

We, the undersigned request the convening of a Special Meeting of Dublin City Council to be held on the 29<sup>th</sup> April 2024 in order to propose the LGA 2001 Section 140 motion below to the Council.

### Section 140 Motion

This Council unequivocally supports the following commitment:

*“Ireland is committed to respecting, protecting and fulfilling the human rights of people with disabilities as set out in the UNCRPD. Ireland takes this responsibility extremely seriously and implements the rights in the UNCRPD on an ongoing basis to continually advance and strengthen domestic measures to support rights in the UNCRPD”.*

Source: Dept of Children, Equality, Disability, Integration and Youth.

Mindful of the above commitment, this Council, under Section 140 Local Government Act, 2001 (as amended), instructs the CE Dublin City Council to set aside the Report on Non Statutory Public Consultation (Feb 24) regarding the Dublin City Transport Plan because it is not compliant with the consultation obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, Arts. 4(3) and 29(b)ii ) and, therefore, is also in breach of the Local Government Act 2001 (as amended) Sections 69 and 64.

Accordingly, this Council requests the CE to set about preparing for a new public consultation which is UNCRPD compliant. This will ensure the continued forward momentum of the draft Dublin City Transport Plan in line with legal and moral imperatives.

Additionally,

- 1) Broad general public consultations with aggregated outcomes, are wholly inadequate in meeting ‘close’ consultation obligations with what DCC refers to as DPOs, and what UNCRPD refers to as ‘their (i.e. disabled person’s) representative organisations’, under Article 4 (3) of the UNCRPD and de facto Local Government Act 2001 Section 69. Furthermore, this Council does not accept that this type of broad non-close public consultation for DPOs ‘strengthens’ or ‘continually advances’ Ireland’s stated commitment to the UNCRPD.
- 2) The representation of the views of the community in a non-statutory public opinion survey (as referenced in the Plan appendices) is a reserved function under LGA 2001 Section 64. Neither this particular public consultation nor its proposed methodology (incl. non- close /specific consultation with DPOs) were brought before the members for approval.

This Council notes that prioritisation of the views and opinions of DPOs is not evident in the report. There was no recognition of the legal standing of DPOs as the only representative organisations in terms of disability proofing under the UNCRPD; nor was there a distinction made between “organisations **for** persons with disabilities” (i.e. 3<sup>rd</sup> party organisations such as disability service-providers mentioned in report (p.19)) and “organisations **of** persons with disabilities” (i.e. Disabled Persons Organisations aka DPOs), contrary to the UNCRPD. (General Comment 7, paras. 13, 14).

The UN Committee on the Rights of Persons with Disabilities, under the auspices of the Office of the High Commissioner UN Human Rights provides authoritative guidance about the provisions of the UNCRPD through General Comments. General Comment No.7 (GC7 published 2018) is particularly relevant because it is about consultation, which is a cross-cutting principle and general obligation of the UNCRPD (GC7 paras. 68,3,9, 67). This is recognised by DCC’s belated DPO consultation policy launched in December 2023, but has been of immediate effect since Ireland’s ratification of the UNCRPD in 2018 (UNCRPD, General Comment No.1, para. 30). The title of General Comment no.7 is

instructive: "on the participation of persons with disabilities, including children with disabilities, through their representative organisations [aka DPOs], in the implementation and monitoring of the Convention". Indeed, all other civil society organisations should be closely consulting with DPOs regarding their own disability related advocacy work (GC7 para.14).

Some other key points regarding disability related consultation:

- Definition of DPOs (GC7, paras. 10, 11, 12). This includes that DPOs are rights based (not lobbyists).
- Distinction of DPOs from other civil society organisations, and the prioritisation of their views and opinions, especially over those of disability service-providers because of their potential of conflict of interest. (GC7, paras. 13, 14, 23, 49, 51, 52, 56). For example, Physical Impairment Ireland (PII), and Voice of Vision Impairment (VVI) represent core constituencies in disability-proofing any transport plan.
- Early and continuous consultation and active involvement: i.e., not box ticking, and beginning to end, transparent and accountable consultations: (GC7, paras. 15, 23, 28, 33, 42, 43, 47, 48, 54, 71, 94(o), 94(u)).
- State parties should systematically and openly approach, consult and involve, in a meaningful and timely manner, DPOs, and ensure equal access to that end. (GC7, para. 22)
- Prioritisation of the views and opinions of DPOs over all others in relation to disability (GC7, paras. 13, 14, 23, 56).
- Having DPO only spaces (and should include bilateral meetings), in terms of disability – proofing (GC7, paras. 49, 94 (m, n, o)).
- Explicit mentioning, in the final consultation report, of how each DPOs specific points were considered and evaluated, and for such conclusions to be communicated directly to the DPO (GC7, para. 23)
- Accessible and safe streetscapes related to UNCRPD Article 9, Article 4(3), and are clarified in General Comment No.2 (GC2).

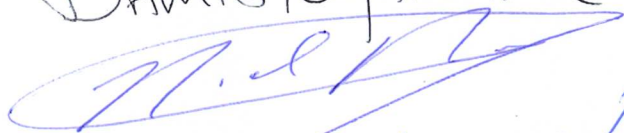
Adherence to the above 'authoritative guidance' is not evident in the report, nor is there evidence of any "close consultation and active involvement" of DPOs.

This Council, having full regard to UNCRPD Article.29 (b) ii, (GC7. Paras 94(l), 94(j)) supports the view that Disabled Persons' Organisations (DPOs) should not be treated as add-ons or catch ups, but are, in fact, as recognised by the UNCRPD, indispensable for disability proofing our city. The benefits that close engagement with DPOs bring to our City far outweigh any short pause in the implementation of the transport plan and is also financially prudent in the long term. This view supports the letter and spirit of UNCRPD, and ensures compliance with the Local Government Act 2001 (as amended) Section 69.

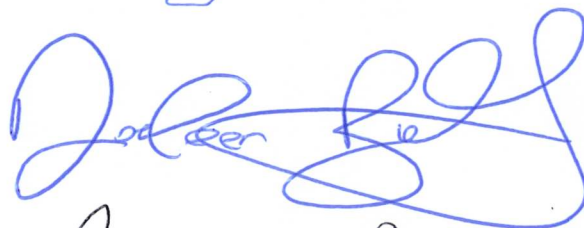
Signed

22/4/2024

DAMIAN O'FARRILL



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