



## DÁIL ÉIREANN

### CEARTAS MÍCHUMAIS.

Rith Dáil Éireann an Rún seo istigh ag an gCruinniú de Dháil Éireann a bhí ann an 17ú lá seo d'Albreán, 2024.

### DISABILITY JUSTICE.

The within Resolution was passed by Dáil Éireann at its Meeting on this 17th day of April, 2024.

Cathaoirleach Dháil Éireann

Le cur go dtí:

For transmission to: *An Taoiseach*

**Go ndéanann Dáil Éireann:**

a thabhairt dá haire, i ndáil leis an bPáipéar Uaine ar Athchóiriú Míchumais de chuid na Roinne Coimirce Sóisialáí:

- go moltar ann trí "leibhéal" íocaíochtaí a thabhairt isteach ag brath ar a ábalta a mheastar atá an duine chun obair a dhéanamh;
- gur foilsíodh é gan aon chomhairliúchán le daoine faoi mhíchumas, agus go bhfuil réimse leathan daoine faoi mhíchumas ina choinne;
- nach ndéanfaidh sé aon rud chun daoine faoi mhíchumas a thabhairt slán as an mbochtaineacht;
- dá gcuirfí i ngníomh é, go gcuirfeadh sé brú ar go leor daoine faoi mhíchumas obair a dhéanamh nach bhfuil oiriúnach dóibh;
- go moltar ann córas cruálach agus idirdhealaitheach a bhfuil sé léirithe ón taithí atá ag daoine faoi mhíchumas go hidirnáisiúnta go gcuireann sé strus míchuí ar dhaoine faoi mhíchumas agus go gcuireann sé a meabhairshláinte agus sláinte choirp i mbaol trína éileamh go rachaidh siad trí phróiseas cuardaitheora poist nach bhfuil deartha do dhaoine faoi mhíchumas;
- go bhfuil sé bunaithe ar smaoineamh lochtach gur próiseas simplí é chun measúnú a dhéanamh ar dhaoine faoi mhíchumas, agus go mbeidh deacrachtaí ar leith acu siúd atá faoi mhíchumas dofheicthe agus eipeasóideach faoin gcóras sin; agus
- nach gcuireann sé aon oibleagáid ar fhostóirí obair a dhéanamh inrochtana, in ainneoin go bhfuil oibleagáidí dlíthiúla an-laga ag Éirinn maidir le hinrochtaineacht san ionad oibre;

a thabhairt dá haire, thairis sin:

- go ndearnadh, leis an ionchur a bhí ag go leor daoine faoi mhíchumas sa díospóireacht faoi Reifreann an Rialtais ar an 40ú Leasú ar an mBunreacht "An Leasú

**That Dáil Éireann:**

notes that the Department of Social Protection's Green Paper on Disability Reform:

- proposes to introduce three "tiers" of payments depending on a person's supposed ability to work;
  - was published with no consultation with disabled people, and is opposed by a wide range of disabled people and their organisations;
  - will do nothing to lift disabled people out of poverty;
  - if implemented, would pressure many disabled people into work that is unsuitable;
  - proposes a cruel and discriminatory system that international experience has shown causes undue stress for disabled people and endangers their mental and physical health by demanding they go through a job-seeker process not designed for disabled people;
  - is based on a flawed idea that it is a straightforward process to assess people with disabilities, and those with invisible and episodic disabilities will face particular difficulties under this system; and
  - puts no obligations on employers to make work accessible, despite Ireland having very weak legal obligations on workplace accessibility;
- further notes that:
- the intervention of many disabled people into the debate around the Government's Referendum on the 40th Amendment to the Constitution "The Care Amendment", highlighted injustices they face due to

Cúraim", na héagóracha a léiriú a bhíonn rompu mar gheall ar an gcumasachas agus teipeanna an Stáit a gcearta a ráthú agus gur ghné thábhachtach a bhí sa mhéid sin maidir le diúltú mhuintir na hÉireann don reifreann sin;

- de réir tuarascáil ón Roinn Coimisce Sóisialáin in 2021 dar teideal "An Costas a Bhaineann le Míchumas in Éirinn", ba é an costas measta maireachtáil faoi mhíchumas idir €8,700 - €12,300 in aghaidh na bliana, agus gurb é an costas a bheadh ann i láthair na huairé idir €9,822 agus €13,886 in aghaidh na bliana ach boilscíú a chur san áireamh;
- go bhfuil duine amháin as gach cúigear nach bhfuil in ann obair a dhéanamh mar gheall ar fhadhbanna sláinte atá acu le fada ag maireachtáil faoi bhochtaineacht sheasta agus go bhfuil duine as gach beirt ag maireachtáil i ndiothacht;
- mar gheall ar chonstaicí a bhaineann leis an gcumasachas agus leis an idirdhealaitheach, is iad daoine faoi mhíchumas is mó a bhíonn thíos leis an iliomad géarchéimeanna sóisialta atá os comhair an phobail i gcoitinne, agus gurb amhlaidh, maidir le daoine faoi mhíchumas:
  - gur dóichí a dhá oiread dóibh a bheith gan dídean;
  - gur dóichí dóibh a bheith difhostaithe nó tearcfhostaithe, agus gurb í Éire an tír arb airde an leibhéal difhostaíochta intí ó thaobh daoine faoi mhíchumas san Aontas Eorpach;
  - go bhfágann an easpa tacaíochtaí go mbíonn orthu an t-oideachas a fhágáil agus gur dóichí dóibh a dhá oiread an scoil a fhágáil go luath; agus
  - gur dóichí dóibh drochshláinte baint dóibh, agus gurb é atá á thuairisciú ag 25 faoin gcéad acu go bhfuil "drochshláinte nó fior-dhrochshláinte" orthu, gurb é atá á thuairisciú ag 43 faoin gcéad acu go bhfuil dúlagar orthu, agus go bhfuil riachtanais sláinte

ableism and the failures of the State to guarantee their rights and was an important factor in defeating that referendum;

- in a report by the Department of Social Protection in 2021 entitled "The Cost of Disability in Ireland" the estimated cost of living with a disability was between €8,700 - €12,300 per year, accounting for inflation this would now be between €9,822 and €13,886 per year;
- one in five who are unable to work due to long-standing health problems live in consistent poverty and one in two in deprivation;
- due to ableist and discriminatory obstacles, disabled people are hit harder by the many social crises facing the wider population, and disabled people are:
  - twice as likely to be homeless;
  - more likely to be unemployed or underemployed, with Ireland having the highest level of unemployment among disabled people in the European Union;
  - due to lack of supports, forced out of education and twice as likely to leave school early; and
  - more likely to suffer ill health, with 25 per cent reporting "bad or very bad health", 43 per cent depression, and a quarter have unmet health needs;

nach bhfuiltear dá bhfeastal ar cheathrú díobh;

- go mbíonn dúshláin bhrefise roimh dhaoine faoi mhíchumas, ar mná, daoine neamhdhénártha, daoine LADTIA, inimircigh, daoine den Lucht Siúil, nó grúpaí eitneacha eile iad, maidir le rochtain a fháil ar sheirbhísí agus go mbíonn torthaí níos measa acu dá bharr;
- go bhfuil failí déanta ag an Stát i leith leanáí faoi mhíchumas agus a dtuismitheoirí/a gcaomhnóirí, agus go bhfuil 8,893 leanbh anois ag fanacht thar am le haghaidh measúnaithe ar riachtanas, agus 6,963 díobh siúd ag fanacht níos faide ná trí mhí, agus 17,157 ag fanacht ar chéad teagmháil a dhéanamh le Foireann Líonra um Míchumas Leanaí, agus os cionn 110,000 ar liosta feithimh le haghaidh cóir leighis;
- go ndéanfaidh córas eacnamaíoch a phléann le hoibrithe mar tháirge chun brabús a mhéadú, agus a bhreatnaíonn ar thacaíochtaí agus ar chearta do dhaoine mar chostas, imeallú agus leatrom i gcónai ar dhaoine faoi mhíchumas, agus cultúr an chumasachais a chothú;
- go bhfuil stair fhada ag baint le himeallú córasach a bheith á dhéanamh ag an Stát ar dhaoine faoi mhíchumas, trí pholasaithe an institiúdithe agus easpa leanúnach infheistíochta i seirbhísí, tacaíochtaí, cúram, taighde, agus trí chúram a sheachfhoinsíú chuig eagraíochtaí religiúnda, carthanachtaí agus teaghlaigh, agus go bhfuil na beartais seo tar éis an leatrom agus an éagóir a dhéanamh níos measa;
- go bhfuil an Stát tar éis cur in aghaidh dhaoine faoi mhíchumas atá ag lorg a gceart trí na cúirteanna agus iachall a chur orthu dul i mbun feachtasálochta i gcomhair seirbhísí agus tacaíochtaí, go háirithe ó na córais coimirce sóisialaí agus sláinte, agus go mbíonn ar go leor daoine faoi mhíchumas athiarratas a dhéanamh go leanúnach chun cártá liactha nó teidlíochtaí eile a fháil; agus
- go gcuireann an tástáil acmhainne i — disabled people who are women, non-binary, LGBTQI, immigrants, members of the Traveller community, or other ethnic groups face additional challenges to accessing services and worse outcomes as a result;
- the State has failed children with disabilities and their parents/guardians, and 8,893 children are now overdue for assessment of need, with 6,963 waiting more than three months, and 17,157 waiting for first contact with a children's disability network team, with a waiting list for treatment of over 110,000;
- an economic system that sees workers as a commodity to increase profit, and sees supports and rights for people as a cost, will always marginalise and discriminate against people with disabilities and foster a culture of ableism;
- there is a long history of systemic marginalisation of disabled people by the State, with policies of institutionalisation and a chronic lack of investment in services, supports, care, research, and an outsourcing of care to religious organisations, charities and the family, and these policies have compounded discrimination and injustice;
- the State has resisted disabled people seeking rights through the courts and forced them to campaign for services and supports, in particular from the social protection and healthcare systems, with many disabled people having to constantly reapply for a medical card or other entitlements; and
- the means-testing of Disability Allowance,

**gcomhair Liúntas Míchumais, Liúntas Cúramóra, cártaí liachta agus go leor tacáiochtaí eile strus agus brú ollmhór ar dhaoine faoi mhíchumas agus a dteaghlaigh, agus go bhfuil líon mór daoine nach bhfuil in ann teaghlaigh a bhunú, agus atá i mbaol a mí-úsáide agus iad i mbun caidrimh; agus**

**a iarraidh ar an Rialtas:**

- fáil réidh, láithreach, leis an bPáipéar Uaine ar Athchóiriú Míchumais, dul i gcomhairle go hionraic le daoine faoi mhíchumas maidir le hathchóirithe ar bith, agus gealtnas a thabhairt nach ndéanfar locaiochtaí agus obair a nascadh;
- córas locaiochtaí uilfocha nach bhfuil de réir tástáil acmhainne a thabhairt isteach a chlúdaíonn na fíorchostais a bhaineann le bheith faoi mhíchumas agus a sholáthraíonn cinnteacht ioncaim do dhaoine faoi mhíchumas;
- pá maireachtála ráthaithe a thabhairt isteach nach bhfuil de réir tástáil acmhainne;
- uaireanta cúnaimh phearsanta mar cheart a mhéadú go mór le cinntíú go bhfuil cúnamh pearsanta ag gach duine a bhfuil gá acu leis chun staidéar, obair, sóisialú agus chun saol iomlán a chaitheamh, agus le dearbhú go mbeidh pá agus coinnfollacha sásúla ag gach cúntóir pearsanta;
- an Prótacal Roghnach a ghabhann le Coinbhinsiún na Náisiún Aontaithe ar Chearta Daoine faoi Mhíchumas a dhaingniú láithreach; agus
- leasú bunreachta a thabhairt isteach chun comhionannas do dhaoine faoi mhíchumas a dheimhniú agus chun na cearta chun tacáiochtaí atá de dhíth chun páirt iomlán a ghilcadh sa tsochaí a dhearbhú mar cheart daonlathach bunúsach.

**Carer's Allowance, medical cards and many other supports results in huge stress and pressure on disabled people and their families, with many unable to form families, and vulnerable to abusive relationships; and**

**calls on the Government to:**

- immediately scrap the Green Paper on Disability Reform, to genuinely consult with disabled people about any reforms, and commit to no linking of payments to work;
- introduce a system of non-means-tested universal payments that cover the real costs of having a disability and provide income security to disabled people;
- introduce a guaranteed living wage for carers that is not means tested;
- massively expand personal assistance hours as a right to ensure that there is personal assistance to all who need it to study, work, socialise and live a full life, and guarantee that all personal assistants have decent pay and conditions;
- immediately ratify the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities; and
- introduce a constitutional amendment to assert equality for disabled people and to guarantee for all the rights to supports needed to fully engage in society as a basic democratic right.