

Dear Committee Members,

Disability Federation of Ireland, DFI, welcomes the opportunity to make this submission to the Joint Oireachtas Committee on Gender Equality on the recommendations of the Citizen's Assembly on Gender Equality. DFI is an umbrella body representing over 120 members of civil society working in the area of disability. Our membership includes service providers, advocacy organisations, and other disability organisations. We work to make Ireland a more equal place for people with disabilities. This submission was prepared by Dr Meredith Raley, a Policy and Research Officer within DFI.

DFI is making this submission because we were invited to and because many of the recommendations of the Citizen's Assembly will have an impact on people with disabilities. Gender equality is of course an issue that affects everyone, and issues of care of course have a disproportionate impact on people with disabilities. In this submission, we have highlighted the area we feel are most useful to people with disabilities and their families. We would be happy to appear before the Committee in public session to discuss this submission.

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Disability Federation of Ireland's Submission to the Joint
Oireachtas Committee on Gender Equality
on the recommendations of the Citizen's Assembly on
Gender Equality

4th of March, 2022

Executive Summary

DFI welcomes the chance to make a submission to the Joint Oireachtas Committee on Gender Equality on the recommendations of the Citizen's Assembly on Gender Equality. DFI supports the work of the Citizen's Assembly, and made our own inputs into their work in early 2021. We were pleased to see many of our points taken up by the Assembly.

DFI supports all three proposed constitutional amendments. We believe that they will, if properly implemented, help the state to implement the UN Convention on the Rights of Persons with Disabilities, UN CRPD. The proposal to enshrine support for carers in the constitution could improve the lives of people with disabilities and their families.

In addition, there are several recommendations from the Assembly that would have great benefit to people with disabilities. Most of these are found in the section on Care, but other sections also contain recommendations that could make life better for people with disabilities. In this submission, we go through these recommendations and explain why there would be so beneficial to people with disabilities.

The Disability Federation of Ireland is pleased to make this submission to the Joint Oireachtas Committee on Gender Equality on the recommendations of the Citizen's Assembly on Gender Equality. DFI is an umbrella organisation, representing over 120 organisations working on disability issues in Ireland. We work to promote a more equal and inclusive society for people with disabilities.

DFI supports the goals of the Citizen's Assembly on Gender Equality. In the 2016 Census, over half of all people with disability were women (51.6%). Women with disability face discrimination on multiple fronts, both on the basis of their gender and their disability. Therefore, any efforts to improve gender equality in Ireland will also have a positive impact on many people with disabilities. Many of the recommendations of the Citizen's Assembly would also help Ireland to meet its obligations under the UN Convention on the Rights of Persons with Disabilities, UN CRPD. It is important to remember that the UN CRPD, in Article 6, requires states to work towards gender equality, and to work to eliminate discrimination against women. DFI made a presentation to the Assembly's deliberations in early 2021 and were pleased to see a number of the issues we raised reflected in the recommendations,

It is important while considering disability to remember some overall statistics about the current status of people with disabilities in Ireland.

- According to the most recent EU SILC data, Ireland has the highest percentage of people with disabilities at risk of poverty in Western Europe (37.8%)¹. This is one of the highest percentages in the EU, almost 10% higher than the EU average.
- A striking 39.5% (CSO SILC) of people not at work due to illness or disability live with deprivation, while 17% live in consistent poverty. These rates are 2-3 times higher than those for the general population.
- A recent INDECON report for the Department of Social Protection concluded that disabled people live with extra costs that "vary from €9,600 - €12,300 per year for people with severe disabilities to €8,700 - €10,000 per year for those with limited disabilities"²
- 27% of the homeless population have a disability, double the rate among the general population (Census 2016).
- Ireland's rate of employment for people with disabilities is almost 20% lower than EU averages (EDF 2020).
- By 2026 the number of people with a disability will have increased by approximately 20% (NDA).

¹ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Tab_1_at-risk-of-poverty_or_social_exclusion_AROPE_by_level_of_activity_limitation,_2019_v3.png

² <https://www.gov.ie/en/publication/1d84e-the-cost-of-disability-in-ireland-research-report/>

These facts must be considered when moving forward with actions to address the recommendations of the Citizen's Assembly on Gender Equality.

In this submission, DFI has chosen mostly to focus on the recommendations that would have the most impact for all people with disabilities.

First, DFI supports the three proposed constitutional amendments. These would enshrine gender equality and non-discrimination in the constitution, recognise and protect families beyond the marital family, and change the constitution to a gender-neutral recognition and support of care within the home and community.

Greater gender equality and a prohibition on discrimination by gender will benefit people with disabilities, especially women and non-binary people with disabilities. People with a disability can face discrimination on multiple fronts, including around gender. Any effort to combat discrimination in society can therefore reduce the burden of discrimination on people with disabilities. Similarly, expanding the definition of family beyond the marital family, to encompass lone parents and other arrangements, will benefit people with disabilities. People with disabilities can be lone parents, or live in other non-traditional arrangements. In the past, the state has interfered with the rights of people with disabilities to marry and form families. People living under guardianship only gained the right to marry in the past few years, with the Assisted Decision-Making (Capacity) Act 2015. The UN CRPD requires the state to support the right of people with disabilities to form the families of their choice, in Article 23, Respect for the home and family. This constitutional change could help the state to implement this article of the UN CRPD.

The final proposed amendment is to replace Article 41.2 of the Constitution, "with language that is not gender specific and obliges the State to take reasonable measures to support care within the home and wider community." DFI broadly supports this amendment. We know the challenges of care, and have long advocated for greater support for family carers (the majority of whom are women) and others who provide care. However, this change must be made in consultation, not only with those who provide care, but those who receive it. Children, older persons, and people with disabilities often rely on others, including family members, for care and support. Their views on what would make their lives, as people who need support, better are also important when considering how the state can best support care in the home and in the community. It's also important to remember that one crucial way to support those who require care, and those who care for them, is to provide options. People with disabilities should not have to rely on their families for care, and many family carers step into the caring role not out of choice but because there are no, or insufficient, state supports available for their family member. If the state provided and properly resourced the option of independent living, and living supported by the state, this could relieve some of the pressure experienced by family carers, who would then know that their loved ones have choices and options beyond the home. The lives and choices of carers and those who need support are intertwined, and the needs and desires of those receiving care should not be forgotten in this process.

Among the other recommendations, there are many that would be of special benefit to people with disabilities, and the families of people with disabilities. In the section on Care, in particular, are several recommendations that DFI fully endorses. These include:

- **Recommendation 4:** DFI supports improving pay and conditions for people in paid employment as carers. We also believe that this improvement should extend from carers to PAs and others working in disability support services. There is currently an ongoing recruitment crisis in the disability and care sector, due to insufficient employment terms and conditions.
- **Recommendation 5:** DFI supports the reform of the Carers' Allowance. DFI and many of our members have for many years called for many of the reforms found in this recommendation, including increases in the income disregard and the ceiling on the number of hours in paid work. DFI has also been highlighting the extra costs of disability for many years. The Department of Social Protection's INDECON report estimated these extra costs to range from €8,700 to 12,300 a year.³ These costs can also be reflected in the costs of caring. DFI believes that equivalent reforms and improvements should take place to Disability Allowance and similar disability payments – including raising the income and means disregard, and providing a sufficient package of supports to address the cost of disability, to help keep people with disabilities and their families out of poverty.⁴
- **Recommendation 6:** DFI supports the development of a pension solution for carers. This would acknowledge the time that many carers have to take away from paid work to care for family members.
- **Recommendation 7:** DFI and many of our members have called for improvements to respite provision for years. We therefore fully support this recommendation.⁵
- **Recommendation 10:** DFI considers this recommendation one of the most important of those put forward by the Citizen's Assembly. This recommendation addresses one of the most important rights for people with disabilities: the right to live independently. DFI and our members have been calling on the state to support and resource this right for years. Fulfilling the right to live independently is also an important part of meeting Ireland's obligations under the UN CRPD. We are pleased to see that supporting the right to live independently was so strongly supported by the Citizen's Assembly, with a unanimous vote to recommend it. In DFI's view ensuring a person is "resourced" to live independently includes providing those services a person may require for independent living, include PA support, assistive technology, fully accessible public housing and transport, and an income above the poverty level, all of which we have called for in past submissions.⁶

³ <https://www.gov.ie/en/publication/1d84e-the-cost-of-disability-in-ireland-research-report/>

⁴ <https://www.disability-federation.ie/publications/dfi-prebudget-submission-to-department-of-social-p/>

⁵ https://www.disability-federation.ie/assets/files/pdf/pre_budget_submission_final.pdf

⁶ https://www.disability-federation.ie/assets/files/pdf/pre_budget_submission_final.pdf

- **Recommendation 11:** DFI has supported the creation of a statutory right to home care for years, and is an active member of the Home Care Coalition, a group of civil society organisations advocating for this right.
- **Recommendation 12:** Under the current system, many people with disabilities experience two major disruptions in services in their life. These occur when a person turns 18, and when they turn 65. Moving from services for children to services for adults, and from adult disability services to older person services, can cause interruptions in services, and sometimes a loss of services. These issues should be rectified, so that a person has access to reliable, continuous services over their life.

There are also recommendations in other categories that would be of particular relevance in improving the lives of people with disabilities in Ireland. Under Social Protection, DFI strongly endorses Recommendation 14, which recommends setting social welfare payments at a level that keeps people out of poverty. DFI has for years drawn attention to the inadequacy of the Disability Allowance in keeping people with disabilities and their families out of poverty. In fact, people out of work due to disability experience extraordinarily high levels of poverty, often 3 times higher than the general population.⁷ This problem was highlighted during the pandemic, with the PUP payment set at a much higher level to keep people who lost their job during the pandemic from falling into poverty.⁸ There is broad consensus across civil society organisations in supporting the Minimum Essential Standard of Living approach for social protection payments, something DFI and others have been calling for for a very long time⁹. The previously mentioned extra cost of disability, ranging from €8,700 to €12,300 must also be factored in when setting social protection levels for disabled people. This recommendation would also help to implement Article 28 of the UN CRPD, Adequate standard of living and social protection, and to deliver Ireland's poverty reduction commitments under the Roadmap for Social Inclusion. DFI would strongly recommend that the Committee work to implement this crucial recommendation. In addition, we would support the recommendation to train social welfare staff to treat all clients with dignity. People with disabilities often report being treated insensitively by staff who have not received disability awareness training. It is also important to note that members of the Citizen's Assembly indicated they were willing to pay to support increased social welfare provision and a more equal Ireland. 95.6% of citizens indicated that "if

⁷ https://www.disability-federation.ie/assets/files/pdf/pre_budget_submission_final.pdf; https://www.disability-federation.ie/assets/files/pdf/dfi_prebudget_submission_to_dsp_for_budget_22_final.pdf

⁸ https://www.disability-federation.ie/assets/files/pdf/dfi_prebudget_submission_to_dsp_for_budget_22_final.pdf

⁹ <https://www.budgeting.ie/publications/mesl-2021/>

necessary, we are also prepared to support and pay higher taxes based on the principle of ability to pay, to make a reality of our recommendations.”¹⁰

In the section on Leadership in Politics, Public Life & the Workplace, Recommendation 25(b) would benefit people with disabilities. People with disabilities face many barriers finding work in Ireland, which has one of the lowest rates of employment for people with disabilities in the EU.¹¹ Stronger regulations around anti-discriminatory selection and promotions processes—which should include protections against discrimination based on disability—could help to make it easier for people with disabilities to find employment. It could also provide better access to promotion for people who work remotely due to disability.

Under Norms & Stereotypes and Education, DFI supports the implementation of Recommendation 29. The lack of grants for part-time courses has a similar impact on people with disabilities as it does on women. People with disabilities may find it difficult to attend full time courses, due to their disability itself, or related issues around transport or a lack of supports. Greater access to grants for part-time courses could allow more people with disabilities to access third level education.

Finally, under Pay and Workplace Conditions, DFI believes that Recommendation 36 would greatly benefit people with disabilities. As stated above, there are currently significant barriers to employment for people with disabilities in Ireland. A right to flexible work could address some of these barriers, and make it easier for people with disabilities to take up employment.

Due to the nature of our work, this submission has concentrated on the recommendations that we feel would have the most benefit for people with disabilities, but DFI of course supports many of the other recommendations also. Implementing the disability specific recommendations around social protection, independent living, caring, employment and public services, as well as the proposed constitutional amendments, would also bring Ireland closer to full implementation of the UN CRPD, and to creating a more equal and equitable society. We look forward to supporting this Committee in its work to bring about progress in this area.

¹⁰ “Our recommendations call for better public services and improved social protection in order to advance gender equality. These should be funded firstly through greater efficiency and accountability for public funding and reprioritisation between current spending and revenue raising. If necessary, we are also prepared to support and pay higher taxes based on the principle of ability to pay, to make a reality of our recommendations.” Question 49, p. 138. <https://www.citizensassembly.ie/en/about-the-citizens-assembly/report-of-the-citizens-assembly-on-gender-equality.pdf>

¹¹ https://www.disability-federation.ie/assets/files/pdf/pre_budget_submission_final.pdf



DFI is about making Ireland fairer for people with disabilities.

We work to create an Ireland where everyone can thrive, where everyone is equally valued.

We do this by supporting people with disabilities and strengthening the disability movement.

There are over 120 member organisations in DFI. We also work with a growing number of other organisations that have a significant interest in people with disabilities.

DFI provides:

- Information
- Training and Support
- Networking
- Advocacy and Representation
- Research, Policy Development and Implementation
- Organisation and Management Development

Disability is a societal issue and DFI works with Government, and across all the social and economic strands and interests of society.

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