

**January 2025**

NDA Submission to An Garda Síochána concerning its Human Rights Strategy 2025–2027

The National Disability Authority (NDA) wishes to thank An Garda Síochána for the opportunity to contribute to the consultation on its Human Rights Strategy 2025–2027. The NDA is the independent statutory body with a duty to provide information and advice to the Government on policy and practice relevant to the lives of persons with disabilities, and to promote the adoption and application of a Universal Design approach across all sectors.

The NDA is an active member of the Garda Síochána Strategic Human Rights Advisory Committee (SHRAC). We remain impressed by the ambitions and approaches of the SHRAC, as well as its openness to hearing about the diverse needs of people engaging with Garda personnel, including people with disabilities. We look forward to the SHRAC continuing its important work following publication of the Human Rights Strategy 2025–2027.

The comments and advice below address issues related to the Human Rights Strategy which fall within the NDA’s competencies and expertise. As a general point, the NDA recognises that the rights of disabled people are frequently mentioned in SHRAC meetings and hopes to see this priority reflected and articulated to a greater extent in the forthcoming Strategy.[[1]](#footnote-1) The NDA would be happy to meet with officials in An Garda Síochána to discuss any of the recommendations in this submission in further detail.

# Executive Summary

Disabled people experience disproportionately higher rates of violence and abuse than non-disabled people, although such crimes are significantly under-reported. People with different disabilities can experience different and specific challenges – whether as victims, witnesses or suspects – when engaging with Garda personnel.

We welcome a range of innovative efforts by An Garda Síochána to strengthen engagement with and support for disabled people in recent years. These include the roll out of human rights and mental health training, the development of guidelines for Garda personnel interacting with autistic people, the addition of Braille to Garda ID cards and the operationalisation of pilot initiatives, including pilots to improve access to Irish Sign Language interpretation and divert people experiencing situational trauma or a mental health crisis from the criminal justice system.

The NDA advises An Garda Síochána to build on these positive initiatives by prioritising the following actions for inclusion in its Human Rights Strategy 2025–2027:

* Continue the roll out of the Garda training course on Policing and Human Rights Law, or similar, and ensure that all Garda officers receive appropriate disability equality training.
* Continue active engagement in the CAST pilot and publish its evaluation.
* Build awareness of the role of Appropriate Adults amongst officers and the circumstances in which Gardaí should offer and seek such support, particularly for disabled adults in custody who may benefit from such assistance. Additionally, develop an explainer document for those in custody on the role of an Appropriate Adult, and maintain records where an Appropriate Adult is sought for either an adult or a child.
* Engage with the Department of Justice about the possibility of extending the Registered Intermediaries pilot scheme to Garda interviews (investigative stage).
* Develop an accessible (easy-to-read) notice of rights for suspects with intellectual disabilities.
* Undertake and publish an evaluation of the pilot scheme for the Deaf community in Cabra and Tralee Garda Stations.
* Develop protocols and/or guidance on the provision of ISL interpretation to Deaf persons in Garda custody and assistance to people with a visual impairment.
* Identify and address any potential accessibility barriers or discrimination against disabled people which may arise from the use of artificial intelligence.

## Statutory Obligations

* Articulate An Garda Síochána’s statutory obligation to ensure its website and mobile applications comply with the EU Web Accessibility Directive within the Strategy.
* Engage with the NDA on meeting the statutory employment target for disabled people under Part 5 of the Disability Act 2005 and articulate a commitment to same in the Strategy.
* Commit to developing an action plan, including access audits, planned improvements works, timeframes for implementation and earmarked funding, to work towards achieving compliance with its obligations under Section 25 of the Disability Act 2005. This may involve engaging with other authorities as appropriate, for example the Office of Public Works.

## Other Considerations

* Consider obligations under the UNCRPD and reflect a commitment to realising these in the Strategy.
* Actively engage in the implementation of strategic priorities and actions identified in the forthcoming National Disability Strategy which may fall within the remit of An Garda Síochána, including those of a cross departmental and agency nature.
* Engage with Disabled Persons’ Organisations and disabled people in the development of the Strategy.
* Consider potential ways of enhancing cooperation with other public bodies and agencies to improve community safety for disabled people.
* Continue to strengthen data collection, address data gaps, and enhance the collection of disability disaggregated data.

# What is the name of your organisation?

National Disability Authority.

# What category or categories does your human rights work relate to?

Disability.

# Describe the challenges faced by individuals/groups you represent when engaging with An Garda Síochana.

At the outset, the NDA wishes to underscore that while we are the independent statutory body that provides information and advice to the Government on policy and practice relevant to the lives of persons, we are not a representative organisation.

## Violence and abuse against disabled people

There is a considerable body of evidence that shows that people with disabilities are at greater risk of violence and abuse than non-disabled persons. For example, Irish data shows that adults with certain disabilities were 2.9 times more likely to have experienced domestic violence or abuse by an intimate partner than other adults.[[2]](#footnote-2) Similar views regarding the higher levels of abuse and violence experienced by disabled people were recently expressed by consultees during the NDA’s 2024 consultation on a new National Disability Strategy.

Additionally, research suggests that women with disabilities are more likely to experience domestic violence, emotional abuse, and sexual assault than women without disabilities.[[3]](#footnote-3) A recent study by Women’s Aid on **Disabled Women’s Experiences of Intimate Partner Abuse** found that96% of abused disabled women feel that having a disability has major impact on they seeking help and coping with intimate partner abuse.[[4]](#footnote-4)The research also revealed that abusive partners, often in the position of a carer, weaponise women’s disabilities including withholding medication, denying basic care and mobility needs, using impairments to portray the woman as an unfit parent and inflicting verbal and physical abuse that targets their disability.

However, despite data showing that disabled people experience disproportionately higher rates of violence and abuse, international literature also recognises that such crimes are significantly under-reported. While this can be for a range of reasons, disabled participants in the **Towards SAFE(R)SPACES: Disability and Everyday Spaces of Un/Safety and Hostility in Ireland** study reported difficulties in communicating with Garda officers, feelings that their reports were not taken seriously, and a reluctance to contact the Gardaí.[[5]](#footnote-5) Likewise, disabled women who participated in the Women’s Aid study on intimate partner abuse also reported concerns that key professionals such as An Garda Síochána would in some cases not help or would not believe disabled women, or be equipped to help. These findings were echoed by some disabled women who participated in the NDA’s consultations on a new National Disability Strategy.[[6]](#footnote-6) The NDA proposes some ways to address these issues in its response to Question 4.

In addition, like all segments of society, disabled people can become involved in the criminal justice system not just as victims and witnesses, but also as suspects or perpetrators of violence, abuse and crime. Such individuals can experience difficulties or challenges at the Garda investigation stage, requiring additional support in their interactions with Garda officers. The NDA further underlines that people with different disabilities can experience different and specific challenges – whether as victims, witnesses or suspects – when engaging with Garda officers, some of which are highlighted below.

## People with mental health issues

People with mental health issues are significantly overrepresented in the criminal justice system. In its 2021 report on ‘**Delivering Custody Services – A Rights-Based Review of the Treatment, Safety and Wellbeing of Persons in Custody in Garda Síochána Stations**’, the Garda Síochána Inspectorate’s examination of the risk assessments in a sample of 318 Garda custody records found that 24% of people had mental health issues or had engaged in self-harm.[[7]](#footnote-7)

The NDA recognises that some people with mental health issues come into contact with Gardaí not because of criminality, but due to a lack of available services. A joint 2009 report by the Mental Health Commission and An Garda Síochána found that the Gardaí were the only agency available day and night to respond to emergencies and left ‘unfairly’ to deal with mental health crises.[[8]](#footnote-8) Similarly, a report funded by the Policing Authority, entitled **The Garda Síochána and Child Mental Health: An investigation of pathways to crisis mental health care**, noted that An Garda Síochána have become increasingly involved in matters of child and adolescent mental health as first responders, in part due to difficulties accessing Child and Adolescent Mental Health Services (CAMHS).[[9]](#footnote-9) Garda members participating in this research pointed to a range of issues, including the lack of clear provisions on the practical application of the Mental Health Act 2001 to persons under the age of 18. They also reported feeling undertrained in matters of mental health and neurodiversity, and ill equipped to cater to the needs of children experiencing a crisis mental health event.

Accordingly, the NDA welcomes An Garda Síochána’s new partnership with Mental Health First Aid Ireland which will see Garda personnel throughout the country completing certified mental health training courses by early 2026. We understand that the aim of this training is to provide Garda personnel with a better understanding of mental health, to reduce the stigma surrounding mental health, and to help participants to recognise when someone may be in difficulty or in crisis with their mental health. The NDA also welcomes positive feedback provided by recipients of forensic mental healthcare because of offending behaviour in the context of severe mental illness concerning their treatment by Garda officers when taken into custody.[[10]](#footnote-10)

In addition, the Mental Health Commission has previously expressed concern at the level of involuntary detentions initiated by Gardaí under the Mental Health Act 2001, though 2023 saw a 4% reduction in applications.[[11]](#footnote-11) Similar concerns were expressed by the Garda Síochána Inspectorate, the Commission on the Future of Policing in Ireland[[12]](#footnote-12) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment during their 2019 visit to Ireland[[13]](#footnote-13). Stakeholders participating in the NDA’s 2024 consultation on a new National Disability Strategy also raised this issue.

In response, An Garda Síochána and the HSE, with the support of the Departments of Justice and Health, have introduced a pilot for people experiencing situational trauma or a mental health crisis which is currently underway in Limerick. Named the Community Access Support Team (CAST), the pilot will see Garda personnel and HSE mental healthcare professionals jointly responding to relevant emergency calls. A key priority of the pilot is to divert those experiencing a mental health crisis or situational trauma away from the criminal justice system and towards appropriate mental healthcare. The **Mental Health Bill 2024** also proposes to restrict the role of Gardaí in making applications for involuntary detention.

## Deaf people

Access to an Irish Sign Language (ISL) interpreter for those in custody is governed by the Garda Custody Regulations.[[14]](#footnote-14) In respect of Deaf persons specifically, the Regulations state that that ‘[w]here an arrested person is deaf or there is doubt about his hearing ability, he shall not be questioned in relation to an offence in the absence of an interpreter, if one is reasonably available, without his written consent.’ The member in charge at the Garda station determines whether to provide access to an ISL interpreter in line with the Garda Custody Regulations, which can sometimes involve an assessment of language competency – a complex task requiring appreciation that language competency is varied and situational.[[15]](#footnote-15)

In the **Towards SAFE(R)SPACES** study, members of the Deaf community raised the issue of the lack of access to ISL interpreters in Garda stations, and the difficulty in communicating when having to wait for an interpreter with the Gardaí. Likewise, another study found that while ISL interpreters are often provided in Garda stations, this is not always the case.[[16]](#footnote-16) The NDA acknowledges that some of these difficulties may be outside the control of the Gardaí and attributable to a shortage of ISL interpreters.

Notwithstanding challenges, there have also been several positive developments in this space. For example, An Garda Síochána have developed an official ISL translation of the Judges Rules Caution in video format and undertaken a pilot initiative facilitating video-link access to ISL interpretation in two Garda stations. An Garda Síochána was also a partner agency for the JUSTISIGNS 2 project, which developed some useful resources for Garda personnel communicating with Deaf people who have experienced gender-based violence.[[17]](#footnote-17)

## Autistic people

Autistic people can experience challenges engaging with Gardaí and may require additional supports or accommodations. As outlined in An Garda Síochána’s own ‘**Autism-Friendly Practices Guidelines**’, which the NDA welcomes, autistic people may require additional time to process information, questions and instructions from Garda officers. Autistic people can also find it difficult to understand facial expressions or body language in the same way as a non-autistic person. In addition, their own facial expression or body language may not always communicate how they are feeling at a particular moment in time, underlining the importance of awareness and understanding of autism amongst Garda interviewers and officers. Sensory environments, including busy Garda stations, may be overwhelming, and non-routine or unscheduled interviews can cause stress or anxiety for autistic people. The NDA is currently updating its guidance document for justice professionals on communicating with autistic people, which will be a useful resource for Gardaí.[[18]](#footnote-18)

## People with a visual impairment

In the **Towards SAFE(R)SPACES** study, several people with visual impairments reported difficulties identifying Gardaí calling to their home or interacting in a public space. The NDA welcomes efforts to address these concerns, including through the recent introduction of a Braille adhesive strip for official Garda Warrant / ID Cards enabling Garda members to identify themselves in the course of their duties to Braille readers. The NDA understands that national roll-out of this initiative commenced in May 2024, following a successful pilot in the Dublin Metropolitan Region North in 2023.

## People with intellectual disabilities

People with intellectual disabilities are disproportionately over-represented in criminal justice systems. In its 2021 report on ‘**Delivering Custody Services – A Rights-Based Review of the Treatment, Safety and Wellbeing of Persons in Custody in Garda Síochána Stations**’, the Garda Inspectorate’s examination of the risk assessments in a sample of 318 Garda custody records found that 5% were persons with an intellectual disability.

The police custody setting has been described as both ‘frightening and confusing’ by people with intellectual disabilities, with reports of a paucity of accessible information, procedural and emotional supports, and communication barriers in their preliminary encounters with law enforcement officials in custody settings.[[19]](#footnote-19) These participatory barriers have been recognised by police officers who, in several studies, have stressed the need for specialised training to overcome the challenges associated with recognising people with an intellectual disability and appropriately supporting and communicating with them.

## People with physical disabilities

Access to justice for victims with physical disabilities can be impeded by ‘disabling’ physical spaces. An NDA-funded study entitled ‘**Access to Justice for People with Disabilities as Victims of Crime in Ireland**’ identified barriers in the built environment, including inaccessible Garda stations, as a barrier to reporting crime.[[20]](#footnote-20)

# What issues do you believe An Garda Síochána should consider as a priority in our Human Rights Strategy 2025-2027?

## Disability Equality Training

### Recommendation

The NDA advises that An Garda Síochána continue the roll out of its training course on Policing and Human Rights Law, or similar, and ensure that all Garda officers receive appropriate disability equality training.

### Rationale

The NDA emphasises the importance of comprehensive disability equality training for all stakeholders involved in the justice system, including Gardaí. Article 13 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) stipulates that the Government should promote appropriate training for those working in the field of administration of justice, including the police, to ensure effective access to justice for persons with disabilities.

The NDA welcomes the significant work undertaken by An Garda Síochána to build human rights awareness and capacity over the lifetime of its previous Human Rights Strategy 2022–2024. Notably, over 3,500 Garda personnel have completed a course on Policing and Human Rights Law in Ireland, with key modules from a disability perspective comprising ‘Rights and Vulnerable Witnesses and Suspects’, and ‘Diversity and Human Rights’. We also understand that Garda personnel who complete the course are designated as ‘Human Rights Champions’ and are provided additional access to supplementary learning opportunities such as modules on Autism, Neurodiversity, Mental Health and ISL.

A recently published report by the Irish Human Rights and Equality Commission (IHREC), entitled **Access to Justice: A Baseline Study of Article 13 of the UN Convention on the Rights of Persons with Disabilities**, noted that despite some existing training initiatives, there is a clear need for more comprehensive, specialised training in human rights and disability awareness for all actors in the justice system.[[21]](#footnote-21) This includes enhanced training for members of an Garda Síochána on effective communication with disabled people. IHREC further recommended that disabled people be involved in the design and delivery of training programmes. This report corresponds with the findings of the **Towards SAFE(R)SPACES** study, which reported that although many individual members of the Gardaí were friendly, approachable and helpful, there was a lack, or variable awareness, of disability. Gardaí participating in the research also spoke about the challenges they faced because a lack of requisite skills to work with people with disabilities, underlining the need for additional training.

The NDA advises that disability equality training should be provided to all Garda officers to include information on disability rights, supports for disabled people and communication with people with disabilities. The training should also encompass the **Assisted Decision Making (Capacity) Act 2015 (as amended)** and its implications for policing. While there are some limited exclusions in the criminal justice context, pertaining to jury service and consent to sexual relations, the 2015 Act otherwise applies to Garda interactions with people who may lack decision-making capacity.

Finally, the NDA wishes to alert An Garda Síochána that we are updating our eLearning module for public sector staff on disability equality, which will be available in 2025. This training may be of interest to both Garda members and civilian staff.

## CAST Pilot

### Recommendation

The NDA advises that An Garda Síochána continue its active engagement in the CAST pilot and publish its evaluation.

### Rationale

The NDA welcomes the CAST pilot for people experiencing situational trauma or a mental health crisis which is currently underway in Limerick. We particularly commend the Gardaí, and other relevant stakeholders, on the multi-agency collaboration involved in operationalising the co-response pilot. We hope that the pilot will be successful in diverting people who are experiencing a mental health crisis from the criminal justice system at the earliest possible stage and meeting their needs within community or non-forensic mental health settings. The NDA understands that an evaluation of the project will be supported by the University of Limerick, which is welcome.

The NDA also wishes to highlight research we will undertake in line with Action 83 of the **Autism Innovation Strategy**, which will be of interest to An Garda Síochána.[[22]](#footnote-22) The research will seek to identify best practice in supporting families and young autistic people and other young people with disabilities who have high support needs, including mental health support needs, including the nature and extent of young autistic people and young people with other disabilities facing a crisis and the adequacy of existing services and supports.

## Support from an Appropriate Adult

### Recommendation

The NDA advises An Garda Síochána to build awareness of the role of Appropriate Adults amongst officers and the circumstances in which Gardaí should offer and seek such support, particularly for disabled adults in custody who may benefit from such assistance. The NDA further recommends that An Garda Síochána develop an explainer document for those in custody on the role of an Appropriate Adult, and maintain records where an Appropriate Adult is sought for either an adult or a child.

### Rationale

The Custody Regulations legislate for support for people who are vulnerable because they are under 18 years of age or over 18 years of age and ‘are or are suspected to be mentally handicapped’[[23]](#footnote-23). This support is provided by a person who is variously referred to in the Custody Regulations as an ‘adult’, a ‘responsible adult’ and an ‘appropriate adult’. Appropriate Adults can play a role in the prevention of unfair questioning during Garda interviews, checking the level of the suspect’s comprehension of questions and processes, providing emotional and practical support and facilitating communication.[[24]](#footnote-24)

In its 2021 report ‘**Delivering Custody Services – A Rights-Based Review of the Treatment, Safety and Wellbeing of Persons in Custody in Garda Síochána Stations**’, the Garda Síochána Inspectorate found that support from an adult was rarely obtained for people over the age of 18 who had a learning difficulty, poor mental health or engaged in self-harm. In addition, the Inspectorate observed that although a number of those with identified vulnerabilities requested that a third party be notified of their being in custody, few records showed that an Appropriate Adult had been called.

During its inspection visits, the Garda Inspectorate found that Garda officers were well aware of the requirement to have an Appropriate Adult present when a child is in custody. However, there was less awareness or consideration of the need to provide support to an adult with an intellectual disability or learning difficulty. The Garda Inspectorate further noted that there is no document explaining the role of an Appropriate Adult for people in custody.

## Extending the Registered Intermediaries Pilot

### Recommendation

The NDA advises that An Garda Síochána engage with the Department of Justice about the possibility of extending the Registered Intermediaries pilot scheme to Garda interviews (investigative stage).

### Rationale

The Department of Justice is currently operating a pilot Registered Intermediaries scheme with the assistance of the Courts Service, which the NDA welcomes. The role of a Registered Intermediary is to facilitate communication between a person with communication difficulties and others in the justice system. However, the current pilot scheme is limited to the use of intermediaries for court proceedings where a witness is vulnerable.[[25]](#footnote-25) It does not address the use of an intermediary by an accused person or in the investigation stage of a case.

The NDA’s **Independent Advice Paper on the Use of Intermediaries in the Irish Justice System** recommended that a national pilot should allow for an intermediary’s involvement from as early as the Garda Station stage of an investigation to fully test and demonstrate the value and potential of the scheme, and ensure that appropriate supports are available from the earliest stage.[[26]](#footnote-26) The NDA would have concerns that if a person with communication difficulties is accused of a crime and cannot avail of the support of an intermediary at the Garda Station stage, they may commit to a position or give an inaccurate account of events, without fully understanding the consequences of doing so, and this may affect the subsequent justice process.

The NDA is of the view that the use of Registered Intermediaries at the investigation stage will not only achieve better evidence, but also assist in realising Article 13 of the UN Convention on the Rights of Persons with Disabilities. Such expertise would also be of assistance to Garda officers conducting interviews, who have signalled the need for specialist support. For example, during a meeting of the Joint Oireachtas Committee on Disability Matters in April 2024, a Garda representative stated that they endeavour to identify and provide supports at interviews for disabled people, and occasionally seek professional guidance from the Central Mental Health Hospital as to the most appropriate way to interview a person with a disability.[[27]](#footnote-27)

## Development of an Accessible Notice of Rights

### Recommendation

The NDA advises that An Garda Síochána develop an accessible (easy-to-read) notice of rights for suspects with intellectual disabilities.

### Rationale

Research indicates that one of the causative factors for people with intellectual disabilities sometimes feeling ‘frightened and confused’ in police custody relates to challenges in obtaining accessible information.[[28]](#footnote-28) On arrival at a Garda station, all suspects are provided with a Notice of Rights outlining their rights in custody.[[29]](#footnote-29) While a key procedural safeguard for suspects in custody, the NDA observes that the Notice of Rights is written in complex legal language and the written font is small.

The NDA underscores the importance of all disabled people, including people with intellectual disabilities, receiving information in an accessible format, particularly important information relating to their rights in Garda custody. The NDA therefore supports calls to develop an accessible (Easy-to-Read) Notice of Rights for people with intellectual disabilities in Garda custody. Professor Gautam Gulati in the University of Limerick has advanced significant work on this topic, alongside a range of multi-disciplinary stakeholders.[[30]](#footnote-30)

The NDA also wishes to draw An Garda Síochána’s attention to the requirements of the Disabilities Act 2005, which obliges each public body to ensure that, as far as practicable, the information it publishes which is directly relevant to persons with intellectual disabilities, is made available to them in clear language that they easily understand.[[31]](#footnote-31) The NDA has published a **Code of Practice on Accessibility of Public Services and Information provided by Public Bodies** which provides practical guidance on howpublic bodies can meet the requirements of the 2005 Act, including through the publication of information in Easy-to-Read formats.[[32]](#footnote-32) Additionally, the NDA’s Centre for Excellence in Universal Design has developed a **Customer Communications Toolkit for the Public Service – A Universal Design Approach** to assist public bodies in making information and communications accessible to everyone, including Easy-to-Read, audio, large print, and Braille.[[33]](#footnote-33)

## Irish Sign Language Interpretation Pilot

### Recommendation

The NDA advises that An Garda Síochána undertake and publish an evaluation of the pilot scheme for the Deaf community in Cabra and Tralee Garda Stations.

### Rationale

The NDA understands that An Garda Síochána and the Irish Remote Interpreting Services have been running a pilot programme to support members of the Deaf community attending Cabra and Tralee Garda stations since 2019. This welcome initiative allows video-link access to ISL interpretation, delivered through a webcam-enabled computer in the two pilot Garda stations. The pilot aligns with the Irish Sign Language Act 2017, which sets out requirements and obligations on public bodies for the provision of ISL services. The NDA considers it timely to undertake an evaluation with a view to expanding the scheme across more Garda stations.

## Development of Protocols or Guidance on the Provision of ISL Interpretation and Assistance to People with a Visual Impairment

### Recommendation

The NDA advises that An Garda Síochána develop protocols and/or guidance on the provision of ISL interpretation to Deaf persons in Garda custody and assistance to people with a visual impairment.

### Rationale

One of the recommendations in the **Towards SAFE(R)SPACES** study was for An Garda Síochána to develop clearer access or reporting procedures that take account of people’s diverse modes of communication, including for Deaf people and people with visual impairments. Such procedures or protocols could provide clearer direction to Gardaí and ensure greater consistency of approach across Garda stations, including in the provision of ISL provision. The NDA is aware that a similar protocol exists in a prison context, with the Irish Prison Service developing a ‘Deaf and Hard of Hearing Prisoners Policy Document’.

While welcoming the addition of Braille to Garda ID cards, the NDA is cognisant that not all blind or partially sighted people use Braille and other solutions may be required for identifying Garda members. During a meeting of the Oireachtas Joint Committee on Disability Matters in April 2024, a Garda representative indicated that they were considering the introduction of sign language and visual impairment protocols. As part of the latter, An Garda Síochána were considering a proposal whereby a code word is agreed with a visually impaired caller, and the Garda will use this code word to identify themselves when they arrive at a person’s home. The NDA understands that such arrangements are provided for within ‘Visual Impairment Protocols’ in several areas of the UK.[[34]](#footnote-34)

## Mitigating Risks associated with the Use of Artificial Intelligence

### Recommendation

The NDA advises that An Garda Síochána identify and address any potential accessibility barriers or discrimination against disabled people which may arise from its use of artificial intelligence.

### Rationale

As outlined in the **Garda Síochána Digital Strategy 2019–2023**, digital policing is evolving rapidly with innovations emerging around artificial intelligence (AI). While AI may offer opportunities for policing and a range of other areas, there are also concerns that such systems may perpetuate and exacerbate accessibility barriers and existing biases, potentially discriminating against people with disabilities.

For example, IHREC have cautioned that the use of facial recognition technologies can lead to profiling or the flagging and tracking of individuals on the basis of a protected characteristic – which can give rise to discriminatory outcomes.[[35]](#footnote-35) Additionally, the EU’s Fundamental Rights Agency have noted that there is a lack of research and little discussion on how facial recognition technologies (and AI more broadly) affect people with disabilities.[[36]](#footnote-36) The NDA will publish a discussion paper on the implications of the European Union's AI Act for people with disabilities in 2025, which evaluates both the potential benefits and risks of AI implementation across six sectors.

# Statutory Obligations

## Web Accessibility Directive

### Recommendation

The NDA advises that An Garda Síochána articulates its statutory obligation to ensure its website and mobile applications comply with the EU Web Accessibility Directive.

### Rationale

The EU Web Accessibility Directive, which came into force in September 2020, requires EU Member States to ensure that the websites and mobile applications of public sector bodies are fully accessible to persons with disabilities and comply with the harmonised standard EN 310 549 (v3.2.1). The NDA is the National Monitoring Body responsible for monitoring compliance with and reporting on the EU Web Accessibility Directive and its 2023 Monitoring Report included the results of an in-depth review of An Garda Síochána’s website, as well as mobile application reviews of An Garda Síochána Android and iOS Apps.[[37]](#footnote-37)

The in-depth review of the Garda website identified 106 issues across 8 pages and 7 components assessed, equating to a compliance rate of 63% of the success criteria for the Web Content Accessibly Guidelines 2.1 (WCAG 2.1 SC). In-depth reviews of the Garda Android and iOS Apps found compliance rates of 81% and 83% respectively for the WCAG 2.1 SC tested.

## Compliance with Part 5 of the Disability Act 2005

### Recommendation

The NDA encourages An Garda Síochána to engage with the NDA on meeting the statutory employment target for disabled people under Part 5 of the Disability Act 2005 and to articulate a commitment to same in its Human Rights Strategy.

### Rationale

The Assisted Decision Making (Capacity) (Amendment) Act 2022 brought civilian staff of An Garda Síochána back within the terms of Part 5 of the Disability Act 2005, who were inadvertently removed from its scope by the Garda Síochána Act 2005.[[38]](#footnote-38) Part 5 of the Disability Act 2005 sets a 6% target for the employment of people with disabilities in the public sector from 2025 onwards (increasing from 4.5% in 2024). Garda civilian staff provide a crucial range of services to the public and should reflect the society they serve and be as diverse as possible.

The NDA has a statutory role in monitoring the employment of persons with disabilities in the public sector, and can provide advice and guidance on:

* Creating equitable, diverse and inclusive (EDI) work cultures using a Universal Design approach
* Supporting employees to feel comfortable in sharing their disability status
* Increasing the recruitment, retention and career progression of persons with disabilities
* Data collection

We are also aware that An Garda Síochána has examined the prevalence of disability among Garda members through the novel method of linking to Census data. This proactive interest in monitoring disability rates among members is to be commended. However, we would caution that there are some caveats with the data in terms of comparisons with previous Censuses and with data collected under Part 5 due to differences in definitions.

### Requirement for Accessible Public Buildings under Section 25 of the Disability Act 2005

### Recommendation

The NDA advises that An Garda Síochána commit to developing an action plan within its Human Rights Strategy, including access audits, planned improvements works, timeframes for implementation and earmarked funding, to work towards achieving compliance with its obligations under Section 25 of the Disability Act 2005. This may involve engaging with other authorities as appropriate, for example the Office of Public Works.

### Rationale

Garda stations should be physically accessible to people with disabilities, including those with physical disabilities. Women’s Aid’s recent report on **Disabled Women’s Experiences of Intimate Partner Abuse** highlighted the importance of accessible Garda stations for women with physical disabilities in addressing the low reporting of violence by disabled victims. The NDA-funded study on ‘**Access to Justice for People with Disabilities as Victims of Crime in Ireland**’ also identified accessible police premises as a facilitator of the reporting of crimes.

Section 25 of the Disability Act 2005 requires all departments and public bodies to ensure that the parts of their buildings which are accessed by the public, apart from heritage sites, are brought into compliance with Part M of the building regulations, which deals with access and use. The requirement is to upgrade older public buildings so that they comply with Part M, within a ten-year time-frame of any amendment to Part M.

Part M 2010 commenced on 1 January 2012 and was subsequently reviewed and replaced again with Part M 2022, which commenced on 1 January 2023. Under Section 25, public bodies were therefore required to bring their public buildings into compliance with Part M 2010 by 1 January 2022 and they are now required to bring them into compliance with Part M 2022 by 1 January 2033. The new requirements under Part M 2022 relates to the provision of Changing Places toilets.

The NDA acknowledges that some older Garda stations may fall outside the scope of Section 25 of the Act and within Section 29 of the same legislation and the remit of the Code of Practice for Heritage Sites.[[39]](#footnote-39) This Code allows for adaptations to make the building accessible once certain conditions are complied with and plans should also be put in place to make these buildings accessible where possible.

An **Operational Review of the Effectiveness of Section 25 of the Disability Act 2005** was published by the NDA in 2019 providing guidance on how public bodies can comply with Section 25 of the Disability Act.[[40]](#footnote-40) Informed by the findings of the Operational Review, the NDA has submitted a draft statutory Code of Practice on Accessible Public Buildings to the Minister for Children, Equality, Disability, Integration and Youth, which is awaiting approval. When approved, the NDA will have a role to monitor compliance with same, and to provide advice to departments and statutory agencies on areas requiring further action or focus.

# Other Considerations

## UN Convention on the Rights of Persons with Disabilities

Ireland ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in March 2018. Article 13 of the Convention, which focuses on equal access to justice, involves the removal of barriers to ensure access to legal proceedings to seek and obtain appropriate remedies on an equal basis with others. Article 13 also seeks to promote the involvement and participation of persons with disabilities in the administration of justice, and the appropriate training of persons working in the field of justice. The NDA advises that An Garda Síochána consider its obligations under the UNCRPD, and reflect a commitment to realising these in its Human Rights Strategy 2025–2027.

There are several resources available to assist with this task. The NDA’s 2020 annual conference was entitled ‘**Facilitating the effective and equal participation of persons with disabilities in the Irish criminal justice system (Article 13 UNCRPD)**’.[[41]](#footnote-41) The event considered Article 13 across the various stages of the criminal justice process including policing, with Garda representatives participating in a breakout session. We have also developed UNCRPD briefing papers on Article 13 UNCRPD and Article 16 UNCRPD (freedom from exploitation, violence and abuse).[[42]](#footnote-42) As highlighted, IHREC have published a baseline study on Article 13 UNCRPD in Ireland too.

## National Disability Strategy

The Department of Children, Equality, Disability, Integration and Youth is currently coordinating work across Government to develop Ireland’s next National Disability Strategy, which will be the successor to the National Disability Inclusion Strategy 2017–2022. The new strategy will seek to progress Ireland’s implementation of the UNCRPD. The NDA has assisted the Department by undertaking a national consultation exercise to inform its development. A report outlining the consultation findings, including issues relevant to criminal justice, will be published alongside the strategy.

Once finalised, the NDA advises that An Garda Síochána actively engage in the implementation of strategic priorities and actions identified in the forthcoming National Disability Strategy which may fall within its remit, including those of a cross departmental and agency nature.

## Language and Terminology

Disabled people are often included in the category of ‘vulnerable groups’ in policy frameworks and strategies both internationally and nationally. However, it is important not to depict disabled people as inherently vulnerable. People with disabilities become vulnerable because of the disabling barriers in society, rather than because of an individual’s ‘impairment’. This approach shifts the perspective from paternalism and protection towards empowerment and the recognition of disabled people as rights-holders.

The NDA also underscores that disabled people are not a homogenous group and may choose to identify in various ways. Furthermore, language changes and evolves over time. For example, references in the 1987 Custody Regulations to people who ‘are or are suspected to be mentally handicapped’ are outdated and no longer appropriate. Disabled Peoples Organisations (DPOs)[[43]](#footnote-43) are the organisations best placed to advise regarding the most up to date language and more advice is available in our **Advice Paper on Disability Language and Terminology**.[[44]](#footnote-44)

## Participation and Engagement

Article 4(3) of the UNCRPD requires all government departments and statutory agencies to ensure the effective participation of persons with disabilities in the creation and implementation of policies and legislation that impact their lives. The NDA strongly encourages An Garda Síochána to effectively and meaningfully engage with Disabled Persons’ Organisations and disabled people as part of this consultation process. The NDA wishes to highlight its **Participation Matters guidelines** as a useful resource in this regard and are happy to advise further.[[45]](#footnote-45)

## Collaboration and Cross-Sectoral Working

The NDA emphasises that more joined-up thinking and cross-agency collaboration is critical to successfully facilitating access to justice for persons with disabilities. The CAST pilot is an innovative example in this regard. The **Policing, Security and Community Safety Act 2024** also reflects this ambition, by aiming to make community safety a whole-of-government and multi-agency responsibility. The NDA encourages An Garda Síochána to consider potential ways of enhancing cooperation with other public bodies and agencies to improve community safety for disabled people.

We particularly welcome the cross-agency collaboration between the Gardaí and other agencies involved in community safety at the local level, including with local disability organisations and service providers on initiatives such as ‘Make Way Day’. The NDA advises that the newly constituted Local Community Safety Partnerships will provide another forum to further embed and build on this collaboration at the ground level.

## Disability Disaggregated Data

The Policing, Security and Community Safety Act 2024 introduces a new obligation on the Garda Commissioner to compile and store ‘statistical information’. Although the 2024 Act does not contain a requirement to collect disaggregated data across the equality grounds, the NDA wishes to draw attention to the forthcoming **National Equality Data Strategy**, due to be finalised and published by the Department of Children, Equality, Disability, Integration and Youth and the Central Statistics Office in early 2025.

The National Equality Data Strategy will promote data disaggregation, data linking, using a more standardised approach in relation to indicators and targets, and identifying and addressing data gaps. The strategy supports the ‘collect once, use often’ approach and the linking of various administrative databases as much as possible. The NDA recommends that the new Human Rights Strategy include a commitment to continue strengthening data collection, addressing data gaps, and enhancing the collection of disability disaggregated data. The NDA is willing to provide guidance on any of these issues.

1. The NDA notes that the Human Rights Strategy 2022 –2024 contains only one reference to disability, though there are two actions relating to mental health. A recent review of the strategic plans of key public bodies within the justice system by the Irish Human Rights and Equality Commission (IHREC) (including the Garda Síochána Human Rights Strategy 2022–2024) revealed an absence of specific provisions addressing access to justice for disabled people. According to IHREC, public bodies need to prioritise measures to facilitate access to justice for disabled people in future strategic planning efforts. IHREC’s 2024 research report ‘**Access to Justice: A Baseline Study of Article 13 of the UN Convention on the Rights of Persons with** **Disabilities**’ is available at: <https://www.ihrec.ie/documents/access-to-justice-implementation-of-article-13-of-the-un-convention-on-the-rights-of-persons-with-disabilities/> [↑](#footnote-ref-1)
2. Economic and Social Research Institute (2005) **Abuse of Women and Men in Ireland: Report on the National Study of Domestic Abuse**, available at: <https://www.esri.ie/publications/domestic-abuse-of-women-and-men-in-ireland-report-on-the-national-study-of-domestic> [↑](#footnote-ref-2)
3. For example, the Fundamental Rights Agency in an EU-wide survey in 2014, found that 34% of women with a health problem or disability have experienced physical or sexual partner violence, compared with 19% of women who do not have a health problem or disability, available at: <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report> [↑](#footnote-ref-3)
4. Women’s Aid (2024) **Disabled Women’s Experiences of Intimate Partner Abuse**, available at: <https://www.womensaid.ie/app/uploads/2024/10/Disabled-Womens-Experiences-of-Intimate-Partner-Abuse-in-Ireland-Research-Project-Report.pdf> [↑](#footnote-ref-4)
5. Claire Edwards and Nicola Maxwell (2019) **Towards SAFE(R)SPACES: Disability and Everyday Spaces of Un/Safety and Hostility in Ireland**, available at: <https://www.ucc.ie/en/media/research/iss21/TowardsSafer(r)Space.pdf> [↑](#footnote-ref-5)
6. Some disabled women indicated that they may be reluctant to report violence or abuse due to fears of not being believed or that their children might be taken from them. [↑](#footnote-ref-6)
7. Garda Síochána Inspectorate (2022) **Delivering Custody Services – A Rights-Based Review of the Treatment, Safety and Wellbeing of Persons in Custody in Garda Síochána Stations**, available at: <https://www.gsinsp.ie/delivering-custody-services/> [↑](#footnote-ref-7)
8. Mental Health Commission and An Garda Síochána (2009) **Report of the Joint Working Group on Mental Health Services and the Police**, available at: <https://www.garda.ie/en/about-us/publications/general-reports/report-of-joint-working-group-on-mental-health-services-and-the-police-2009-mental-health-commisson-an-garda-siochana-.pdf> [↑](#footnote-ref-8)
9. Dr Louise Rooney, Dr Deirdre Healy and Prof Fiona McNicholas (2021) **The Garda Síochána and Child Mental Health: An investigation of pathways to crisis mental health care**, available at: <https://www.policingauthority.ie/assets/uploads/documents/The_Garda_S%C3%ADoch%C3%A1na_and_Child_Mental_Health_FINAL.pdf> [↑](#footnote-ref-9)
10. Dr Susan Finnerty, Inspector of Mental Health Services (2021) **Access to Mental Health Services for People in the Criminal Justice System**, available at: <https://www.mhcirl.ie/publications/access-mental-health-services-people-criminal-justice-system> [↑](#footnote-ref-10)
11. Mental Health Commission (2024) **2023 Annual Report**, available at: <https://www.mhcirl.ie/publications/2023-annual-report> [↑](#footnote-ref-11)
12. Commission on the Future of Policing in Ireland (2018) **The Future of Policing in Ireland**, available at: <https://policereform.ie/> [↑](#footnote-ref-12)
13. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2020) **Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019**, available at: <https://www.coe.int/en/web/cpt/ireland> [↑](#footnote-ref-13)
14. Specifically, the **European Communities Act 1972 (Interpretation and Translation for Persons in Custody in Garda Síochána Stations) Regulations 2013** and the **Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987**. [↑](#footnote-ref-14)
15. Gearóidín McEvoy (2024) ‘Interpreters in Garda Station Interviews – Impacts and Realities’ in Yvonne Daly (ed.) **Police Custody in Ireland**. [↑](#footnote-ref-15)
16. Lorraine Leeson, Sophie Flynn, Teresa Lynch and Sheikh, Sheikh, (2020) ‘You Have the Right to Remain Signing: Deaf People and the Irish Justice System’, **Teanga**, 11(11), 142-173. [↑](#footnote-ref-16)
17. More information on the **JUSTISIGNS 2** project is available at the following link: <https://justisigns2.com/> [↑](#footnote-ref-17)
18. NDA (2018) **Guidance for Justice Professionals in Communicating with People with Autism** (currently being updated), available at: <https://nda.ie/publications/assisting-people-with-autism-guidance-for-justice-professionals-in-communicating-with-people-with-autism> [↑](#footnote-ref-18)
19. Alan Cusack, Gautam Gulati, Colum P. Dunne, and Shane Kilcommins (2024) ‘People With Intellectual Disabilities as Accused Persons in the Irish Policing Interface’ in Yvonne Daly (ed.) **Police Custody in Ireland**. [↑](#footnote-ref-19)
20. Claire Edwards, Gillian Harold, and Shane Kilcommins (2012) **Access to Justice for People with Disabilities as Victims of Crime in Ireland**, available at: <https://nda.ie/publications/access-to-justice-for-people-with-disabilities-as-victims-of-crime-in-ireland> [↑](#footnote-ref-20)
21. IHREC (2024) **Access to Justice: A Baseline Study of Article 13 of the UN Convention on the Rights of Persons with Disabilities**, available at: <https://www.ihrec.ie/documents/access-to-justice-implementation-of-article-13-of-the-un-convention-on-the-rights-of-persons-with-disabilities/> [↑](#footnote-ref-21)
22. Department of Children, Equality, Disability, Integration and Youth (2024) **Autism Innovation Strategy**, available at: <https://www.gov.ie/en/publication/c5835-autism-innovation-strategy/> [↑](#footnote-ref-22)
23. The NDA considers this terminology outdated and inappropriate. It also raises concerns regarding compliance with the UNCRPD. [↑](#footnote-ref-23)
24. Ursula Kilkelly and Dr Louise Forde (2020) **Children’s Rights and Police Questioning: A Qualitative Study of Children’s Experiences of being interviewed by the Garda Síochána**, available at: <https://www.policingauthority.ie/assets/uploads/documents/Children%E2%80%99s_Rights_and_Police_Questioning_-_A_Qualitative_Study_of_Children%E2%80%99s_Experiences_of_being_interviewed_by_the_Garda_S%C3%ADoch%C3%A1na.pdf> [↑](#footnote-ref-24)
25. See Department of Justice’s **Guidance Document for Registered Intermediaries**, available at: <https://www.courts.ie/registered-intermediaries-register> [↑](#footnote-ref-25)
26. NDA (2020) **Independent Advice Paper on the Use of Intermediaries in the Irish Justice System**, available at: <https://nda.ie/publications/nda-advice-paper-the-use-of-intermediaries-in-the-irish-justice-system> [↑](#footnote-ref-26)
27. A transcript of this meeting is available on the Oireachtas website at: <https://www.oireachtas.ie/en/committees/33/disability-matters/> [↑](#footnote-ref-27)
28. Gautam Gulati and others (2022) ‘The Collaborative Development Through Multidisciplinary and Advocate Consensus of an Accessible Notice of Rights for People with Intellectual Disabilities in Police Custody’, **International Journal of Law and Psychiatry** 83 101815. [↑](#footnote-ref-28)
29. This measure is mandated by the **Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations, 1987 and 2006**. [↑](#footnote-ref-29)
30. Gautam Gulati and others (2022) ‘The Collaborative Development Through Multidisciplinary and Advocate Consensus of an Accessible Notice of Rights for People with Intellectual Disabilities in Police Custody’, **International Journal of Law and Psychiatry** 83 101815. [↑](#footnote-ref-30)
31. **Disability Act 2005**, section 28(3). [↑](#footnote-ref-31)
32. National Disability Authority (2006) **Code of Practice on Accessibility of Public Services and Information provided by Public Bodies**, available at: <https://nda.ie/publications/code-of-practice-on-accessibility-of-public-services-and-information-provided-by-public-bodies-nda-report> [↑](#footnote-ref-32)
33. Centre for Excellence in Universal Design and Department of Public Expenditure NDP Delivery and Reform (2023) **Customer Communications Toolkit for Services to the Public – A Universal Design Approach**, available at: <https://universaldesign.ie/uploads/publications/Customer-Communications-Toolkit-2023-PDF_Final.pdf> [↑](#footnote-ref-33)
34. See for instance the Hampshire Constabulary ‘**Visual Impairment Protocol**’, available at: <https://www.hampshire.police.uk/news/hampshire/news/news/2020/september/new-police-protocol-launched-to-assist-blind-and-visually-impaired-people/> [↑](#footnote-ref-34)
35. IHREC (2024) **Submission to the Minister for Justice on the General Scheme of the Garda Síochána (Recording Devices)(Amendment) Bill**, available at: <https://www.ihrec.ie/documents/submission-to-the-minister-for-justice-on-the-general-scheme-of-the-garda-siochana-recording-devicesamendment-bill/> [↑](#footnote-ref-35)
36. European Union Agency for Fundamental Rights (2019) **Facial recognition technology: fundamental rights considerations in the context of law enforcement**, available at: <https://fra.europa.eu/en/publication/2019/facial-recognition-technology-fundamental-rights-considerations-context-law> [↑](#footnote-ref-36)
37. National Disability Authority (2024) **Ireland’s Monitoring Report for the EU Web Accessibility Directive – 2023 Monitoring Period**, available at: <https://nda.ie/uploads/publications/Monitoring-Report-EU-WAD-Ireland-2023.pdf> [↑](#footnote-ref-37)
38. **Assisted Decision Making (Capacity) (Amendment) Act 2022**, section 101. [↑](#footnote-ref-38)
39. National Disability Authority (2011) **Code of Practice on Accessible Heritage Sites**, available at: <https://nda.ie/uploads/publications/Code-of-Practice-on-Accessible-Heritage-Sites-Report.pdf> [↑](#footnote-ref-39)
40. National Disability Authority (2019) **Operational Review of the Effectiveness of Section 25 of the Disability Act 2005**, available at: <https://nda.ie/uploads/publications/an-operational-review-of-the-effectiveness-of-section-25-of-the-disability-act-20051.pdf> [↑](#footnote-ref-40)
41. More information, as well as video recordings of the entire **NDA 2020 Annual Conference** proceedings, are available at: <https://nda.ie/publications/nda-annual-conference-2020> [↑](#footnote-ref-41)
42. National Disability Authority (2022) **NDA Review Paper on UNCRPD Article 13: Access to Justice** and **NDA Review Paper on UNCRPD Article 16: Freedom from exploitation, violence and abuse**, available at: <https://nda.ie/publications/series-of-papers-on-individual-united-nations-convention-on-the-rights-of-persons-with-disabilities-uncrpd-articles> [↑](#footnote-ref-42)
43. Disabled Persons’ Organisations (DPOs) are a type of civil society organisation which are led, directed and governed by disabled people. A clear majority of its membership must be disabled people. The organisation should be rooted in, committed to and fully respect the principles and rights recognised in the UNCRPD. [↑](#footnote-ref-43)
44. National Disability Authority (2022) **NDA Advice Paper on Disability Language and Terminology**, available at: <https://nda.ie/publications/nda-advice-paper-on-disability-language-and-terminology> [↑](#footnote-ref-44)
45. National Disability Authority (2022) **Participation Matters guidelines**, available at: <https://nda.ie/uploads/publications/NDA-Participation-Matters_Web-PDF_092022.pdf> [↑](#footnote-ref-45)