



Department of Children, Equality, Disability, Integration and Youth

and

National Disability Authority

Consultation on the new National Disability Strategy

Submission by the Ombudsman for Children's Office

7 February 2024

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Introduction

The Ombudsman for Children's Office (OCO) welcomes the opportunity to make a submission as part of the consultation to develop a new National Disability Strategy.

The OCO is an independent statutory body, which was established in 2004 under the Ombudsman for Children Act 2002 (2002 Act). Under the 2002 Act, as amended, the Ombudsman for Children has two core statutory functions:

- to promote the rights and welfare of children up to the age of 18 years, and
- to examine and investigate complaints made by or on behalf of children about the administrative actions of public bodies, schools and voluntary hospitals that have or may have adversely affected a child.

We have prepared this submission pursuant to section 7(4) of the 2002 Act, which provides for the Ombudsman for Children to advise on any matter concerning the rights and welfare of children.

The purpose of this submission is to highlight measures to implement the rights of children with disabilities as contained in both the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the UN Convention on the Rights of the Child (UNCRC), while addressing some of the issues faced by children with disabilities that have come to the attention of the OCO through the implementation of our statutory functions. The OCO recommends that the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) and the National Disability Authority (NDA) give consideration to the views and experiences of children and young people with disabilities contained in [*Pieces of Us: A Children's Report to the UN Committee on the Rights of the Child*](#) when developing the strategy.

In preparing our submission, we have had regard to the questions put forward in the consultation document:

- Question 1: What changes do you see as important to ensure that disabled people in Ireland are fully included in society in line with the vision of the UNCRPD?
- Question 2: What needs to happen for these changes to be achieved?
- Question 3: What would a successfully implemented strategy look like? For example, how do you think life should have improved for disabled people in Ireland at the end of a five-year strategy?
- Question 4: If you have any other views that are relevant to the new National Disability Strategy, please tell us?

Research commissioned by the OCO, [*Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland*](#), identified three main barriers to the enjoyment by children with disabilities of their rights:

- The separation of people with disabilities, and children, into different laws, policies and programmes, and the relative invisibility of children with disabilities within each of these measures.

- The failure to actively involve children with disabilities in consultations on many existing laws, policies and programmes, and the failure to actively involve them in much of the existing research on the operation of these measures.
- The relative invisibility of children with disabilities in data – as data on the experiences of children is often not disaggregated by disability.

Key changes that the OCO recommends be addressed in and through the new strategy include ensuring that children with disabilities are seen, heard and counted.

Measures to ensure children with disabilities are seen

The rights of children with disabilities

Children with disabilities are subjects of rights under both the UNCRC and UNCRPD. While Article 23 of the UNCRC refers specifically to children with disabilities, all other rights contained in the UNCRC also apply to children with disabilities. In a Joint Statement, the UN Committee on the Rights of the Child (CRC Committee) and the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) reaffirmed that all principles and rights enshrined in the UNCRC and the UNCRPD are interrelated with respect to children with disabilities.

The UNCRC also contains four rights which are considered vital to realising all other children’s rights in the UNCRC. Known as the UNCRC’s ‘general principles’, these four rights are the child’s right:

- not to be discriminated against on any grounds (Article 2);
- to have their best interests treated as a primary consideration in all actions affecting them (Article 3);
- to life, survival and development (Article 6); and
- to express their views freely in all matters affecting them and to have due weight given to their views, in accordance with their age and maturity (Article 12).

Article 4 of the UNCRC requires States to undertake all appropriate legislative, administrative and other measures for the implementation of children’s rights. This applies to all children, including children with disabilities. Article 7 of the UNCRPD requires the implementation of the rights of children with disabilities by requiring States to take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

The CRC Committee identifies general measures of implementation that need to be taken to respect, protect and fulfil children’s rights in line with Article 4 of the UNCRC.¹ These general measures for implementing children’s rights include:

- legislation
- comprehensive policy and strategy
- coordination

¹ UN Committee on the Rights of the Child (2005), [General Comment No. 5 \(2003\) General measures of implementation of the Convention on the Rights of the Child](#), CRC/GC/2003/5.

- allocation of resources
- data collection
- dissemination, awareness raising and training
- monitoring, including child rights impact assessment and evaluation and independent monitoring
- effective remedies.

The OCO encourages the DCEDIY and the NDA to ensure that the new strategy is clearly grounded in and directed towards the implementation of the rights of children with disabilities contained in the UNCRPD as well as the UNCRC. In this regard, the strategy should:

- include an appropriate focus on the UNCRC and the UNCRPD in respect of children with disabilities;
- include a focus on actions that can support mainstreaming of children’s rights contained in the UNCRPD and UNCRC, and a child rights-based approach across the system and in respect of core measures and decisions affecting children with disabilities;
- include system-level actions that foster an enabling environment where the rights of children with disabilities as set out in the UNCRC and UNCRPD are central considerations in all decisions made that affect their lives, like the approach taken by the DCEDIY in [Young Ireland: The National Policy Framework for Children and Young People 2023-2028](#); and
- mobilise and promote use of the UNCRPD, the UNCRC and the corresponding general comments and concluding observations as a resource to support the State’s implementation of the rights of children with disabilities.

Inclusion of children with disabilities in child- and disability-focused laws, policies and programmes

Mind the Gap found that the implicit or explicit exclusion of children with disabilities in child- and disability-focused laws, policies and programmes is a pervasive barrier in many areas affecting their lives. The implicit or explicit exclusion of children with disabilities in child- and disability-focused laws, policies and programmes was a pervasive barrier across almost all the areas covered in that report. Laws, policies and programmes designed to support people with disabilities were found to be often focused exclusively on adults, while there are gaps relating to children with disabilities in laws, policies and programmes relevant to the lives of children.

An example provided in the OCO’s commissioned research refers to the fact that the Child Care Act, 1991, which governs the provision of child welfare and protection services in Ireland is not inclusive of children with disabilities. There is no explicit provision made for the protection and welfare of children with disabilities and part 8 of the Act, which is focused on children’s residential centres, explicitly excludes residential centres for children with disabilities. The case of ‘Grace’ is illustrative of the failures of the State and its Agencies to adequately protect children with disabilities already in the care of the state from harm and abuse.²

² C. Moloney, C. de Bhailís, D. Kennan, C. Kealy, S. Quinlivan, E. Flynn and J. Phiri (2021), [Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland](#), p. 58.

Contrary to current practice, the OCO firmly believes that the strategy should include specific measures to include children with disabilities in both child- and disability-focused laws, policies and programmes.

Definition of disability

The UNCRPD refutes the medical and charity approaches to disability by adopting a human rights model based on the inherent dignity of persons with disabilities and the recognition “that impairments must not be taken as a legitimate ground for the denial or restriction of human rights.”³ The Preamble of the UNCRPD recognises that disability is an evolving concept and that “disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.” According to Article 1(2) of the UNCRPD “persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” In a Joint Statement, the CRC Committee and the CRPD Committee reaffirmed that all principles and rights enshrined in the UNCRC and the UNCRPD are underpinned by the human rights model of disability.⁴

The definition of disability varies across Irish legislation, which is confusing, and out of step with international human rights concepts of disability. For example, the Disability Act 2005 definition is adult-centred and is not in line with the broad concept of disability under the UNCRPD.⁵ The definition of disability under the Equal Status Acts, while broader than the 2005 Act, is based on medical deficit and results in diagnosis led systems, which is also not compliant with the human rights based understanding of disability under the UNCRPD.⁶ In this respect, the OCO recalls that the CRC Committee recommended in its 2023 Concluding Observations that Ireland review relevant legislation, including the Equality Acts, Disability Act and Education for Persons with Special Education Needs Act, to bring them in line with a human rights-based approach to disability, particularly with regard to the definition of disability.⁷

Furthermore, it is clear from Article 1(2) of the UNCRPD that persons with disabilities include persons with mental health problems. Consequently, the rights of children with mental health problems or mental distress are disability rights and protected under the UNCRPD.⁸

Children with disabilities consulted by the OCO are aware of the need for reform of the definition of disability and the impact this would have on access to services. One child in secondary school stated: *[T]here’s also this like huge project I’m undergoing at the moment is trying to find a universal*

³ UN Committee on the Rights of Persons with Disabilities (2018), [General Comment No. 6 on Equality and Non-discrimination \(Article 5\)](#), CRPD/C/GC/6, para 9.

⁴ UN Committee on the Rights of the Child and UN Committee on the Rights of Persons with Disabilities (2021), [Joint Statement on the Rights of Children with Disabilities](#).

⁵ Ombudsman for Children’s Office (2020), [Unmet Needs: A report by the Ombudsman for Children’s Office on the challenges faced by children in Ireland who require an assessment of their needs](#).

⁶ C. Moloney, C. de Bhailís, D. Kennan, C. Kealy, S. Quinlivan, E. Flynn and J. Phiri (2021), [Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland](#), p. 22.

⁷ UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 29(a).

⁸ C. Moloney, C. de Bhailís, D. Kennan, C. Kealy, S. Quinlivan, E. Flynn and J. Phiri (2021), [Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland](#), p. 81.

*definition for disability to bring to the Dáil to like try annoy the EU to do it. So like that means that everyone across the EU will get like the same resources, because [now] disability is classed as something else in each country.*⁹

The strategy should:

- adopt an inclusive and human rights model of disability in line with the UNCRPD; and
- include actions directed towards ensuring that a consistent definition of disability that is inclusive and based on the human rights model is adopted throughout legislation, policy and programmes relating to people with disabilities, including children.

Interagency cooperation

The OCO also encourages the DCEDIY and the NDA to include a focus on interagency cooperation in the new strategy. The lack of interagency cooperation for children with disabilities remains a concern of the OCO. One investigation conducted by the OCO highlighted how different state agencies viewed a child with a disability in care.¹⁰ Neither agency saw the child involved both as a child in care and as a child with a disability, which impacted on their ability to appropriately identify and meet the needs of children with disabilities in care. One agency identified her protection and welfare needs, but made no distinction with regard to her disability requirements while the other recognised her disability needs but made no distinction with regard to her protection and welfare vulnerabilities as a child in care. Another investigation identified failures by state agencies to work individually and together to meet the needs of a child with a disability who ended up in hospital past medical need as a result.¹¹ A corresponding action in the new strategy could be a requirement for Government Departments and State Agencies to work together to provide the necessary resources, services and supports for children with disabilities.

Allocation of resources

The OCO continuously receives complaints about inadequate funding to ensure access by children with disabilities to necessary services and supports, assessments of need, aids and equipment, and accessible housing and transport. We are particularly concerned about children with disabilities who remain in hospital due to insufficient funding for services to support their parents to care for them and to enable children with disabilities to grow up with their family at home.¹² An OCO investigation highlighted the need for investment in respite services, which are inadequately resourced and inconsistently provided to children across the country.¹³

⁹ Ombudsman for Children's Office (2022), [Pieces of Us: A Children's Report to the UN Committee on the Rights of the Child](#), p. 68.

¹⁰ The Ombudsman for Children's Office (2018), [Molly's* case: How Tusla and the HSE provided and coordinated supports for a child with a disability in the care of the State](#).

¹¹ The Ombudsman for Children's Office (2020), [Jack's* Case: How the HSE and Tusla, the Child and Family Agency, provided for and managed the care of a child with profound disabilities](#).

¹² Ombudsman for Children's Office (2020), [Jack's* Case: How the HSE and Tusla, the Child and Family Agency, provided for and managed the care of a child with profound disabilities](#); Ombudsman for Children's Office (2023), [Jack's Case: 2023 Update](#); Ombudsman for Children's Office (2023), [Nowhere to Turn: Children with disabilities left with no support](#).

¹³ Ombudsman for Children's Office (2020), [Molly Two Years On: Have Tusla and the HSE delivered on commitments to children with a disability in the care of the State?](#)

Children with disabilities consulted by the OCO on the State’s implementation of their rights told the OCO about the difficulties they experience accessing public health services, including delays, long waiting lists for diagnoses and difficulty procuring essential medication. Delays in assessments by public health services was a recurring theme that caused anxiety in children who were concerned with the cost of private assessments.¹⁴ One child in secondary school who was diagnosed with special educational needs (SEN) in senior infants remarked on the disparities in access among his classmates due to cost and delays, stating, *Like there’s a disparity. I’m definitely on the luckier end of special educational needs because I was diagnosed when I was in Senior Infants, so I had it like fairly early. ...I know several friends that were maybe looking at getting an ADHD diagnosis and it was costing over a grand, and it would take a few months to get it. So, and unless you have a diagnosis, you’ve got like no hope at any accommodations.*

The CRC Committee identifies making children visible in budgets as a general measure to implement the rights of children, including children with disabilities. Research on the rights of children with disabilities notes that information is not made available on the proportion of spending on disability services that is allocated to children with disabilities or on the proportion of mental health spending that relates to services for children with psychosocial disabilities.¹⁵ The CRC Committee recommended that Ireland incorporate a child rights-based approach to the budgeting process, including that the State:

- implement a tracking system for the allocation, use and monitoring of resources for children in all areas of their rights, with a view to eliminating disparities and ensuring equitability, and assess how investments in all sectors serve the best interests of the child; and
- define specific budget lines for all children, paying special attention to children with disabilities.¹⁶

The strategy should include actions that address the allocation of adequate funding for services and practical supports for children with disabilities and their families along with strict guidelines for service delivery. Resources allocated to children with disabilities should be sufficient - and earmarked so that they are not used for other purposes - to cover all their needs.

Measures to ensure children with disabilities are heard

Participation of children with disabilities in all matters affecting them

Article 4(3) of the UNCRPD recognises the importance of “including children with disabilities” in a systematic way in the elaboration and application of legislation and policies to implement the UNCRPD, as well as in other decision-making processes. Article 7(3) of the UNCRPD requires States parties to ensure that children with disabilities have the right to express their views freely on all matters affecting them and that their views are given due weight in accordance with their age and maturity, on an equal basis with other children. Similarly, Article 12(1) of the UNCRC requires State

¹⁴ Ombudsman for Children’s Office (2022), [Pieces of Us: A Children’s Report to the UN Committee on the Rights of the Child](#), pp. 79-80.

¹⁵ C. Moloney, C. de Bhailís, D. Kennan, C. Kealy, S. Quinlivan, E. Flynn and J. Phiri (2021), [Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland](#), pp. 15-16 and p. 74.

¹⁶ UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 9.

parties to ensure that children have the right to express their views freely in all matters affecting them and to give their views due weight in accordance with the age and maturity of the child. The standard of Articles 4(3) and 7(3) of the UNCRPD and Article 12 of the UNCRC requires States to examine their laws and policies to ensure that the autonomy, will and preferences of children with disabilities are well understood and respected on an equal basis with other children.¹⁷ Children with disabilities should be consulted and their views taken seriously when laws, policies and services that affect them are being created to ensure that services and policies are responsive to these children's needs.

However, research commissioned by the OCO highlights that children with disabilities face barriers to participation, including limited inclusion in legislative and policy frameworks, a lack of adequate resources and limited capacity among professionals to implement processes that are inclusive and accessible for children with different disabilities.¹⁸

In 2019 and 2022, the OCO held Beyond Limits, an event for children with disabilities and their families, that aims to show them the opportunities that are open to them, talk about the issues they want to talk about and highlight inclusiveness. In line with the OCO's statutory obligations to consult regularly with groups of children,¹⁹ and Ireland's obligations under the UNCRPD and UNCRC, the OCO established a Youth Advisory Panel to give children with and without disabilities the opportunity to express their views on creating an inclusive event. Organising Beyond Limits and including children with disabilities in its organisation allowed staff to develop capacity to work with children with different abilities and be more inclusive and accessible towards children with disabilities.²⁰

The OCO encourages the DCEDIY and the NDA to make it an objective of the new strategy that participation opportunities are offered and accessible to all children with disabilities to express their views in every decision-making process affecting them in all spheres of their lives, including home, community, education, leisure, public services, policy and legislation, on an equal basis with other children and with adults with disabilities. A corresponding action could be included in the new strategy that aims to provide training and capacity building to Government departments and public bodies on designing and undertaking inclusive and accessible processes that ensure equal consultation and participation of children with disabilities in the development of law, policy and practices that impact on them.

Participation of children with disabilities in the development, implementation and monitoring of the new strategy

The OCO notes that, though people with disabilities were included in the monitoring and implementation of the former National Disability Inclusion Strategy (NDIS), there is no evidence that

¹⁷ UN Committee on the Rights of Persons with Disabilities (2014), [General Comment No. 1 - Article 12: Equal recognition before the law](#), CRPD/C/GC/1, para. 36; UN Committee on the Rights of the Child, [General Comment No. 12 \(2009\): The right of the child to be heard](#), CRC/C/GC/12, para. 21.

¹⁸ C. Moloney, C. de Bhailís, D. Kennan, C. Kealy, S. Quinlivan, E. Flynn and J. Phiri (2021), [Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland](#), pp. 27-31.

¹⁹ [Ombudsman for Children Act 2002, as amended, s. 7\(2\)\(a\)](#).

²⁰ Ombudsman for Children's Office (forthcoming), Beyond Limits: Youth Advisory Panel End-of-Project Report.

the views of children with disabilities were included in monitoring the NDIS.²¹ More broadly, it is unclear if consultative processes adopted in the development, implementation and monitoring of other national strategies affecting children with disabilities have included such children.²² In this regard, the OCO encourages the DCEDIY and the NDA to lead by example and include children with disabilities in the processes to develop, implement and monitor the new strategy.

Measures to ensure children with disabilities are counted

Data

Research has identified the lack of up to date, disaggregated data as a key barrier to the realisation of the rights of children with disabilities.²³ An OCO examination into how Tusla and the HSE provided and coordinated supports for a child with a disability in the care of the State²⁴ showed how the HSE and Tusla could not come to agreement on the number of children with disabilities in State care, which has implications for the levels of support available for these children. An OCO report into the lack of forward planning of school places indicated the problems faced by many children with special educational needs in securing an appropriate school place.²⁵

The OCO welcomes that a national Equality Data Strategy, which aims to put in place a strategic approach to improving the collection, use and dissemination of equality data,²⁶ is due to be published shortly.²⁷ The OCO encourages the DCEDIY and the NDA to ensure that up to date, disaggregated data on children with disabilities is consistently and systematically gathered, collated and analysed by the CSO, Government Departments and other agencies through mechanisms that are accurate, standardized and which reflect the actual situation of children with disabilities. In order to comply with human rights obligations, all data collection measures should consult with and actively involve children with disabilities and their families, to understand better how this information can be gathered in a manner that respects children's rights. The OCO suggests that a corresponding action could be included in the new strategy to require all relevant Government departments and public bodies to use relevant data to appropriately plan for the provision of adequate funding and resources to allow for timely access to services for children with disabilities. A requirement to use this data to plan for the provision of necessary services and supports, including school transport, medical equipment and primary care supports, for children with disabilities should also be included.

²¹ C. Moloney, C. de Bhailís, D. Kennan, C. Kealy, S. Quinlivan, E. Flynn and J. Phiri (2021), [Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland](#), pp. 20-21.

²² Ibid.

²³ Ibid., p. 122.

²⁴ The Ombudsman for Children's Office (2020), [Molly Two Years On Have Tusla and the HSE delivered on commitments to children with a disability in the care of the State?](#) at pp. 11-12

²⁵ The Ombudsman for Children's Office (2022), [Plan for Places Forward Planning for the Provision of Schools Places for Children with Special Educational Needs: A Children's Rights Issue](#).

²⁶ Department of Children, Equality, Disability, Integration and Youth, Press Release, [Minister O'Gorman announces the development of a National Equality Data Strategy](#), 21 March 2022

²⁷ Houses of the Oireachtas, Dáil Eireann Debate, [Departmental Policies](#) [55935/23], 17 January 2024.

Additional measures for implementing the rights of children with disabilities

Along with the points made above, it is the OCO's view that a successfully implemented strategy will also include the following elements:

- Be informed by and apply the principle of the “best interests of the child” contained in article 3 of the UNCRC and article 7 of the UNCRPD to children with disabilities, with a careful consideration of their evolving capacities, their circumstances and in a manner that ensures children with disabilities are informed, consulted and have a say in every decision-making process related to their situation;²⁸
- A comprehensive review of all domestic laws and related regulations in order to ensure that they contain clear and explicit provisions for the protection and exercise of the specific rights of children with disabilities, in particular those enshrined in article 23 of the UNCRC and in the UNCRPD;
- An appropriate multi-sectoral coordinating mechanism for children with disabilities (including public and private organisations), as part of a broader coordination system for the rights of the child or a national coordination system for persons with disabilities;
- An independent and adequately resourced monitoring system, well known and accessible to children with disabilities and their care givers, alongside a system of self-monitoring and evaluation by Government. Ensuring that the best interests of children with disabilities are a primary consideration in all actions concerning them (article 3(1) of the UNCRC and article 7(2) of UNCRPD), and that the provisions of the UNCRC and the UNCRPD are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessments (predicting the impact of any proposed law, policy or budgetary allocation which affects children with disabilities and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation). The CRC Committee emphasizes that this process needs to be built into government at all levels and as early as possible in the development of policy.²⁹
- Support and cooperation with NGOs enabling them to participate in the provision of services for children with disabilities while ensuring they operate in full compliance with the provisions and principles of the UNCRC and the UNCRPD; and
- Training programmes for professionals working with and for children with disabilities that include targeted and focused education on the rights of children with disabilities as a prerequisite for qualification. These professionals include but are not limited to policymakers, judges, lawyers, law enforcement officers, educators, health workers, social workers and media staff among others. As one child with a visual impairment told the OCO, *I'm just disappointed that some teachers don't even bother to learn, no matter how much I mention it, no matter how much I say, 'Okay, I need this in large print'. I've had to mention it to this one teacher in Third Year every single class. Every single class.*³⁰

²⁸ UN Committee on the Rights of Persons with Disabilities (2018), [General Comment No. 6 on Equality and Non-discrimination \(Article 5\)](#), CRPD/C/GC/6, para. 38.

²⁹ UN Committee on the Rights of the Child, [General Comment No. 5 \(2003\): General Measures of Implementation of the Convention on the Rights of the Child](#), CRC/GC/2003/5, p. 11.

³⁰ Ombudsman for Children's Office (2022), [Pieces of Us: A Children's Report to the UN Committee on the Rights of the Child](#), p. 64.

Conclusion

From a children's rights perspective, for the new strategy to be successful it needs to be underpinned by the UNCRPD and the UNCRC. The rights safeguarded by both Conventions cover all areas of children's lives, and both Conventions recognise children with disabilities as subjects of rights.³¹ The need for a national plan of action that integrates all the provisions of the UNCRC is a well-recognised fact and has often been a recommendation made by the CRC Committee to States parties. Plans of action, including plans and strategies for children with disabilities, must be comprehensive and should have measurable outcomes.³²

As mentioned earlier, the CRC Committee underscores the necessity of paying particular attention to the framework of general measures for the implementation of the UNCRC in order to fully implement the rights of children with disabilities.³³ The new strategy is best placed to progress the implementation of national commitments made by the Government to children with disabilities, such as those in *Young Ireland: The National Policy Framework for Children and Young People 2023-2028*, the [Action Plan for Disability Services 2024-2026](#) and the HSE [Roadmap for Service Improvement 2023 – 2026: Disability services for children and young people](#), but also to ensure that the Government lives up to its international obligations towards children with disabilities under the UNCRC and UNCRPD.

³¹ UN Committee on the Rights of the Child and UN Committee on the Rights of Persons with Disabilities (2021), [Joint Statement on the Rights of Children with Disabilities](#).

³² UN Committee on the Rights of the Child, [General Comment N. 9 \(2006\): The rights of children with disabilities](#), CRC/C/GC/9, 27 February 2007, para. 18.

³³ *Ibid*, para. 6.