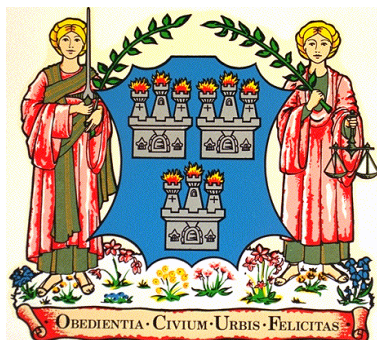


COMHAIRLE CATHRACH BHAILE ÁTHA CLIATH



Miontuairiscí Chruinniú Speisialta a tionóladh ar **29 Aibreán 2024** i Seomra na Comhairle, Halla na Cathrach, Sráid An Dáma ag **6.15** i.n.l Láthair an tArdmheara **Daithí De Róiste** sa chathaoir

Comhairleoir:

Daryl Barron
Tom Brabazon
Claire Byrne
Hazel Chu
Keith Connolly
Donna Cooney
Tara Deacy
Pat Dunne
Terence Flanagan
Alison Gilliland
Vincent Jackson
Micheál MacDonncha
Eimer McCormack
Carolyn Moore
Naoise Ó Muirí
Damian O'Farrell
Cieran Perry
Nial Ring
Michael Watters

Comhairleoir:

Racheal Batten
Christy Burke
Danny Byrne
Anthony Connaghan
Caroline Conroy
Daniel Céitinn
Máire Devine
Anne Feeney
Mannix Flynn
Deirdre Heney
Jane Horgan Jones
Briega MacOscar
Séamas McGrattan
Darragh Moriarty
Claire O'Connor
Colm O'Rourke
Michael Pidgeon
Patricia Roe

Comhairleoir:

Janice Boylan
Dearbháil Butler
Mary Callaghan
Fiona Connelly
Deirdre Conroy
Daithí de Róiste
Kevin Donoghue
Declan Flanagan
James Geoghegan
Janet Horner
Dermot Lacey
Paddy McCartan
Declan Meenagh
Sophie Nicoulaud
Cat O'Driscoll
Larry O'Toole
Noeleen Reilly
Catherine Stocker

Oifigigh

Frank d'Arcy
Michael Gallagher
Pat Nestor
Kathy Quinn

Ruth Dowling
Yvonne Kelly
Brendan O'Brien
Deirdre Scully

John Flanagan
Natalie Leonard
Eileen Quinlivan
Richard Shakespeare

1 Section 140 Motion

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The following Section 140 motion in the names of Cllr. Damian O'Farrell, Cllr Nial Ring, Cllr Patricia Roe, Cllr Mannix Flynn, Cllr Christy Burke, Cllr Noeleen Reilly, Cllr John Lyons and Cllr Cieran Perry was proposed by Cllr. Damian O'Farrell and seconded by Cllr Cieran Perry.

“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 prioritization 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. 3rd 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. 5,23,28,33,42, 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(1),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."

Following a debate, the following amended Section 140 motion was proposed by Councillor Michael Pidgeon and seconded by Councillor Declan Meenagh.

"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 calls on the Chief Executive to:

- arrange close consultation meetings with any Disabled Person Organisations who wish to be consulted on the proposed Draft Dublin City Centre Transport Plan, including on the final location of bus gates,
- update the consultation report presented to elected members on 8th of April 2024 to reflect these consultations,
- circulate this updated report to councillors,
- ensure that all registered DPOs are contacted properly as required,
- meet with the National Disability Authority and review the supports they offer and identify ways the city council can improve our consultations on disability issues, and consult with DPOs on how this communication can be improved."

The motion as amended was put to a vote and carried.

Details of this vote are contained in **Appendix A**.

LORD MAYOR

MEETINGS ADMINISTRATOR

Appendix A

**Vote no 1. Motion to Amend Section 140, Proposed by Cllr. Michael Pidgeon and
Seconded by Cllr. Declan Meenagh**

RECORD OF DIVISION AT THE CITY COUNCIL MEETING 29.04.24

COUNCILLORS	FOR	AGAINST	ABSTAIN	ABSENT	COUNCILLORS	FOR	AGAINST	ABSTAIN	ABSENT
Councillor Daryl Barron		√			Councillor Alison Gilliland	√			
Councillor Racheal Batten		√			Councillor Deirdre Heney		√		
Councillor Janice Boylan	√				Councillor Jane Horgan Jones	√			
Councillor Tom Brabazon					Councillor Janet Horner	√			
Councillor Christy Burke		√			Councillor Vincent Jackson		√		
Councillor Dearbháil Butler	√				Councillor Dermot Lacey	√			
Councillor Claire Byrne	√				Councillor Darcy Lonergan	√			
Councillor Danny Byrne					Councillor John Lyons				
Councillor Deborah Byrne					Councillor Micheál MacDonncha	√			
Councillor Mary Callaghan		√			Councillor Briege MacOscar				
Councillor Daniel Céitinn	√				Councillor Ray McAdam				
Councillor Hazel Chu	√				Councillor Paddy McCartan	√			
Councillor Anthony Connaghan	√				Councillor Eimer McCormack				
Councillor Fiona Connelly	√				Councillor Séamas McGrattan				
Councillor Keith Connolly					Councillor Declan Meenagh	√			
Councillor Caroline Conroy	√				Councillor Carolyn Moore	√			
Councillor Deirdre Conroy		√			Councillor Darragh Moriarty	√			
Councillor Donna Cooney	√				Councillor Sophie Nicoulaud		√		
Councillor Hazel de Nortúin					Councillor Naoise Ó Muirí	√			
Lord Mayor Daithí de Róiste	√				Councillor Claire O'Connor				
Councillor Kelsey May Daly					Councillor Cat O'Driscoll		√		
Councillor Tara Deacy		√			Councillor Damian O'Farrell		√		
Councillor Máire Devine	√				Councillor Colm O'Rourke				
Councillor Kevin Donoghue	√				Councillor Larry O'Toole	√			
Councillor Daithí Doolan					Councillor Cieran Perry		√		
Councillor Pat Dunne		√			Councillor Michael Pidgeon	√			
Councillor Anne Feeney		√			Councillor Noeleen Reilly		√		
Councillor Declan Flanagan		√			Councillor Nial Ring		√		
Councillor Terence Flanagan					Councillor Patricia Roe		√		
Councillor Mannix Flynn		√			Councillor Catherine Stocker		√		
Councillor James Geoghegan		√			Councillor Michael Watters		√		

FOR: 25
AGAINST: 22

ABSTAIN:
ABSENT: