



Disability programmes and policies: How does Northern Ireland measure up?

Monitoring Implementation (public policy and programmes) of the United Nations Convention on the Rights of Persons with Disabilities (“UNCRPD”) in Northern Ireland.

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Key findings

Across the wide range of Articles considered there are gaps in policies and programmes that need addressed.

Three priority areas were identified:

- Awareness-raising;
- Participation in Political and Public Life;
- Statistics, Data Collection and Access to Information;

Urgent work by the State is required to address the gaps in policies and programmes, not least in these three priority areas.



Research Summary

Monitoring Implementation (public policy and programmes) of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in Northern Ireland.

The main aim of this research was to present robust evidence of areas of substantive shortfalls in public policy and programme delivery in Northern Ireland relative to the key requirements of Articles 5-31 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

1. Background to the UNCRPD

With limited exceptions, United Nations human rights treaties do not expressly address the human rights of people with disabilities. Recognition of the need for the UN to play a much greater and 'enabling' role in promoting and monitoring the rights of people with disabilities resulted in the United Nations Convention on the Rights of Persons with Disabilities coming into force on 3 May 2008 and being ratified by the UK on 8 June 2009. It contains 50 Articles and encompasses a range of civil, political, economic, social and cultural rights. The overall purpose of the Convention is to: **promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.**

While the rights specified in the Convention are largely specified in other human rights instruments, the Convention focuses on the actions that States must take to ensure that people with disabilities enjoy these rights on an equal basis with others. To date, 101 States have ratified the Convention and there have been 149 signatories.

The Convention is a new human rights treaty and there are limited resources available to determine the exact nature and extent of obligations with respect to policies and programmes for each Article. As the interpretation of the UNCRPD by the Committee on the Rights of Persons with Disabilities develops over time, the conclusions of this study can be refined. It should also be noted that the timeframe of the study coincided with the development of the United Kingdom UNCRPD report and the continuing development of policies and programmes within the local jurisdiction.



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2. Identifying shortfalls in policy and programmes

The Equality Commission for Northern Ireland commissioned Disability Action's Centre on Human Rights for People with Disabilities to carry out research to identify any substantive shortfalls in public policy and programme delivery in Northern Ireland relative to the key requirements of the UNCRPD (articles 5-31), highlighting any key issues / barriers to full implementation.

The research was limited to policies and programmes and does not systematically and exhaustively consider obligations with respect to legal measures required by the Convention. It is essential that the findings of this research be considered in the light of the legal obligations on States Parties contained in the UNCRPD and the interaction of current legislation.

The research adopted a mixed methods approach which combined: an identification of policies and programmes from the text of the Convention itself; an analysis of a small scale questionnaire (n=44) and workshop (n=28) from the Independent Mechanism for Northern Ireland, December 2010 conference; analysis of 6 focus groups (n=67 in total) held during December 2010 to February 2011; and an examination of policies, programmes and guidelines in Northern Ireland and of information from key stakeholders. A key method used in this research was the involvement of people with disabilities and their representatives in the identification and analysis of key areas and how these related to the real lives and experiences of disabled people. The information examined relates to the period July 2010 to March 2011 although some key data after that period has been included when possible.

The research identified a range of shortfalls or gaps in key programmes and policies relevant to the Articles of the UNCRPD (see full report for details). Using the available literature and research with disabled people, their representatives and other stakeholders, three priority or key areas for action fundamental to the effectiveness of any programme to fulfil the implementation, monitoring and accessibility requirements of the UNCRPD were identified.

3. Key Areas

A **'key area'** is where a requirement or set of requirements of specific Articles of the Convention appear to be inadequately implemented to the extent where they impact on the fundamental compliance of State policy and programmes with the requirements of the UNCRPD and/or where they fulfil one of the **Priority Criteria**¹ agreed with the ECNI. Implicit in this definition is the central importance of **cross cutting Articles**² and themes which impact negatively or positively on other articles in their implementation, monitoring and accessibility to persons with a disability.

This Summary outlines the three key areas for action identified in the research. These three areas are not exhaustive or exclusive of others which would be of legitimate concern to people with disabilities. The full report outlines many more areas which are crucial to achieving the aims of the UNCRPD, notably independent living, employment and education.



The three key areas identified were as follows:

- **Awareness Raising** (Article 8),
- **Participation in Public and Political Life** (Article 29) and a combined key area of
- **Access to Information** (Article 9 and 21) and **Statistics and Data Collection** (Article 31).

The key areas are cross cutting in that they are interrelated with effects on each other and on the full and effective realisation of all Articles of the Convention.

¹ Priority Criteria were:

1. The issue is one of the most intractable or persistent and/or one on which little progress is being made;
2. The issue is disproportionately damaging, i.e. the group affected may be small but the impact substantial;
3. The 'direction of travel' is negative i.e. existing evidence shows a worsening experience for disabled people.

² Cross cutting Articles are those Articles and obligations which have a fundamental influence on the delivery of all Articles. Good delivery on these matters will have a positive effect on the effectiveness of a wide range of Articles whereas a poor implementation will have a negative influence on Articles

3.1 Awareness Raising

Article 8 of the UNCRPD imparts on the State obligations in relation to the raising of awareness regarding people with disabilities; fostering respect for the rights and dignity of persons with disabilities; combating stereotypes, prejudices and harmful practices in all areas of life, including those based on sex and age. These duties must be effective, immediate, and appropriate.

Awareness raising permeates all aspects of the UNCRPD and the real lives of people with disabilities: from the driver on the bus thinking about stopping for a disabled person; the high court judge giving a witness or defendant with a speech impediment extra time and the jury not assuming they are nervous or lying; to the policy maker realising that they must speak to a group of disabled people before a policy is mapped out.

The Report of the Promoting Social Inclusion Working Group on Disability also recognised the central nature of awareness raising in promoting inclusion, commenting that “Our goal is to create a culture where positive attitudes are promoted towards disabled people, one in which their needs are mainstreamed into all aspects of life and where all services are delivered on a rights basis and in an appropriate and supportive way”³.

A focus group participant with disabilities summed the situation up when commenting on health services:



They assume that we can't think or speak for ourselves, work, have children, need contraception, or smear tests... we can't have a family, we have a disability, I am not a non-person, they treat us as non-persons.⁴



³ Office of the First Minister and deputy First Minister (OFMdFM) (2009) 'Report of the Promoting Social Inclusion Working Group on Disability'

⁴ Comment from participant of the Representative Scoping Focus Group on the 14/1/11



Need to think bigger – national campaign – changes in schools and prisons etc – make people think, for example about access⁷





“Those that have been there need to be behind awareness raising.”⁸

The scale and scope of action required in raising awareness throughout society including awareness at the family level, is beyond that contained in the disability duties, which under the Disability Discrimination Act 1995 (DDA)⁵ applies only to public authorities. The UNCRPD duties under Article 8 will require intervention in all functions of the State and throughout society and will include changing stereotypes, prejudices and harmful practices towards persons with disabilities through the media, education and attitudinal influencers such as faith groups and political parties. The researchers found that while the scale of change required is recognised by some key stakeholders, clear central direction and coordination is vital. The challenge to society will be to not just incorporate the necessary changes into the current disability duties but to ensure that areas such as family attitudes and groups, for example, private sector organisations, which are not included in these duties, are addressed.

It is essential that not only are the recommendations and guidance of the ECNI in respect of the effectiveness review on monitoring and enforcement of the disability duties be made compulsory and fully implemented⁶, but that people with disabilities become fully involved in the process. The requirements of Article 8 must also be incorporated into the duties of public bodies, although the current guidance, monitoring and enforcement systems are designed solely to fulfil the duties under the DDO and consideration should be given as to whether Article 8 can be incorporated into current systems. This research has noted that the UNCRPD is considered by many to be aspirational in contrast to the disability duties and a clear direction as to the status and impact of the UNCRPD is required by government to all departments and bodies.

Coordination across Departments and at different levels under Article 33(1) UNCRPD is vital to ensure the implementation of UNCRPD and the positive impact of the Convention on the lives of persons with disabilities. As part of this strategy it is essential that the duties under the DDA are coordinated and cross referenced to ensure that they are not solely departmental or function based and reflect the requirements of UNCRPD.

Findings from the focus groups suggested that education and the participation of people with disabilities is the key to the required change in attitudes. An early clear directive to raise awareness of the rights of people with disabilities and address negative attitudes towards them should be provided by the State. This should be supported by information and monitored by an inspection regime that will influence attitudes and behaviour towards disabled people within the family, classroom, workplace and wider society.

⁵ As amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006 (DDO)

⁶ Effectiveness of the Disability Duties, Review report December 2009 ECNI

⁷ Comment from a participant of the Service User Scoping Focus Group on the 15/12/2010

⁸ Comment from a participant of the Representative Scoping Focus Group on the 14/1/2011

3.2 Participation in Political and Public Life

Article 29 of the UNCRPD imparts on the State obligations to ensure that persons with disabilities can effectively participate in political and public life. States Parties must actively promote an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs and encourage their participation. This is to be done without discrimination and “on an equal basis with others”.

Throughout Article 29 there is an emphasis not only on “full” participation, but on “effective” participation. The obligation to ensure the latter is clearly significant in assessing the adequacy of the range of policies and programmes which aim at delivering on its obligations.

The identification of this key area reflected the clear evidence from the focus groups that disabled people were not being asked, in a comprehensive way, their opinions on policies and programmes that affect them as citizens in Northern Ireland. The evidence from the focus group emphasised the principle of “Ask First” in which people with disabilities and their representatives must be engaged and involved at the outset of the policy making process and are not merely consulted at the end of the process.



Ask first - the person with the disability knows what the disabled person needs.⁹



Article 29 is reinforced by the fundamental principles of “full and effective participation and inclusion in society” (Article 3), and by the general obligation “to closely consult with and actively involve persons with disabilities” in all aspects of decision-making” (Article 4). These principles contained in the UNCRPD provide one of the clearest expressions in international human rights law of the right to participate in decision-making.

Focus group participants commented on the lack of engagement between them and political parties and stressed that greater contact including outreach programs was required.

⁹ Comment from a participant of the Representative Scoping Focus Group on the 10/1/11

¹⁰ Comment from a participant of the Representative Scoping Focus Group on the 10/1/11





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Increase participation of disabled people in political parties and contact from political parties with disabled people and groups.¹⁰

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Can get people to
"listen" but they don't
actually hear.¹¹



Ignorance, assumptions, why
are we not listened to?¹²





However the greatest concern of focus group participants was participation with the wider decision making processes. Participants commented that current consultation tended to be solely in relation to issues concerning disability and not on issues of common concern, for example on the environment. Focus group participants believed that this was not participation in political and public life as required by the UNCRPD. Disabled people and their representatives also commented that there was a lack of action coming from consultations and that there should be more consideration for the additional expenses, including transport, communication support and time required by some disabled people to participate. The group suggested a standardisation of practice and that action should be taken to resolve any identified problems.

The participants in the focus group on participation commented that capacity building of disabled people was required in order to equip them with the skills required to fully participate including lobbying skills, information about government systems and how to access information. They suggested the increased use of participative forums and greater involvement in the decision-making process, but commented that people would only join these if they knew action was coming from them.

Evidence from the research has suggested that the establishment of a Participation Network similar to that funded by the Office of the First Minister and deputy First Minister (OFMdFM) for Children and Young Persons, to act as an expert interface between Government and disabled people may be beneficial in increasing effective participation of and consulting with disabled people. Participants in the focus groups stressed the requirements for meaningful participation and not merely token consultation, for example:



Assembly / Departments (to) have a forum of disabled people or a participation network that they can come to.¹³



Significant change is required in Government practices on engagement and the provision of information if the current situation is to be improved.

Whilst the situation in relation to the consultation of disabled people is concerning, it is telling that the focus groups believed that the situation will improve when the UNCRPD begins to be implemented.

¹¹ Comment from a participant of the Representative Scoping Focus Group on the 10/1/11

¹² Comment from a participant in the Service User Scoping Focus Group on the 15/12/10

¹³ Comment from a participant in the Thematic Focus Group on the 19/1/11

3.3 Statistics, Data Collection (Article 31) and Access to Information (Article 9 and 21)

Article 31 of the UNCRPD imparts on the State obligations to ensure the gathering of information to enable them to formulate and implement policies to give effect to the present Convention. This means gathering information about people with disabilities, with the active involvement of people with disabilities, so that they and their representatives can better understand the barriers they experience and challenge the state to make the Convention's rights a reality. Articles 9 and 21, are primarily concerned with ensuring that the State provides information, statistics and data in accessible formats and communicates these effectively to persons with disabilities.

The requirement for States Parties to collect disability data and statistics to facilitate UNCRPD implementation and to ensure that they are accessible is new to human rights treaties. This process forms part of the practical steps that are necessary to support reform including policy formulation and monitoring and to identify and address the barriers faced by different groups of disabled people through disaggregated data and research. The availability of robust data, information and statistics to the state, the independent monitoring body, society and crucially disabled people and their representatives is central to evidence-based policy making and to an effective monitoring process under Article 33 UNCRPD. However currently these statistics rarely provide the range of information required by the UNCRPD and/or are not generally accessible to disabled people and their representatives.

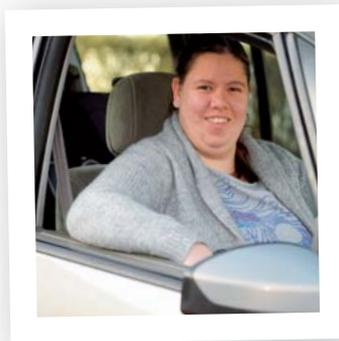
Article 31 is clear in that it is the responsibility of the state to undertake to collect appropriate information and to ensure the dissemination of statistics in a format that is accessible to persons with disabilities and others. Some studies do exist and further data continues to be gathered from sources such as the 2011 Census. This data clarifies the background in which the UNCRPD will operate, but it does not specifically support policy development and monitoring in a form required for the implementation of the UNCRPD: for example, Article 24 (Education) of the UNCRPD implies that the State measures the availability of teachers who are qualified in sign language and / or Braille. In this respect, existing methodological tools should be tested, and if necessary modified, with the aim to ensure their suitability for matters covered by the Convention.





An equally important factor is the accessibility of information. There is clear evidence that there are large areas of information which are inaccessible to disabled people, see for example RNID and BDA (2009)¹⁴ and the ECNI (2008)¹⁵, and it is particularly disappointing that a primary source of information, the internet, is underused by disabled people. A 2011 survey on internet usage by the Office for National Statistics (ONS)¹⁶ revealed that in Northern Ireland, participants with a DDA¹⁷ defined disability (46.3%) were much less likely than non disabled people (77.4%) to have “ever used the internet”. The figures also reveal that internet usage amongst disabled people in Northern Ireland is less than the average in the UK for people with a DDA defined disability (63.8%). There are several reasons for this disparity, which are explored in the main study: however the absence of the implementation of a co-ordinated strategy involving disabled people is paramount. Participants in the focus groups reported that they had found some government websites inaccessible; problems were reported with the inability to change fonts, broken or incorrect links, no search boxes, and the inability to change colours.

Concerted co-ordinated action is required to be undertaken by the state with the participation of disabled people in order to resolve the current situation in relation to inaccessible information but good examples exist such as the Scottish Accessible Information Forum (SAIF)¹⁸.



¹⁴ RNID and BDA (2009) 'Access to Public Services for Deaf Language users'

¹⁵ ECNI (2008) 'Formal Investigation under the Discrimination legislation to evaluate the accessibility of Health Information in Northern Ireland for people with a Learning Disability, June 2006 to December 2007'.

See [http://www.equalityni.org/archive/pdf/FormallInvestDisability\(Full\).pdf](http://www.equalityni.org/archive/pdf/FormallInvestDisability(Full).pdf)

¹⁶ Office for National Statistics (2011) (ONS) 'Internet Access Quarterly Update 2011, Q1, <http://www.statistics.gov.uk/StatBase/Product.asp?vlnk=5672> Note; The disaggregated figures for disabled people in Northern Ireland contained in the raw data for this survey were unpublished and were obtained by Disability Action from the ONS in May 2011

¹⁷ Disability Discrimination Act (DDA)1995 as amended by the Disability Discrimination (Northern Ireland) Order 2006

¹⁸ www.saifscotland.org.uk

4. Conclusions

The UN Convention on the Rights of Persons with Disabilities is at an early stage in its global implementation. The significance of many of its Articles remains in some instances unclear. The UN Committee on the Rights of Persons with Disabilities is only beginning the process of definitively clarifying the obligations the Convention contains.

It became clear during the research that obligations with respect to policies and programmes are not “detachable” from legal obligations. It is vital that the UNCRPD be interpreted, implemented and monitored as a whole, in the light of the connections and relations between the overlapping obligations of its different Articles and underpinning principles.

Within the scope of this research it became abundantly clear just how limited the research base actually is in relation to disabled people / disability in Northern Ireland. There is a need for much more research in this area to ensure the full implementation of the Convention. If the situation of disabled people is not known with relative certainty with respect to the areas of their life covered by the Convention, then it is impossible for the UK and Northern Ireland governments to claim that their human rights are being respected and protected. Effective policy making and monitoring of the Convention at national or international level cannot take place without quality research being conducted into life situations of disabled people in Northern Ireland.

The full report considered a range of issues and while the research base is currently insufficient to ground detailed claims with respect to every single Article of the UNCRPD, it was clear across the wide range of Articles considered that there are gaps in policies and programmes in Northern Ireland that need addressed.

Three priority areas were identified by the literature review and by disabled people and their representatives as key areas where the UNCRPD is not being fully implemented in Northern Ireland with respect to policies and programmes. These were:

- Awareness-raising;
- Participation in Political and Public Life;
- Statistics, Data Collection and Access to Information;

Urgent work by the State, in partnership with disabled people and their representatives, is required to address the identified gaps in policies and programmes, not least in these three priority areas.



Knowledge is power!¹⁹





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¹⁹ Comment from a participant in the Thematic Focus Group on the 19/1/11

Equality Commission

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The Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission have been jointly designated, Under Article 33(2) of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), as the Independent Mechanism for Northern Ireland, to **“promote, protect and monitor implementation”** of the UNCRPD.

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