

UNESCO Chair, Munster Technological University, submission to the request for input from the Department of Children, Equality, Disability, Integration and Youth on the Draft Initial State Report under the United Nations Convention on the Rights of Persons with Disabilities

This contribution comes from the UNESCO Chair "Transforming the Lives of People with Disabilities their Families and Communities Through Physical Education, Sport, Recreation and Fitness". UNESCO established the UNESCO Chair in 2013 in the Institute of Technology Tralee, which became Munster Technological University in January 2021. This document responds to the request for submissions on Ireland's draft initial State Report under the United Nations Convention on the Rights of Persons with Disabilities. The submission focuses on several cross-cutting issues and focuses on articles 16, 19, 24, 25 and 30 of the Convention.

We welcomed the reference to the UNESCO Chair in paragraph 436 of the draft report. Since the Institute of Technology Tralee and Cork Institute of Technology merged in January 2021, Munster Technological University (MTU) now hosts the Chair.

Data, monitoring, and evaluation

The collection and use of robust, high-quality data are essential for making evidence-based judgments regarding monitoring and evaluation. Decisions about data collection and disaggregation can have important knock-effects on how different groups are considered in policy. In 2013, the UN High Commissioner for Human Rights, Navi Pillay noted "*Only robust and accurate statistics can establish the vital benchmarks and baselines that translate our human rights commitments into targeted policies, and only they can measure how effective those policies truly are*"¹.

The draft report provides information on many policies and legislation introduced recently relating to the rights of people with disabilities. However, there is a lack of follow-up information on these measures' impact and reach, making assessing their effectiveness difficult. Many of the policies referenced include actions, targets, and indicators. Therefore, there should be a correspondent monitoring and evaluation process, which would provide insights into the impact of policy on lived experiences of people with disabilities in Ireland. Sharing existing relevant data and committing to strong, rights-based data collection practices in the future would be a welcome inclusion that would strengthen the overall report.

While there are many policies and legislation mentioned in the report, and the burden of collecting data on all of them may seem onerous, much data collection can be used for a multiplicity of purposes. For example, in July 2017 the sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport (MINEPS VI) adopted the [Kazan Action Plan](#) (KAP) "to facilitate international and multi-stakeholder policy convergence, ease international

¹ Navi Pillay (2013) The factual backdrop for human rights protection and development agendas <https://www.ohchr.org/EN/NewsEvents/Pages/ThefactualbackdropHRprotectiondevelopmentagendas.aspx> accessed 26/03/2021

cooperation and foster capacity-building efforts of governmental authorities and sports"². As part of the implementation of Kazan Action Plan, indicators on the contribution of sport to the Sustainable Development Goals (SDGs) were developed. A mapping exercise undertaken by the UNESCO Chair found that these indicators were generally applicable also to reporting to UN human rights treaty bodies. Given the SDGs' rights-based nature, this cross-applicability goes beyond just sport indicators and much data gathered to monitor progress on the SDGs and can also be used to monitor progress towards human rights. CSO's SDG Division is publishing a series of e-publications that will monitor how Ireland is progressing towards meeting its targets under the 17 UN Sustainable Development Goals (SDGs) <https://www.cso.ie/en/statistics/unsustainabledevelopmentgoals/>. These existing data sources can be utilized for reporting to the CRPD.

Further developments relating to data gathering are ongoing in Ireland following the Budget 2021 announcement of plans for a well-being index to measure living standards in Ireland. The development of the index with data transferability in mind could see the availability of large and disaggregated data samples suitable for reporting on human rights treaties, the SDGs, and individual policies and action plans.

Interdependency of rights

Human rights are indivisible, interrelated, and interdependent. Human rights rely on each other as mutually reinforcing. Each right can contribute towards all other rights. Often fulfilling one right requires the implementation of many others.

The report's current layout is in line with the Committee on the Rights of Persons with Disability's guidelines on State party reports that requests reports deal specifically with every article of the Convention. The Guidelines for States do not preclude highlighting important cross-cutting articles and themes fundamental to the full implementation of the Convention. This can be done by cross-referencing sections or providing information in an introduction. The current draft report references some cross-cutting policies and legislation such as the Assisted Decision-Making Act 2015, the Irish Sign Language Act 2017, the National Disability Inclusion Strategy 2017-2021 and the Comprehensive Employment Strategy for People with Disabilities 2015-2024. We suggest that the introduction also provide information on initiatives designed to bring about the wholesale societal change needed for the meaningful implementation of the Convention in daily life. In particular, information regarding accessibility and awareness-raising, which are underlying foundations required to facilitate the implementation of all other articles, should be provided.

Participation of the people with disabilities in implementing the Convention

The phrase "nothing about us without us" has long been used by organisations of people with disabilities to highlight that we should not develop policies that will affect people with disabilities without the full and direct participation of people living with disabilities. CRPD Articles 4.3 and 33.3 enshrine the rights of people with disabilities to participate in the implementation of the Convention. States are obliged to closely consult and actively involve people with disabilities in the development and implementation of legislation and policies to implement the Convention and in the monitoring process of the Convention. Furthermore, article 29 enshrines the right of people with disabilities to participate in political and public life. In this regard, we welcome the broad consultative process that the Department has undertaken to prepare this report to date.

² UNESCO (2017) *Kazan Action Plan*

An ongoing priority of the UNESCO Chair is to increase the capacity of rightsholders to engage with international human rights monitoring systems on issues that affect them. With funding from the Democratic and Inclusive School Culture in Operation programme of the EU and Council of Europe, the UNESCO Chair, and critical partners are developing TRUST – The Rights Understanding in Sport - as a training module teaching human rights in and through sport and for embracing a human rights approach to sport education. In the Irish context, a partnership of the UNESCO Chair, the Federation of Irish Sport, Sport Against Racism Ireland, the Gaelic Athletic Association, the Central Statistics Office and Sport Ireland have launched TRUST Ireland- Sport as it should be. This project funded by the Irish Human Rights and Equality Commission aims to:

- Increase understanding among state actors, the sports sector and grassroots organisations of sport both as a human right and as a tool for human rights promotion, including within the context of Irish reporting to UN human rights mechanisms.
- Ensure that grassroots organisations can articulate to the State their contribution towards implementing human rights through sport on the ground and hold the State to account regarding their human rights treaty obligations related to sport and facilitate conversations between all actors.
- Facilitate conditions for better engagement between all actors on human rights, sport reporting and policy development.

To achieve these aims, TRUST Ireland is preparing to host a series of workshops with rightsholders, including a specific workshop for people with disabilities. We hope that these sessions will equip rightsholders, including people with disabilities, with tools to help them self-advocate for their rights and fully and effectively participate in human rights dialogues and consultations with State bodies and government departments. TRUST Ireland partners will train rightsholders from each of the identified groups to lead the rightsholder workshops to ensure that the sessions are as relevant as possible, fostering a sense of ownership over the process. Separately, we will convene with the National Governing Bodies of Sport and Local Sports Partnerships, Higher Education Institutions and Education Training Boards and hold expert dialogues with representatives from across governmental departments. We hope that representatives from the Department of Children, Equality, Disability, Integration and Youth who work on the various inclusion remits and those with responsibility for UN human rights reporting will attend this session. We hope that national human rights institutions and interested organisations in other countries will adopt TRUST Ireland as a good practice model for socialising human rights in and through sport and engendering multi-stakeholder cooperation in this domain.

Information on Specific Articles

Article 16 - Freedom from exploitation, violence, and abuse

Research conducted at the UNESCO Chair has identified a gap in the sports sector regarding vulnerable adult safeguarding. While child protection policies are common practice, most sporting bodies do not have corresponding policies to protect vulnerable adults.

We note the information supplied regarding existing vulnerable adult protection measures in the HSE and social care settings. We also welcome the information regarding ongoing developments such as the Law Reform Commission Issues Paper on A Regulatory Framework for Adult Safeguarding, the development of a national safeguarding policy for the health and social care sector, and the draft legislation in respect of establishing a regulatory framework for adult

safeguarding prepared by Safeguarding Ireland. We would welcome further information regarding these developments. In particular, whether there are plans to move forward with Safeguarding Ireland's draft legislation or to further the issues raised by the Law Reform Commission? We would welcome information on the potential scope and applicability of any planned legislation.

Article 19 - Living independently and being included in the community

We welcome the information provided on independent living and accessing services for community living. However, it is essential to note that article 19 goes beyond "living in the community" and refers to "being included in the community". In their general comment on living independently and being included in the community, the Committee on the Rights of Persons with Disabilities notes that the right to independent living and inclusion in the community should not be interpreted solely as living outside of an institution or the ability to carry out daily activities by oneself. Instead, it means not depriving the person living with disability of the opportunity to choose and control personal lifestyle and daily activities and access to all measures and events of political and cultural life in the community, including sports.³ The Committee further notes that cultural life, recreation, leisure, and sport are important dimensions of life in the community. Inclusive communities need to be pursued and achieved, ensuring that events, activities, and facilities are accessible and inclusive.⁴

The State report should expand information provided on this article to include information regarding policies and programmes to counter social exclusion and segregation of people with disabilities. The report should comment on measures to ensure that people with disabilities are included in and can participate in broader community life, including sport and cultural life and local politics and community organisations.

Article 24 - Education

Physical Education is often described as the foundation on a pathway to long term engagement in physical activity and sport. The Committee on the Rights of Persons with Disabilities note in General Comment number 4 on the right to education that; "For article 24 (1) (b) to be implemented, education should be directed to the development of the personality, talents and creativity of persons with disabilities, as well as of their mental, **physical** and communicational abilities, to their fullest potential."⁵ Throughout international human rights treaties (CESCR, CRC and CRPD), the right to education is considered to include the right to physical education. General Comment number 4 further notes that "States parties must remove barriers and promote accessibility and availability of inclusive opportunities for persons with disabilities to participate on an equal basis with others in play, recreation and sports in the school system and in extracurricular activities, including in other educational environments".⁶ In their Guidelines for Policy Makers on Quality Physical Education, UNESCO note that participation in physical education is an important opportunity for children with disabilities to correct misconceptions that prevent inclusion. Studies of physically active children

³ UN Committee on the Rights of Persons with Disabilities (2017) *General comment No. 5 on living independently and being included in the community* para 16

⁴ *Idem* para 94

⁵ UN Committee on the Rights of Persons with Disabilities (2016) *CRPD/C/GC/4 General comment No. 4 (2016) on the right to inclusive education* para 16

⁶ *Idem* para 58

with disabilities found that they were deemed as more competent by their able-bodied counterparts.⁷

The draft State report in its current form does not make any mention of physical education. The training of teachers, accessibility requirements and reasonable accommodations measures for inclusive physical education may differ from the training and measures needed to ensure inclusion for other subjects which are taught in a classroom setting. Therefore, it is possible the children with disabilities who are included in the more traditional classroom setting are still being excluded or segregated during physical education. In light of this, specific information on the provision of inclusive physical education should also be provided in the State report. Topics which should be addressed in the report include information on the inclusiveness of physical education curricula, in-service training of any teachers providing PE on inclusive physical education, accessibility requirements for school sport facilities, and the incorporation of adapted physical activity and inclusive physical education into sport science courses in higher level education. If there is data available on any discrepancies between inclusion of children with disabilities in classroom settings and inclusion of children with disabilities in physical education classes, this would also be of note.

The State report notes that some students with more severe needs may be placed in a special school or special class attached to a mainstream primary school. Information should be supplied on whether these special schools and classes provide physical education.

Article 25 - Health

Regular participation in physical activity and sport has multiple health benefits including reducing and managing noncommunicable diseases such as cardiovascular diseases, cancer and diabetes, reducing symptoms of depression and contributing to healthy growth and development in young people. People with disabilities also experience health benefits from regular physical activity. Indeed, research has found that the deconditioning and loss of function experienced by persons with disability due to inactivity impacts more on quality of life and health than the presenting disability⁸. This extends from social isolation and mental health factors to co-morbidities. The impact of participation in physical activity on the physical and mental health of people with disabilities is highlighted by the result that people with disabilities who met recommended physical activity levels are 2.2 times more likely to report higher quality of life than those who did not exercise and 1.6 more likely than those who did some exercise.⁹

In December 2020, the [*WHO Guidelines on Physical Activity and Sedentary Behaviour*](#) were launched to provide evidence-based public health recommendations for children, adolescents, adults and older adults on the amount of physical activity required to offer significant health benefits and mitigate health risks. For the first time, recommendations are provided on the associations between sedentary behaviour and health outcomes, as well as for subpopulations including people with disabilities. Any information on Ireland's plans to implement these guidelines, in particular in relation to the disability specific recommendations, would be a welcome inclusion in the draft report.

⁷ UNESCO (2015) *Quality Physical Education (QPE) Guidelines for Policy-Makers* p.36

⁸ Rimmer, J., Chen, M., McCubbin, J., Drum, C. & Peterson, J. (2010). Exercise intervention research on persons with disabilities: what we know and where we need to go. *American Journal of Physical Medicine and Rehabilitation*, 89(3), 249-63

⁹ NDA, Ireland 2006

We note the reference to the National Physical Activity Plan in the draft report. We suggest that more detailed information be provided on the disability-specific aspects of this plan, and in particular on progress towards implementing the disability specific actions outlined in the plan.

Article 30 - Participation in cultural life, recreation, leisure and sport

Throughout our work, the UNESCO Chair uses the Kazan Action Plan definition of sport: "The term "sport" is used as a generic term, comprising sport for all, physical play, recreation, dance, organised, casual, competitive, traditional and indigenous sports and games in their diverse forms."¹⁰

We note the reference in the draft report to the reach of the Sports Inclusion Disability Officers (SIDOs) who have 24,387 persons with disabilities in their network. Any further data on the participation of people with disabilities in sport, as understood in its broader sense, and both mainstream and disability specific sport would be a welcome inclusion. In particular, any available data on the participation levels of people with disabilities in comparison to the overall population should be included.

Participation in sport is not necessarily limited to playing sport or competing in a sport. It involves inclusion at all stages from participant or spectator to volunteer or professional involvement as coaches, trainers, teachers etc. Having people with disabilities employed in the sport sector can create a more welcoming and understanding environment for other people with disabilities to begin engaging in sport. However, people with disabilities can face particular barriers to these positions, in particular due to the lack of provision in professional qualifications acknowledging and accommodating their requirements. Training and qualification metrics for those training to work in the sport sector have tended to accommodate and adapt to the needs of students with disabilities on an ad-hoc basis. This creates uncertainty for both students and teachers and examiners and results in uneven treatment and outcomes between students with disabilities. Qualification metrics should develop to include more standard measures of assessment for people with disabilities. The reasonable accommodation measures available to the student with disabilities in the workplace they are training to join should be reflected and integrated into qualification assessments. Any information with regards to efforts at national level to integrate standards assessments for students with disabilities, as well as to promote employment in the sport sector among people with disabilities would be a welcome inclusion to the draft report.

With regards to funding for participation of people with disabilities in sport, we note the information regarding the most recent round of funding under the Sports Capital Programme where 45% of maximum marks for applicants were available only to projects from disadvantaged areas or those that were focused on persons with disabilities. We would welcome further information in this regard, in particular whether this is now general policy for the Sports Capital Programme going forward, or whether it was a once off initiative. We would also welcome information as to whether there are similar strategies in place throughout State funding mechanisms for sport. Information as to whether failing to have inclusive practices constitutes an exclusion criterion for State funding would be welcome.

We note the references to World Games, Paralympic Games and the Special Olympics. The impact such events can have is not limited to the individual competing athletes but can have an empowering impact on people with disabilities more broadly as well as having major implications for

¹⁰ UNESCO (2017) *Kazan Action Plan*

the acceptance and understanding of people with disabilities in society. For example, a YouGov study in the UK regarding the impact of the London 2012 Paralympic Games found 8 out of 10 disabled people considering taking up sport following the Games and three-quarters of British people felt more positive about the role of disabled people having watched the Games.¹¹ Given the significant potential of sport to foster empowerment and change attitudes, information on whether these Games receive media attention and whether they are broadcast on State-owned media in Ireland would be welcome.

Article 32 International Cooperation

The Irish state has supported and facilitated a number of international events organised by the UNESCO Chair in recent years. In June 2019 the Permanent Mission of Ireland to the United Nations in New York, sponsored an event organised by the UNESCO Chair on "[*Maximising the power of the CRPD to affect disability inclusion in and through sport aligned with the Kazan Action Plan, WHO's Global Action Plan on Physical Activity and the UN Action Plan on Sport for Development and Peace*](#)" as part of the 12th Conference of State Parties to the Convention on the Rights of Persons with Disabilities. Minister of State with Responsibility for Disability, Finian McGrath spoke at this panel event. The previous year at the 11th Conference of State Parties to the Convention on the Rights of Persons with Disabilities the Permanent Mission of Ireland also sponsored a UNESCO Chair organised event on "Driving Government & Private Investment and Action in Inclusive Sport under the Kazan Action Plan Commitments aligned with CRPD and the Sustainable Development Agenda". Minister of State McGrath also joined this panel. We are very grateful for Irish support in this regard.

Since the publication of Ireland's draft report in December 2020, we have been pleased to note the promotion of inclusive sport as a component of Irish foreign policy. In January 2021, the Department of Foreign Affairs of Ireland and the Scottish Parliament launched an [*Ireland-Scotland Joint Bilateral Review: Report and Recommendations 2021–25*](#). The review makes the commitment that "The Consulate General of Ireland in Edinburgh and the Scottish Government Office in Dublin will jointly host an event in 2021 to share best practice in increasing participation and inclusivity in sport."¹² The UNESCO Chair would welcome the opportunity to collaborate on such an event. The Wales- Ireland [*Shared Statement and Joint Action Plan*](#) published in March 2021 also commits to "share best practice in increasing participation and inclusivity in sport to promote broader health and well-being outcomes across society".¹³ These references to promoting inclusive sport are very welcome and we hope that this will continue as an area of importance for Irish foreign policy.

In their *Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities* the Committee recommends that information be provided on actions toward facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training

¹¹ BBC (2017) *The Paralympics: Driving Social Change Through Sport* <https://bccjapan.com/news/the-paralympics-driving-social-change-through-sport/> (accessed 30/03/2021)

¹² Government of Ireland and Government of Scotland (2021), *Ireland-Scotland Joint Bilateral Review: Report and Recommendations 2021–25* pg. 20

¹³ Government of Ireland and Welsh Government (2021), *Wales- Ireland Shared Statement and Joint Action Plan* pg. 17

programmes and best practices.¹⁴ Irish led projects from the UNESCO Chair are contributing significantly in this regard.

- **Kazan Plan Implementation:** In 2017, the sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport (MINEPS VI) adopted the Kazan Action Plan (KAP) "to facilitate international and multi-stakeholder policy convergence, ease international cooperation and foster capacity-building efforts of governmental authorities and sports". KAP is a coherent mechanism for policy development, implementation and monitoring aligned with universal human rights and the SDGs within and beyond the UN system. Following the Kazan Action Plan's adoption in 2017, the UNESCO Chair was charged with leading a global consortium to advance the inclusive policy actions of the Kazan Action Plan and its five follow-up actions. This action (action 1) focuses on respecting, protecting and fulfilling human rights in and through sport. The action closely aligns with a separate action (action 2) on measuring the contribution of sport, physical education and physical activity to the SDGs. Under action 1, the UNESCO Chair, in collaboration with many international partners, has developed a series of draft tools for states, NHRIs and civil society to assist them in reporting to the UN human rights monitoring bodies on human rights in and through sport. These draft tools include reporting indicators that are largely aligned to indicators being developed under action 2 of the Kazan Action Plan and human rights indicators developed by OHCHR. The UNESCO Chair has met with several of the UN human rights treaty bodies in Geneva to discuss this initiative and present the draft tools. In March 2019 we met with the Committee on the Rights of Persons with Disabilities on this agenda. During this meeting we called on the CRPD to:
 1. Consider a General Comment on Physical Education, Physical Activity and Sport (PEPAS) (pertaining to Core Articles 30.5 and transversally through Articles 6, 7, 8, 9, 16, 19, 20, 24, 25, 26, 27, 31, 32 and 33.)
 2. Advocate and endorse the development of a Human Rights Fact Sheet on Physical Education, Physical Activity and Sport.
 3. Ensure, through direct reference in guidance notes and or list of issues, that state and non-state reporting mechanisms include representation from the PEPAS sector.
 4. Endorse and promote the development of reporting templates and advocacy tools on CRPD and PEPAS.
- **TRUST:** With funding from the Democratic and Inclusive School Culture in Operation (DISCO) program of the EU and Council of Europe, the UNESCO Chair, and key partners, are developing TRUST – The Rights Understanding in Sport - as a training module for use in schools, colleges, clubs and the wider community, providing resources for teaching human rights in and through sport and for embracing a human rights approach to sport education. It includes theoretical and practical resources that will help foster effective rights-based sport education and delivery practices. TRUST also delivers advocacy and audio-visual materials to help raise awareness of the role that sport can play in promoting these rights, particularly when addressing the needs of all in sport, including minority groups such as people with disabilities.
- **iPEPAS:** iPEPAS is a blended learning, training and education resource which inclusivizes physical education, physical activity and sport (PEPAS) training and education, increasing the capacity of practitioners to operate inclusively. iPEPAS enables PEPAS-related training and

¹⁴ UN Committee on the Rights of Persons with Disabilities (2009) *Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities* pg.19

education providers to increase the capacity and self-efficacy of their learners (i.e. pre-service or in-service practitioners) to operate inclusively. iPEPAS adopts an intersectional approach to inclusion, while focusing on the inclusion of people with disabilities. It is currently being piloted with the Mauritius Institute of Education.

- [Plan2Inclusivize](#) is an active and participatory approach which has been developed to promote social inclusion of children with disabilities through inclusive sports and play. It has been successfully piloted in a number of development and humanitarian settings in collaboration with Plan International.
- [Universal Fitness Innovation & Transformation](#) (UFIT) is a social movement led by the UNESCO Chair building capacity in the fitness industry to mainstream diversity through local partnerships in a lifelong, life-wide manner for greater well-being of all. There are currently over 100 fitness clubs involved with UFIT across USA, Ireland, UK, Portugal, Spain and Peru.

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