



INCLUSION IRELAND

National Association for People with an Intellectual Disability

European Elections 2019: A Manifesto for an Inclusive Europe

April 2019

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Ireland plain English guidelines**

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.

The vision of Inclusion Ireland is that of people with an intellectual disability living and participating in the community with equal rights.

Inclusion Ireland's work is underpinned by the values of dignity, inclusion, social justice, democracy and autonomy and we use the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) to guide our work.

Introduction

Ireland is holding European elections on the 24th of May 2019. Decisions taken at European Union (EU) level can have a direct impact on the lives of people with disabilities in Ireland. This election gives people with intellectual disabilities, their families and interested community members an opportunity to vote for candidates to represent them at the European Parliament.

Irish Members of the European Parliament (MEP's) have an opportunity to show that people with disabilities matter. This paper sets out what actions elected representatives can take to:

1. Support community living
2. Eliminate discrimination
3. Ensure accessibility

Across all its activities, Inclusion Ireland is asking MEP's to implement the UN Convention on the Rights of Persons with Disabilities (UNCRPD) through their voting decisions. The UNCRPD provides State parties with the tools to ensure the rights and equality of persons with disabilities are promoted in all aspects of life

While the European Union ratified the UNCRPD in 2010, Ireland was the last member state to ratify last year. Now that all member states have ratified, Inclusion Ireland would like candidates to play their part in the development of an ambitious European Disability Strategy 2020-2030 that is informed by and in line with the UNCRPD.

Inclusion Ireland would like candidates to work toward promoting the rights of persons with intellectual disabilities in their roles as MEP's by advocating for the positions outlined in this manifesto.

1. Support community living

Inclusion Ireland's understanding of deinstitutionalisation and community living is informed by the UNCRPD and the Committee on the Rights of Person's with Disabilities General Comment no. 5 on living in the community (Article 19)¹. This acknowledges that deinstitutionalisation involves more than just the closure of large, residential settings. It is about removing institutional cultures and practices and ensuring that accessible, inclusive housing, services and supports are available to persons with disabilities in community settings.

It is clear that many services in Ireland still employ institutional practices as defined by the UNCRPD. Ireland's policy of segregating people with disabilities was due to end by 2018, but has been extended again until 2021 with around 2400 people with disabilities in Ireland remaining in large, institutional settings². In addition, over 5000 people are living in residential services, many of which offer limited choice or genuine community inclusion, and many thousands more living at home with ageing parents and limited supports.

Action needs to be taken to end this segregation. This goes beyond the closure of institutions and involves putting in place the community-based supports to ensure the full inclusion of people with disabilities in their communities as well as adequate income supports to address the higher level of poverty experienced by people with disabilities.

The European Network on Independent Living (ENIL) have called for the adoption of clear European definitions of key independent living concepts in line with the CRPD committee general comment on Article 19. This would help to ensure a common understanding of people's rights under Article 19 and will help them to be realised³.

One of the categories of the European Pillar of Social Rights (EPSR) is social protection and inclusion. The EPSR includes principles on ensuring minimum income⁴. The EPSR could be strengthened by establishing a minimum income for persons with disabilities. This would go some way towards addressing the poverty and cost of disability experienced by

¹ General Comment 5, UNCRPD.

² At end 2017, TTMO implementation group, Progress made under Time to Move on from Congregated Settings 2012- 2017 infographic.

³ https://enil.eu/wp-content/uploads/2018/11/ENIL-manifesto-2019_Members_FINAL.pdf

⁴ The European Pillar of Social Rights, ten arguments for prioritising principle 14 on minimum incomes.

people with disabilities which acts as a barrier to living an independent life in the community.

It is important that Irish MEP's exercise their role in the European Parliament to promote and protect the rights of people with intellectual disabilities.

What we want:

People with disabilities will have the range of supports needed to live in the community.

Inclusion Ireland asks:

- Advocate for the adoption of clear European definitions of key independent living concepts in line with the CRPD committee General Comment on Article 19
- Ensure EU funding is used to support community based supports for people with disabilities – including housing, education and employment
- Advance the European Pillar of Social Rights by establishing a minimum income for people with disabilities

2. Eliminate discrimination

EU regulations and directives have been used to advance the rights of people with disabilities in Ireland, for example, employment equality directive (2000/78/EC), which prohibits discrimination in employment on the grounds of disability among others.

In 2008, the European Commission developed a proposal for a similar directive to prohibit discrimination in accessing goods and services but this was not passed.

Reasonable accommodations are actions that can be taken by employers or providers of goods and services to ensure that persons with disabilities can access their services, on an equal basis with others. There are different standards for the provision of reasonable accommodations. Employers must provide reasonable accommodations unless it places a 'disproportionate burden' on them.

Providers of goods and services may refuse to provide a reasonable accommodation if it would cost more than a 'nominal cost' – a much lower standard. The higher standard for employment would not be in place without the EU Directive.

While the government has proposed plans to put in place a higher standard of reasonable accommodation for public providers of goods and services, our Constitution won't allow us to bring in the higher standard for private providers. This means that different standards apply when a person wants to visit their local HSE clinic versus their local GP. Likewise, a lower standard would apply for a person who wanted to use a private transport provider compared to a public provider.

An EU Directive on the provision of goods and services is needed to provide a higher standard on reasonable accommodation of goods and services and would represent significant progress in improving access for people with disabilities.

The European Disability Forum has released a report on human rights where they say that EU and Member States need to provide more training on reasonable accommodation applicable to all areas of life. As part of this report, they have identified Ireland as one of the state parties where legal provisions on reasonable accommodation are insufficient⁵.

It is of the utmost importance that Irish MEP's work for an increased burden for larger providers of goods and services around reasonable accommodation, to bring Ireland in line with the requirements of the UNCRPD under Article 5.

What we want:

People with disabilities will have equal access to goods and services

Inclusion Ireland asks:

- Advance proposals for an EU Directive on the prohibition of discrimination in the provision of goods and services to enable a higher standard of Reasonable Accommodation for providers of goods and services.

3. Ensure accessibility

Article 9⁶ of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) places an obligation on States Parties to ensure persons with disabilities have access on an equal basis to transport, information and services in both rural and urban areas. The UNCRPD requires states parties to take measures to identify and eliminate barriers to accessibility.

⁵ European Disability Forum; EUROPEAN HUMAN RIGHTS REPORT issue 3 – 2019 Ensuring the rights of persons with disabilities to equality and non-discrimination in the European Union

⁶ Home Convention on the Rights of Persons with Disabilities (CRPD) Article 9 – Accessibility

The European Accessibility Act was passed by the European Parliament in March 2019. The Act aims to improve the functioning of the internal market for accessible products and services by removing barriers created by divergent legislation. It is hoped this will facilitate the work of companies and will bring benefits for persons with disabilities and elderly people in the EU.

While the passing of the Act is welcomed, it has not gone far enough. The accessibility of the physical environment and accessibility of information are key aspects of accessibility that are not included as part of the Act. It is important that Irish MEP's campaign strongly on improving accessibility for people with disabilities across Europe and in Ireland. This means working towards strengthening the European Accessibility Act so that it is in line with Article 9 of the UNCRPD.

What we want:

People with disabilities will live in a Europe that is accessible for them.

Inclusion Ireland asks:

- Make the European Accessibility Act stronger and inclusive of the physical environment, and accessible information.
- Irish MEP's must promote accessibility for people with disabilities across areas of their work –such as in housing, education, employment and health.

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