

NDA Submission to the Department of Justice to inform the development of their new Statement of Strategy 2025–2028

**May 2025**

# Introduction

The National Disability Authority (NDA) is the independent statutory body with a duty to provide evidence-informed 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. We thank the Department for the opportunity to contribute to the development of its new Statement of Strategy.[[1]](#footnote-1)

The NDA recommends that the Department include clear commitments in its new Statement of Strategy with regard to how legislation, policies, programmes, services and supports within its remit will be inclusive of and provided to members of the public with disabilities. In particular, the NDA would welcome a clear statement confirming the Government’s policy of ‘mainstreaming’ and its commitment to meeting obligations under the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

# Summary

In our submission below, we have set out our advice in relation to the new Statement of Strategy. In summary, the statement of strategy should be aligned with the UNCRPD, including a commitment to effectively and meaningfully engage with Disabled Persons’ Organisations and disabled people in the creation and implementation of policies and legislation that impact their lives. We advise that it should include the following commitments:

* incorporating disability-related commitments in the new Programme for Government most relevant to the Department’s work and remit as strategic actions in the new strategic statement
* identifying and including within the new strategic statement all specific and cross-cutting actions in the draft National Disability Strategy and Autism Innovation Strategy which fall within or are relevant to the Department’s remit
* taking all necessary measures to ensure that the Department is sufficiently prepared to assume its responsibilities under the European Accessibility Act and Statutory Instrument S.I. 636/23, which comes into operation on 28 June 2025
* meeting existing statutory obligations in relation to the employment of people with disability in the public service, providing accessible information, services, websites and public buildings, and Irish Sign Language interpretation where required
* publishing an evaluation of the Registered Intermediaries pilot initiative, including specific consideration of the possibility of extending the scheme to facilitate the use of an intermediary by an accused person and in the investigation or pre-trial stage of a case
* prioritising the implementation of actions concerning disabled young people, including neurodivergent young people, over the remaining lifetime of the Youth Justice Strategy 2021–2027
* recognising and addressing the intersectional needs of asylum seekers, including disabled asylum seekers and international protection applicants.

# Programme for Government Commitments

The new Programme for Government, **Securing Ireland’s Future**, contains wide-ranging commitments to advance the rights and improve the lives of disabled people in Ireland. The NDA advises that the Department identify the disability-related commitments most relevant to its work and remit, including those of a cross-cutting nature, and include these as strategic actions in the new Statement of Strategy. These include:

* Implementing recommendations on the Taskforce on Mental Health and Addiction and publishing an annual progress report
* Improving access for people with disabilities, including participation in jury service.

# Alignment with National Strategies

The NDA advises that the Department’s new Statement of Strategy align with the UN Convention on the Rights of Persons with Disabilities and other relevant national strategies and policy commitments relevant to people with disabilities. Some of the most important of these are highlighted below.

## UNCRPD

Ireland ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in March 2018 and its Optional Protocol in November 2024. There are several Articles of the Convention relevant to the work of the Department, in particular Article 13, which focuses on the right to equal access to justice, and Article 16, relating to freedom from exploitation, violence and abuse.

The NDA advises that the Department has regard to the Convention when developing its new Strategic Statement and outlines therein how it intends to meet its obligations. The NDA has developed briefing papers on both Articles 13 and 16 of the Convention, detailing the legislation, policies, services and data available relevant to disabled persons, which may be of assistance in this regard.[[2]](#footnote-2)

## New National Disability Strategy

The Department of Children, Disability and Equality is currently coordinating work across Government to develop Ireland’s next National Disability Strategy, which will serve as the successor to the National Disability Inclusion Strategy 2017-2022. The new strategy will seek to progress Ireland’s implementation of the UNCRPD through a whole-of-government approach, necessitating collaboration between all government departments and agencies. Furthermore, the new Programme for Government commits to prioritising and funding this new National Disability Strategy.

While the new strategy has yet to be fully finalised, the NDA is aware that drafting is well advanced and advises that the Department ensure that its new Statement of Strategy incorporates specific and cross-cutting actions identified in the draft which fall within or are relevant to its remit. This will likely include actions concerning:

* Gathering accurate and timely data on the nature and prevalence of disability among people in custody, including psychosocial disabilities
* Consideration of how Registered Intermediaries could be further utilised to support disabled people have effective access to justice.

## Autism Innovation Strategy

The then Department of Children, Equality, Disability, Integration and Youth published an Autism Innovation Strategy in August 2024. The Strategy aims to address the bespoke challenges and barriers facing autistic people and to improve mainstream understanding and accommodation of the needs of autistic people across the public sector and society more generally. The NDA recommends that the Department’s new Statement of Strategy incorporate any actions identified within the Autism Innovation Strategy relevant to its role and remit. This includes:

* Action 56: To better support autistic people interacting with the Irish Prison Service in a coordinated manner, we will continue to advance efforts to support the development of Autism Accreditation Standards for the Irish Prison Service. These standards will establish national custodial standards for autistic people in custody and autistic family members of people in custody (lead: Irish Prison Service, supported by: the Department of Justice).

# Statutory Obligations

## Employment of People with Disabilities in the Public Sector – Part 5 of the Disability Act 2005

The NDA has a statutory role in monitoring the employment of persons with disabilities in the public sector, arising from Part 5 of the Disability Act 2005. Part 5 of the 2005 Act details the obligations on public bodies to promote and support the employment of persons with disabilities. This year, the minimum statutory employment target will increase from 4.5% to 6%, as stipulated in the Assisted Decision-Making (Capacity) (Amendment) Act 2022.

The NDA is disappointed to note that there was a decrease in the proportion of staff within the Department reporting a disability in 2022, reducing slightly from 8.9% in 2021 to 8.7% in 2022 (while acknowledging and welcoming that the Department well exceeded the statutory target).[[3]](#footnote-3) The results for 2023 will be available shortly.

We encourage the Department to continue maintaining compliance with Part 5 of the Disability Act and to articulate a commitment to same in the Department’s new Strategic Statement to reinforce its commitment to equality, diversity and inclusion (EDI) in the workplace.

## Accessible Public Services and Information – Part 3 of Disability Act 2005

The NDA also has a statutory monitoring role under Part 3 of the Disability Act 2005, which includes obligations on public bodies to ensure that information and services are accessible to persons with disabilities.[[4]](#footnote-4) Where practical and appropriate, public bodies should ensure that services provided to disabled persons and persons without disabilities are integrated.

In its 2022 Part 3 Monitoring Report, the NDA evaluated public body websites against an indicator relating to information on promoting the role of the Access Officer. The indicator consisted of the following three criteria:

* The promotion of the appointment of an Access Officer
* Information on how to contact the Access Officer
* A variety of communication channels for contacting them

The NDA welcomes that in its 2022 Monitoring Report, the Department met all three criteria of the indicator regarding Section 26(2) - Access Officers.[[5]](#footnote-5) We encourage the Department to continue maintaining compliance with Part 3 of the Disability Act and to articulate a commitment to ensuring that information and service are accessible to persons with disabilities in the new Statement of Strategy.

Additionally, the NDA’s Centre for Excellence in Universal Design, together with the Department of Public Expenditure, NDP Delivery and Reform, co-developed a **Customer Communications Toolkit for Services to the Public – A Universal Design Approach**, which provides guidance on how to design communications for the public using the simplest and clearest language possible and to ensure that all communications are accessible and meet the diverse needs of all customers.[[6]](#footnote-6) The NDA recommends that the Department utilises this toolkit to ensure the accessibility of its communications, and includes a commitment to same in its new Strategic Statement.

## EU Accessibility Act and S.I 636

Ireland transposed the EU Accessibility Act (EAA) in late 2023 through Statutory Instrument (S.I.) 636. The EAA covers products and services that have been identified as being most important for persons with disabilities. The main focus of the EAA is ensuring that digital goods and services post June 2025 are accessible for persons with disabilities. For the Department, this will mean integrating accessibility as a key requirement in the procurement of digital products and services.[[7]](#footnote-7)

The NDA is responsible for advising relevant market surveillance authority and compliance authorities on matters related to S.I. 636/2023 and recommends the Department to take the necessary measures to ensure that it is sufficiently prepared to assume its responsibilities under the EAA from 28 June 2025.

## EU Web Accessibility Directive

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 301 549 (v3.2.1). The Directive further requires public bodies to maintain an Accessibility Statement in a prominent location on all their websites. This must include a clear feedback mechanism for users to ask for assistance with inaccessible content and features as well as the statutory complaints mechanism through which a person can make a formal complaint about the website’s accessibility in line with the Disability Act 2005 or the Equal Status Act 2000-2015, whichever so applies.

The NDA is the National Monitoring Body responsible for monitoring compliance with and reporting on the EU Web Accessibility Directive. The NDA conducted 232 Simplified (automated) Reviews during the 2024 monitoring period, with the gov.ie website (on which the Department’s website is hosted) earning an accessibility score of 93.28%.[[8]](#footnote-8)

The NDA recommends that the Department engage with NDA to develop a systematic and comprehensive approach to even further improving the accessibility of its website and that it articulates its statutory obligation to ensure its website complies with the EU Web Accessibility Directive in its Strategic Statement. The NDA further recommends that the Statement of Strategy contain a commitment to developing an action plan to address access issues and that the Strategic Statement itself is published in a fully accessible format.

## Accessible Public Buildings – Section 25 of the Disability Act 2005

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 timeframe 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.

If not already developed, the NDA advises that the Department should commit to developing an action plan within the Strategic Statement, including access audits, planned improvements works, timeframes for implementation and earmarked funding, to work towards achieving compliance with these legal obligations. This may involve engaging with other authorities as appropriate, including for example, the Office of Public Works (OPW).

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. The NDA subsequently developed a draft statutory Code of Practice on Accessible Public Buildings which is awaiting approval from the Minister, informed by the findings of the Operational Review. 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.

## Irish Sign Language Act 2017

The **Irish Sign Language Act 2017** places a statutory duty on all public bodies, including the Department, to do all that is reasonable to provide Irish Sign Language (ISL) users with free ISL interpretation when availing of or seeking to access statutory entitlements and services provided by or under statute.

The NDA notes that in its **Report on the Operation of the Irish Sign Language Act 2017**, the Department assessed themselves as partially compliant with the Act.[[9]](#footnote-9)

The NDA advises that the Department’s new Strategy Statement include a commitment to meeting its obligations under the Irish Sign Language Act 2017 and implementing any relevant recommendations arising from the Report on the Operation of the Irish Sign Language Act 2017. A further review of the operation of this Act will take place later in 2025, during which departments may be asked to report on compliance with the legislation.

## Public Sector Duty

Section 42 of the **Irish Human Rights and Equality Act 2014** requires public bodies to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and everyone affected by their policies and plans. Section 42 of the Act also sets out three core steps to be taken by public bodies, as follows:

* in preparing strategic plans, public sector bodies must assess and identify the human rights and equality issues that are relevant to their functions. These issues must relate to all of its functions as policy maker, employer and service provider.
* public bodies must then identify the policies and practices that they have in place or that they plan to put in place to address these issues. In their annual reports, or equivalent documents, public bodies must report in a manner accessible to the public on their developments and achievement in that regard.
* in their annual reports, or equivalent documents, public bodies must report in a manner accessible to the public on their developments and achievement in that regard.

The NDA advises that the new Statement of Strategy elaborates how the Department will meet its Public Sector Equality and Human Rights Duty, with due consideration to the human rights of disabled persons.

# Other Key Considerations

## 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 the Department 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 we are happy to advise further.[[10]](#footnote-10)

## Disability Equality Training for Staff

The NDA suggests that the Department’s Statement of Strategy includes a commitment to provide disability equality training to all staff. The NDA is currently updating its eLearning module on disability equality training, which is aimed at public sector staff in Ireland. It will be available later in 2025.

## Disability Data

It is envisioned that the National Equality Data Strategy will be finalised and published in early 2025. The National Equality Data Strategy promotes 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 Strategy Statement include a commitment to continue to strengthen data collection, address data gaps and enhance the collection of disability disaggregated data, particularly within the prison population. The NDA are willing to provide guidance on any of these issues.

## Other Key Issues

### Registered Intermediaries

The NDA welcomes the Department’s ongoing pilot Registered Intermediaries scheme, operated with the assistance of the Courts Service. The NDA advises that the statement of strategy includes a commitment to publishing an evaluation of this pilot initiative. This evaluation should consider the possibility of extending the scheme to facilitate the use of an intermediary by an accused person and in the investigation or pre-trial stage of a case, in line with the NDA’s Independent Advice Paper on the Use of Intermediaries in the Irish Justice System.[[11]](#footnote-11)

### Youth Justice

The NDA is a member of the Youth Justice Advisory Group and welcomes ongoing work by the Department to implement the Youth Justice Strategy 2021–2027. Over the remaining lifetime of the Strategy, the NDA advises the Department to prioritise the advancement of actions concerning disabled young people, including neurodivergent young people (see for instance actions 1.3.3. and 1.10.6.b), and to articulate a commitment to same in the statement of strategy.

### Disabled international protection applicants

The NDA is aware that the Department now has responsibility for international protection accommodation and integration. During our consultation on the development of a new National Disability Strategy, the NDA consulted with disabled asylum seekers and their families, with specific concerns raised. For example, asylum seeker parents of children with autism highlighted difficulties and delays accessing therapies, adding that lack of services can be especially challenging for autistic children living in communal and small spaces and who lack time outdoors. The NDA therefore advises the Department to recognise and address the intersectional needs of asylum seekers, including disabled asylum seekers and international protection applicants.

# Conclusion

The NDA welcomes the opportunity to input on the consultation to inform the development of the Department’s new Statement of Strategy. We would be happy to engage with the Department on any of the points raised in this submission.

1. Public consultation on the development of the Department of Justice Statement of Strategy 2025–2028: <https://www.gov.ie/en/department-of-justice/consultations/public-consultation-on-the-development-of-the-department-of-justice-statement-of-strategy-2025-2028/> [↑](#footnote-ref-1)
2. National Disability Authority (2022) Overview of UNCRPD Article 13 in Ireland; National Disability Authority (2022) Overview of UNCRPD Article 16 in Ireland. [↑](#footnote-ref-2)
3. National Disability Authority (2024) Report on Compliance with Part 5 of the Disability Act 2005 for 2022. [↑](#footnote-ref-3)
4. See also National Disability Authority (2006) Code of Practice on Accessibility of Public Services and Information provided by Public Bodies. [↑](#footnote-ref-4)
5. National Disability Authority (2023) NDA Disability Act – Part 3 Monitoring Report 2022- Appendix A. [↑](#footnote-ref-5)
6. National Disability Authority (2023) [Customer Communications Toolkit for Services to the Public – A Universal Design Approach.](https://universaldesign.ie/communications-digital/customer-communications-toolkit-a-universal-design-approach) [↑](#footnote-ref-6)
7. Statutory Instrument 636, <https://www.irishstatutebook.ie/eli/2023/si/636/made/en/print>. [↑](#footnote-ref-7)
8. National Disability Authority (2024) Ireland’s Monitoring Report for the EU Web Accessibility Directive – 2023 Monitoring Period. [↑](#footnote-ref-8)
9. See Technical Annex 2 on the Public Body Survey: [Report on the Operation of the Irish Sign Language Act 2017 (December 2021) - National Disability Authority (nda.ie)](https://nda.ie/publications/report-on-the-operation-of-the-irish-sign-language-act-2017-december-2021) [↑](#footnote-ref-9)
10. National Disability Authority (2022) Participation Matters guidelines. [↑](#footnote-ref-10)
11. National Disability Authority (2020) Independent Advice Paper on the Use of Intermediaries in the Irish Justice System. [↑](#footnote-ref-11)