**Reply by Ireland to the Special Rapporteur to the rights of persons with disabilities pursuant to the Human Rights Council Resolution 26/20**

**Questionnaire on the right of persons with disabilities to participation in decision making**

1. Please provide information on the legislative and policy framework in place in your country related to the status, establishment, resourcing, and functioning of representative organisations of persons with disabilities at the national, regional and local levels;

There are no requirements for official approval to establish NGOs and interested persons are free to establish civil society organisations on their own initiative without any obligations to register or obtain approval. In practice, many NGOs will seek incorporation as special purpose companies under Company Law, or as charities, in respect of which the reporting obligations (particularly having regard to the need to provide assurances in respect of funding-raising from the public) are higher. Details of regulatory regime for charities can be found here: <https://www.charitiesregulatoryauthority.ie/>

An overall policy framework for Government support of the community and voluntary sectors was set out in a White Paper on Supporting Voluntary Activity, published in 2000, which can be found here: <http://www.environ.ie/en/Community/CommunityVoluntarySupports/>.

The White Paper is concerned with the nature of the relationship between the Community and the Voluntary sector and the State and with structures and other elements that underpin that relationship. Its aim is to provide a more cohesive framework of support and encouragement for the Community and Voluntary sector. It gives formal recognition to the partnership ethos that informs much of the working relationship between the two sectors, while recognising the differences between them. It notes that not all voluntary organisations want a working relationship with the statutory side. It also sets out a range of principles that apply to funding of community and voluntary organisations.

1. Please provide information on existing legislation and policies aimed at ensuring that persons with disabilities and their representative organisations, including children with disabilities, are consulted and involved in decision-making processes that directly or indirectly concern them;

In the area of Disability policy, the Department of Justice and Equality and the National Disability Authority support a Disability Stakeholders Group (DSG), comprising both representatives of the disability sector and individuals with a lived experience of disability issues. The members are selected for a 3-year term following a public advertisement calling for expressions of interest. The DSG is consulted on national policy issues affecting people with disabilities and also nominates representatives to the sector consultative committees by which the relevant individual Departments (Ministries) and agencies consult on issues relevant to their specific policy areas.

Members of the DSG also sit on a National Disability Policy Steering Group chaired at Minister of State (State Secretary) level, which is charged with monitoring and oversight of implementation of the national strategic framework.

The Department of Justice and Equality is currently managing a consultation process with a view to putting a new National Disability Inclusion Strategy in place for the years 2016 to 2019. An initial round of consultations is underway and will identify the priority themes to be addressed in a revised National Disability Strategy. A second phase will identify and agree specific objectives under each of the themes identified in Phase 1. Phase 3 will focus on identifying precise and measurable actions and achievement of each of the objectives identified in phase 2.

Ireland is the first country in Europe (and possibly the world) to have developed a cross-Government National Strategy on Children and Young People's Participation in Decision-making (2015-2020). The goal of the Participation Strategy is to ensure that children and young people have a voice in their individual and collective everyday lives in their communities, in education, on their health and wellbeing and in the legal system. The strategy is guided and influenced by the UNCRC and the EU Charter of Fundamental Rights. A broad ranging consultative and evidence-based approach was adopted in advance of its drafting. Initiatives and actions from all key Government departments and agencies are included in this strategy, which will be required to report on an annual basis on progress in implementation. A key fundamental of the strategy is improving and establishing mechanisms to ensure the participation of seldom-heard and vulnerable children and young people in decision-making, including children with disabilities. During 2016, the Department of Children and Youth Affairs (DCYA) will establish and fully resource a Children and Young People’s Participation Hub to act as a national centre of excellence to support the implementation of the Participation Strategy.

1. Please provide information on any consultative body or mechanism established to consult and engage with representative organisations of persons with disabilities, including information about their composition, criteria for membership (nomination, appointment, election, etc.) and functioning;

See response to question No 2.

1. Please provide information on the efforts undertaken at national, regional and/or local levels to strengthen the capacity of representative organisations of persons with disabilities, in order to facilitate their participation in legislative, policy and other decision-making processes;

Funding is provided to a range of national level NGOs, including those operating in the disability area, as part of a national scheme of support for voluntary organisations. The objectives of the funding scheme, which is under review at present, include support for the participation of civil society in the decision-making process and strengthening of the capacity of the sector to influence policy and support member organisations at national, regional and local level.

1. Please explain whether and how persons with disabilities participate in monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities (art. 33, para. 3), and in the nomination of experts to the Committee on the Rights of Persons with Disabilities (art. 34, para. 3);

Ireland has not yet ratified the Convention on the Rights of Persons with Disabilities. Under our dualist legal system, only the national parliament can make legislation. As a result, Ireland cannot accede to any international treaties until it is in a position to fully meet all that treaty’s requirements. We are currently working on progressing all outstanding barriers to ratification so that when we are in a position to ratify, all the necessary legislative and administrative measures to ensure practical and meaningful realisation of the Convention’s principles in a coherent and cohesive way will be in place.

Ireland is proud of its domestic human rights record and we are dedicated to continuous improvement where equality and human and fundamental rights are concerned. With regard to disability policy, Ireland is committed to the principle of “nothing about us without us”, and can therefore confirm that participation of persons with disabilities in the National Monitoring Framework will be ensured.

1. Please identify the main challenges faced by the diversity of persons with disabilities in participating in mainstream and disability-specific decision-making processes at the national, regional and local levels, including challenges faced by persons who experience multiple discrimination (e.g., on the basis of disability, age, gender, ethnic origin, geographical location).

Building effective links between national consultative mechanisms and individuals in communities or at the front line of service delivery is always challenging. The process by which a new National Disability Inclusion Strategy is being composed seeks to ensure the widest possible participation and consultation in that regard. Making space for individuals to relate their personal stories in consultative processes and mechanisms, while ensuring that the policy issue and lesson for future action is harvested and reflected in the policy outcome is also a key concern.