that the procedure by which an organisation becomes an authorised entity is as swift and accessible as possible.

## **For more information, contact:**

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