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Summary Submission to The Joint Committee on Disability Matters
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Good morning everyone. My name is Bernadette Egan. I am a Registered Architect, a member of the Universal Design Task Force and an elected Council member of the Royal Institute of Architects of Ireland. I hold a Master of Laws degree in International and Comparative Disability Law and Policy, and I am a disabled person with extensive lived experience of the accessibility of the built environment.

Today, my submission includes a brief outline of my own lived experiences, the challenges of the built environment, and my recommendations for implementing the United Nations Convention on the Rights of Persons with Disabilities regarding Article 9 on Accessibility.

My Own Lived Experiences
Some time ago, I, like many Architects, designed for compliance with the Building Regulations Part M - Access and Use 2010, believing it would ensure '*adequate provision for people to access and use a building, its facilities and its environs.*' It all seemed to make sense, and as a busy architect, I did not question it. Then one day, my circumstances changed, and I gained a new perspective. I joined the 1 billion disabled people worldwide,[1] including 640,000[2] in Ireland, currently the worse country in Western Europe to be disabled.[3]

What had made sense suddenly became nonsense. I discovered the hard way that the built environment is not adequately accessible at all. Life became a daily obstacle course, and instead of going about my business like everyone else, I face difficulties with the activities of living that most people take for granted. I need to confront a whole range of issues to shop for food, have lunch in a restaurant, use a toilet, attend a meeting, visit a bank and socialise in a bar. I lost my human rights and became a second-class citizen.
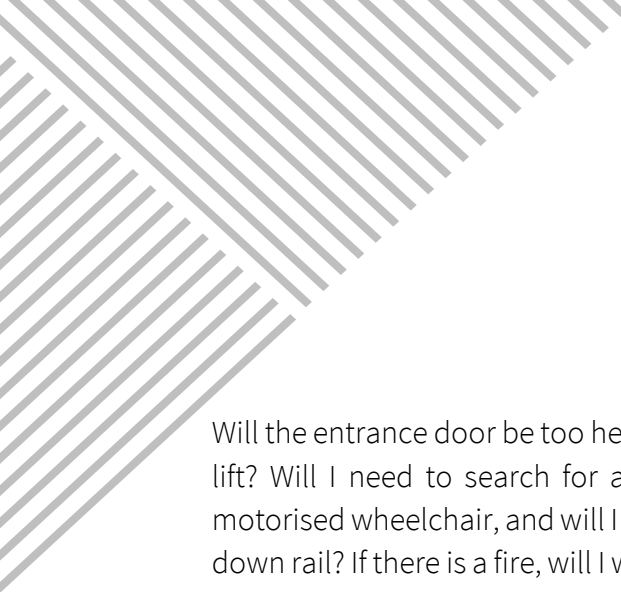
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1 United Nations Department of Economic and Social Affairs (UNDESA), Factsheet on Persons with Disabilities,

<https://www.un.org/development/desa/disabilities/resources/factsheet-on-persons-with-disabilities.html> 13 Nov 2020

2 Disability Federation of Ireland

3 J. McCarthy, 'Ireland worst country in western Europe to have a disability,' The Irish Times, Jan 9 2020. https://www.irishtimes.com/opinion/joanne-mccarthy-ireland-worst-country-in-western-europe-to-have-a-disability-1.4134074? (accessed 13th May 2021)

Will the entrance door be too heavy and awkward to open, or is there an out of order platform lift? Will I need to search for a key for the 'accessible' toilet? Will it be too small for my motorised wheelchair, and will I need to jostle the bins or get hit over the head by a loose drop down rail? If there is a fire, will I wait for someone to find me and try to slide me on a deckchair down a steep staircase? These are just a small sample of the questions about the accessibility of the built environment I try to answer before leaving home as I attempt to map out my day mentally. As an Architect, I feel let down and betrayed by the built environment.

<u>Challenges of the Built Environment</u>

Disability is part of humanity.[4] Despite the first accessibility standard being introduced in the USA in 1961,[5] they were not introduced in Ireland until 1992.[6] Today, despite extensive legislation and policy,[7] the lack of accessibility of the built environment is widespread and remains one of the significant challenges facing a diverse range of the Irish population today.[8] The biggest challenge disabled people encounter arises from attitudinal barriers, not from their impairments, as there is a common misunderstanding that buildings are accessible.[9] There is also an unspoken assumption that accessible buildings are difficult and expensive to build, but through thoughtful planning and design from the start, this is not necessarily the case.[10]

At every turn, the design of our environments either creates barriers or opens doors.
Let's design a more humane world'.[11]

4 Cities for All, The Global Compact on Inclusive & Accessible Cities, available<http://www.cities4all.org/compact/> accessed 10 June 2019

5 Selwyn Goldsmith, Universal Design (Taylor and Francis, 2000)

6 Minister for the Environment, S.I. 306 Building Regulations 1991 (came into force 1st June 1992)

7 The Disability Act 2005, National Disability Authority Code of Practice, Procurement Regulations 2006, The Employment Equality Act 1998, The Equal Status Acts 2000 & 2004, Planning and Development Act 2000, Building Control Act 2007, Part M of the Building Regulations 2010, The National Disability Inclusion Strategy (2017-2021), United Nations Convention on the Rights of Persons with Disabilities 2006 (ratified by Ireland in 2018)

8 Houses of Oireachtas, Joint Committee on Housing, Planning and Local Government debate (4 Jul 2019)

9 OPW and NDA, An Operational Review of the Effectiveness of Section 25 of Disability Act 2005 (July 2019)

10 HCMA Architecture + Design, Rick Hansen Foundation Accessibility Cert, Cost Comparison Feasibility Study (Jan 2020)

11 Anna Leahy, The Universal Design Ideal, Aeon Magazine, 02 April 2019

As far back as 1993, the Council of Europe said that 'a complete change in attitude must be achieved in order that disabilities are property recognised and integrated into the discipline of building'.[12] In 1996,[13] it was recommended that the government appoint a national committee to monitor progress concerning the universal right of access to the physical environment, ensure that Part M is enforced vigorously and that Universal Design (UD) becomes the overarching principle to guide all relevant legislation, policy and practice in Ireland.[14] In a 2007 report, accessibility was identified as a core concern and the government committed to developing and enforcing higher accessibility standards, as this was regarded as fundamental to addressing access issues and building the confidence of disabled people.[15] It also emphasised that any revision to Part M would need to be comprehensive and address poor compliance, 'current loopholes, minimum design criteria, and inconsistencies' with houses being 'habitable' rather than merely 'visitable'.[16] However, this did not happen. In 2014, the UNCRPD Committee clarified that denial of access to the physical environment is a clearly defined prohibited act of discrimination.[17] In 2018, the Irish Human Rights and Equality Commission reported discrimination against disabled people accessing housing, which impacted their quality of life and ability to live in the community.[18]

' High time to move beyond the voluntary approach to accessibility, an approach that has very clearly allowed discrimination to flourish.'[19]

Disabled people in Ireland are prevented from enjoying some of their fundamental human rights, such as the right to live independently, seek employment, or enjoy culture and leisure, as they continue to be left out of society by exclusive building design that does not consider users' age, size, and ability. An accessible built environment is simply better for everyone, whether disabled or not.

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12 Council Of Europe, Accessibility Principles And Guidelines, Council of Europe Press, 1993

13 NDA, 'A Strategy for Equality' (Ireland 1996)

14 Ibid. Section 9.25

15 M. Browne, The Right Living Space: Housing and Accommodation Needs of People with Disabilities, Disability Federation of Ireland and Citizens Information Board, 2007
https://www.disability-federation.ie/about/publications/the-right-living-space-1/full-text/ (accessed 13th May 2021)

16 Ibid.

17 UNCRPD/C/GC/2 2014

18 Irish Human Rights and Equality Commission, Report on Disability and Discrimination in Ireland, 2018

19 Council of Canadians with Disabilities, Because it's 2018! available at http://www.ccdonline.ca/en/blog/AccessLegislation> accessed 20 June 2019

<u>Implementing the United Nations Convention on the Rights of Persons with Disabilities</u>

The UNCRPD sets out legal duties from a human rights perspective,[20] with disabled people treated 'on an equal basis with others.[21] I have completed a 16,000-word research paper that examined accessibility legislation and policy, identified challenges, explored Norway as a case study and presented recommendations to fulfil the UNCRPD obligations, which are as follows:

1. Human rights need to be part of the original design conversation, rather than a second thought to comply with minimum standards.[22] The principles of Universal Design should be regarded as a link in a quality assurance process, following the project from the beginning of the planning process,[23] with proper design reviews and inspections, ensuring that accessibility is fully provided from building completion.[24]

2. The world's only statutory Centre of Excellence in Universal Design (CEUD) at the National Disability Authority (NDA) needs to be developed and expanded with disabled people to become the global leader in the implementation of Universal Design, promoting a positive international image of a progressive, inclusive country, ensuring an accessible built environment for all.

3. The NDA needs to fulfil its full statutory role and become an independent monitoring body of the accessibility of the built environment, together with the establishment of a new enforcement mechanism with dedicated funding, time-specified deadlines, and appropriate sanctions for those who create an inaccessible built environment.[25] This could be guided by the Norwegian approach, including lessons learnt.

4. Part M 2010[26] needs to be thoroughly revised and updated with the participation of disabled people. There needs to be just ONE clear set of legally enforceable UD accessibility standards in Ireland, with legislation, education and training to implement this effectively.

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20 Gerard Quinn, Theresia Degener et al. Human Rights and Disability, UN, 2002
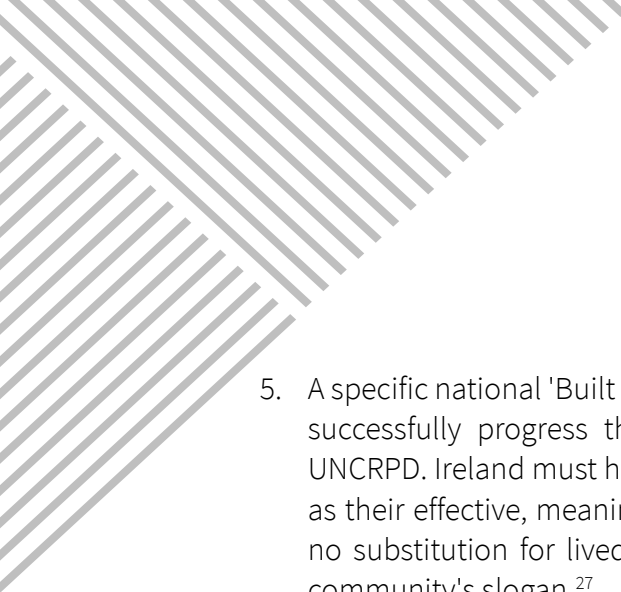
21 UNCRPD Article 1

22 Project for Public Spaces, Planning for people not cars, <https://www.pps.org/article/planning-for-people-not-cars-why-accessibility-matters-for-all>

23 Aslaksen, Finn, Bergh Steinar, Bringa Olav Rand, Heggem Edel Kristin. Universal Design Planning and Design for All, Independent Living Institute, 1997

available <https://www.independentliving.org/docs1/nscd1997.html

24 WHO, World Report On Disability 2011

25 Digital Desk Staff, 90% of people with disabilities-survey, Irish Examiner, March 7, 2019

26 For example, to include powerchair dimensions and the impact of lighting and acoustics on health.

5. A specific national 'Built Environment Advisory Committee' needs to be established to successfully progress the accessibility of the built environment in line with the UNCRPD. Ireland must have a high level of engagement with the disabled community as their effective, meaningful participation and involvement is mandatory as there is no substitution for lived experience. *'Nothing About Us, Without Us'* is the disabled community's slogan.[27]

6. Universal Design needs to be put on the curricula of all secondary and third-level institutions in Ireland, as a mandatory subject in the Schools of Built Environment and at the centre of courses, competitions and activities provided for the Continuing Professional Development of all Built Environment Practitioners.

7. CEUD to launch a national awareness campaign to promote and highlight Universal Design and the right of disabled people to access the built environment, perhaps using the Norwegian approach as a template. Disability awareness training to be effectively delivered by disabled people to be in line with the UNCRPD.

8. The Optional Protocol is ratified as soon as possible so that disabled people have an essential international redress mechanism.

Fulfilling the legitimate human right of disabled people to access and use the built environment will lead to essential improvements in the wellbeing of the entire population.[28] Designing for diversity is simply designing for equality.

Thank you.

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27 AM.Callus, A.Camilleri-Zahra, 'Nothing About Us Without Us': Disabled People Determining Their Human Rights Through The UNCRPD,' Mediterranean Review of Human Rights, Issue 1, Dec 2017 https://www.um.edu.mt/library/oar/bitstream/123456789/32954/1/Nothing_about_us_without_us.pdf (accessed 13th May 2021)

28 Council Of Europe Accessibility Principles And Guidelines, (1993)