



**Comments from Imtac about the consultation
on the proposed United Nations Convention
on the Rights of Persons with Disabilities
(Obligation on Public Authorities) Bill**

(March 2025)

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About Imtac

The Inclusive Mobility and Transport Advisory Committee (Imtac) is a committee of disabled people and older people as well as others including carers and key transport professionals. Its role is to advise Government and others in Northern Ireland on issues that affect the mobility of Deaf people, disabled people and older people.

The aim of Imtac is to ensure that Deaf people, disabled people and older people have the same opportunities as everyone else to travel when and where they want.

Imtac receives support from the Department for Infrastructure (herein after referred to as the Department).

Background

Imtac welcomes the opportunity to comment on proposals for the United Nations Convention on the Rights of Persons with Disabilities (Obligation on Public Authorities) Bill. We commend Danny Donnelly for the work he has done to get to this stage and his wider work in raising awareness of the importance of rights and the CRDP.

The ethos of and work of Imtac is based on a broad rights-based approach to developing policy and services with a particular emphasis on giving effect to the articles of the CRDP. The Committee's position is that the convention should be directly incorporated into law in Northern Ireland. Imtac played a leading role in the Co Design Group created by the Department for Communities to help inform the development of a new Executive Disability Strategy. It was the unanimous recommendation of all the organisations represented on the Co-Design Group that the Disability Strategy should commit to full incorporation, supporting the recommendations of the Expert Panel Report¹ developed to inform the Strategy.

From the Committee's perspective no one should have anything to fear in giving effect in legislation to the rights contained in the articles of CRDP. Progressive realisation means that rights will not be implemented wholesale overnight, rather it means that there will be a steady progression to their full implementation. There would be few members of society, we believe, who would object to such an approach.

¹ <https://www.communities-ni.gov.uk/system/files/publications/communities/dfc-social-inclusion-strategy-disability-expert-advisory-panel-report.pdf>

The reality is that over the last 20 years disabled people have seen a regression in the implementation of our rights. In 2016² the United Nations CRPD Committee Special Inquiry found the UK Government guilty of systematic and grave human rights violations against disabled people because of deliberate austerity policies introduced by the Westminster Government after 2010. Follow up reports by the UNCRPD Committee as part of routine investigations in 2017³ and 2024⁴ have found nothing to change this finding and further evidence in successive reports of regression particularly in regard to independent living, work and employment and an adequate standard of living. We are proud that both Imtac members and secretariat (in a personal capacity) have been part of UK wide delegations giving evidence to the UN Committee as part of these inquiries and investigations.

Disabled people in Northern Ireland have been impacted by this regression. Services have deteriorated significantly; incomes have been reduced. Poverty has increased and inequalities have widened. A new Disability Strategy promised in 2016 has yet to be delivered. Our Programme for Government largely ignores disabled people, save for talking about us in terms of being looked after, not as rights holders entitled to participate in society on an equal basis to others. With the new Westminster Government signalling more austerity and attacks on disabled people's social security, many disabled people, including our members are fearful about the future.

Comments about the proposed Bill

Our comments about the proposed Bill must be viewed within the context of the above paragraphs. Disabled people have endured over a decade of degradation of the services we access and of our standard of living. Much of this has been generated by austerity imposed from Westminster but local politicians have failed to deliver on promises such as the delivery of a new Disability Strategy. It speaks volumes that the disparity between Northern Ireland and Great Britain in legal protections

² Copy of the 2016 report available here from the Inclusion London website:

<https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/equality-and-human-rights/grave-systematic-violations-un-inquiry-briefing-responses/>

³

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=%2BAHxIY8c90xLivc6ZOAK4ru9RLYv81jCGbvZxdmL54l1NM1nlziv3yWs9LU%2FOf6x5ZE9oD7nhUOyfdLk4v6%2BHw%3D%3D>

⁴

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FGBR%2FFUIR%2F1&Lang=en

created following the passing of the Equality Act in 2010, persists 15 years later. This is despite the efforts of the many disabled activists who have tirelessly campaigned for change on many fronts.

The Committee welcomes and supports the focus on the rights of disabled people and the CRDP. We believe that legislation to give effect to our rights is long overdue. However any legislation must deliver something that is meaningful to our lives, not just raise awareness of the discrimination and inequalities that we face.

Although the information in the consultation is limited, the Committee understands that the Bill proposes to place a duty of due regard on public bodies in Northern Ireland to take account of CRDP when undertaking its functions. Imtac's experience of due regard is not positive. Our statutory equality duties are due regard and have been largely ineffective. This was highlighted by this section of the Expert Panel Report for the Disability Strategy:

“Legal challenges alleging breaches of the public sector equality duties, from our analysis of available case law available on the Equality Commission’s website, appear to yield little in the way of positive tangible outcomes or results. Even successful challenges, including a disability related case which found the public authority in question was in breach of its duty under Section 75, did not result in the disabled person getting the equality consideration they sought.”

From discussions with the Bill sponsor the Committee does not think that the due regard duty proposed by the Bill will create any better outcomes and in many ways is weaker than due regard under existing statutory equality duties. Based on this we do not believe that the proposed due regard duty can deliver the two stated additional aims of the Bill, namely helping to reduce equality for disabled people and helping to promote equality of opportunity for disabled people. More broadly we do not believe the proposed Bill, if it proceeds as indicated, advances either direct or indirect incorporation of CRDP. Given this the Committee cannot support the current proposal for the scope of the Bill.

Imtac very much welcomes the open and inclusive approach taken by the Bill sponsor to engagement with disabled people about the Bill. The committee understands from this engagement that MLAs are being restricted in the scope of Private Members Bills, and that these

restrictions have severely limited the scope of the proposed Bill. Imtac believes that Private Members Bills perform a valuable function in our democratic structures and limiting the scope of such Bills to this extent is excessive and prevents much needed change. We would urge a rethink and would support a change to allow the passage of a Bill that can have a meaningful impact on disabled people's lives.

Imtac would welcome a continued dialogue between the Bill sponsor involving wider groups of Deaf and disabled people to explore options for the Bill. Our aim remains full, direct incorporation of the Convention into law in Northern Ireland but are willing to explore a bill with an extended scope to give partial or indirect incorporation of the Convention here. This includes potentially a stronger due regard duty or the incorporation of specific articles of the Convention (for example the general obligations contained in Articles 3 and 4). We do not believe that the current Bill offers the stepping stone to wider incorporation, but a Bill with a broader scope may well do.

Conclusion

We would like to thank the Bill sponsor, Danny Donnelly MLA, for the genuine commitment he has shown to giving effect to our rights. The Committee recognise the restrictions that MLAs bringing Private Member Bills are currently under and the limitations this places on the scope of the proposed Bill. However, as a Committee we need to balance this against decades of little or no progress in giving effect to our rights, indeed the clear evidence is of regression in the past 15 years. Deaf and disabled people here need progress now, not the promise of change further down the line. We don't believe the scope of the current Bill will do this and for this reason we would welcome the opportunity to work with Mr Donnelly and other politicians to deliver legislation with a broader scope.