



ombudsman
do leanaí
for children

Public Consultation to inform the Review of the Disability Act 2005

Submission by the Ombudsman for Children's Office

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Recommendations

The Ombudsman for Children's Office makes the following recommendations in relation to the Review of the Disability Act 2005 and the broader landscape concerning the rights of disabled children.

General and Cross-Cutting Recommendations

- Conduct a child-specific consultation process to ensure the views and needs of disabled children are central to any reform of the Disability Act 2005.
- Establish a formal cross-departmental mechanism to align reform of the Disability Act 2005 with implementation of the Education for Persons with Special Educational Needs (EPSEN) Act 2004 review, ensuring coherent assessment and support pathways for children.
- Give effect to all rights and obligations of the UN Convention on the Rights of the Child (UNCRC) by fully and directly incorporating the Convention into Irish law.

Part 1 of the Act

- A reformed Disability Act should:
 - Reorient the legislation around a human rights model of disability, consistent with the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the UNCRC, with express recognition of the rights of disabled children.
 - Include a Children's Principle, setting out guiding principles which must inform the interpretation and implementation of the provisions that concern children.
 - Amend the definition of disability to ensure that it is rights-based, child-centred and inclusive. Such a definition should be adopted consistently throughout Irish legislation, policy and programmes concerning disabled people, including children.
 - Ensure that provisions relating to resources are consistent with the State's obligations under the UNCRPD and the UNCRC and do not undermine the effective enjoyment of rights.
 - Include a review clause to assess whether the legislation is achieving its objectives and meeting Ireland's obligations under the UNCRPD and the UNCRC.

Part 2 of the Act

- A reformed Disability Act should:
 - Amend section 7 to ensure a best interests, holistic, multidisciplinary, needs-based approach to Assessment of Need.
 - Ensure any amendment to section 8(9) is made in conjunction with reform of the EPSSEN Act.
 - Amend section 18 to strengthen the remedial powers of the Disability Appeals Officer, including by providing for compensation where appropriate.
- With respect to the Disability (Amendment) Bill 2026, legislative amendments designed to reduce burdens on resources must not erode children's statutory rights, including the right to a comprehensive assessment process that can lawfully and effectively identify a child's needs and the services required.

Part 3 of the Act

- A reformed Disability Act should:
 - Ensure that any future departmental planning, implementation and monitoring arrangements include specific mechanisms for the direct, accessible and ongoing participation of disabled children, alongside engagement with Disabled Persons Organisations (DPOs).
 - Consider strengthening Part 3 to address the accessibility of privately owned facilities and services that are open or provided to the public, consistent with Article 9 of the UNCRPD.

Introduction

The Ombudsman for Children's Office (OCO) is an independent statutory body established in 2004 under the Ombudsman for Children Act 2002. Under the 2002 Act, the OCO has two core statutory functions:

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

The OCO welcomes the opportunity to provide observations to the Department of Children, Disability, and Equality in respect of the Public Consultation to inform the Review of the Disability Act 2005 ('the Act'). These observations have been prepared pursuant to section 7(4) of the Ombudsman for Children Act 2002, which provides for the Ombudsman for Children to advise on any matter concerning the rights and welfare of children, including proposals for legislation.

Statement on language

With respect to disability language, the OCO has historically used the term "children with disabilities", reflecting the terminology used in the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and by the UN Committees on the Rights of Persons with Disabilities and on the Rights of the Child.

We are, however, cognisant that the majority of Disabled Persons Organisations (DPOs) in Ireland prefer identity-first language. This is reflected in both the *National Human Rights Strategy for Disabled People 2025-2030* and the revised *Advice Paper on Disability Language and Terminology* developed by the National Disability Authority (NDA).^{1 2} We note the NDA's recommendation to use identity-first language while maintaining a flexible approach, recognising that person-first language is preferred by some communities and individuals.

The OCO further recognises that individual children may use different language to describe themselves and their disability. Consistent with their rights to express their views and preserve their identities, children's own preferred terminology should be respected.

In light of the above, we have adopted a flexible approach to disability language, using both identity-first and person-first language, with the latter used primarily when referring to the terminology of international human rights instruments, standards and bodies.

Consulting with children

We note that this is a two-stage process involving (1) written submissions and (2) consultation events. In addition to this written submission, the OCO would welcome the opportunity to participate in a consultation event.

Noting the 2022 Joint Statement on The Rights of Children with Disabilities by the UN Committee on the Rights of the Child and the UN Committee on the Rights of Persons with Disabilities, which highlights that children with disabilities are often not given the appropriate fora to share their experiences, to participate and to be heard in all decision-making that affects them, **we strongly encourage the Department to conduct a child-specific consultation process to ensure the views and needs of disabled children are central to any reforms.**³ The Committees observe that States should ensure that children with disabilities are equipped with and enabled to use any mode of communication needed to express their views and that those views should be given due consideration.⁴

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 was a key finding of research commissioned by the OCO in 2021.⁵

Background

The rights of disabled children are a priority issue for the OCO because they are among the cohort of children who can face multiple barriers to the enjoyment of their rights. We have long advocated for a child-centred, rights-based approach to disability law, grounded in a holistic and multidisciplinary understanding of children's development and needs. Every child with a disability in Ireland has the right, under the UN Convention on the Rights of the Child (UNCRC) to the highest level of health and education to fulfil their potential. Their rights to equality and non-discrimination, accessibility, and effective participation and inclusion are further reinforced under the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

In 2020, the OCO published *Unmet Needs: A report on the challenges faced by children in Ireland who require an assessment of their needs*.⁶ The report raised serious concerns about ongoing violations of the rights of disabled children and recommends several actions to remedy this, taking a child-centred and rights-based approach, to address these challenges. We subsequently provided observations to the Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth in the course of its work on

assessments of need and to the Oireachtas Joint Committee on Disability Matters in its pre-legislative scrutiny of the *General Scheme of the Disability (Amendment) Bill 2025*.^{7 8 9}

We have also published reports on inadequate access to services for disabled children and appropriate school places for children with special educational needs.^{10 11} We commissioned research which identified the key barriers to the realisation of rights for disabled children in Ireland and proposed positive measures which can address these barriers appropriately and effectively.¹² The OCO has also engaged extensively with government consultation processes such as the review of the Education for Persons with Special Educational Needs (EPSEN) Act 2004 and the development of the current National Disability Strategy.^{13 14}

Context

We welcome the Programme for Government commitment to advancing the rights and improving the lives of disabled people.¹⁵ The establishment of a Disability Unit in the Department of the Taoiseach is a clear indication that disability has been prioritised by government. We hope that this unit, alongside the *National Human Rights Strategy for Disabled People 2025-2030*, will bring much-needed coordination, accountability and delivery of disability commitments across government. We further welcome increases in disability-specific funding, the designation of an Independent Monitoring Mechanism for the UNCRPD and child-specific measures such as the launch of the Education Therapy Service in schools.

However, the OCO remains seriously concerned that disabled children continue to experience multiple barriers, including significant difficulties in accessing an assessment of their needs, health services, school placements and educational supports. We are further concerned that the partial reforms to the Assessment of Need (AON) process proposed in the Disability (Amendment) Bill 2026 that seek to reduce burdens on resources could erode children's statutory rights.

The OCO has consistently argued that reform of the Disability Act 2005 cannot be considered in isolation from education legislation or other pathways through which children access assessment and support. The 2005 Act and the EPSEN Act, which provides for an assessment of special educational needs so that further provision could be made for a child with such needs to be educated in an inclusive environment, were originally designed to operate in tandem. However, the failure to commence Sections 3-13 of the EPSEN Act, which concern the assessment of special educational needs in furtherance of a child's educational needs, has resulted in disproportionate reliance on the AON process

for education-related needs. This has contributed to pressure on the AON system and blurred the boundaries between health and education responsibilities.

The Department of Education and Youth's review of the EPSEN Act 2004 acknowledged the need to consider alignment between that framework and the 2005 Act, particularly regarding assessment pathways and the transfer of responsibilities between health and education systems.¹⁶ While we welcome the development of an implementation plan for the review of the EPSEN Act, the OCO is concerned that these two processes are asynchronous.

There is therefore a risk of perpetuating systemic fragmentation and creating gaps or duplication in responsibility. This could result in children having to navigate different assessment processes and routes to support depending on the pathway through which their needs are identified and addressed. **The OCO recommends that the Government establish a formal cross-departmental mechanism to align reform of the Disability Act 2005 with implementation of the EPSEN Act 2004 review, ensuring coherent assessment and support pathways for children.**

Furthermore, in light of our work over many years on the rights of disabled children and our broader work on children's rights, the OCO believes a paradigm shift is needed to formally embed consideration of children's rights in Ireland's law- and policy-making processes. As recommended by the UN Committee on the Rights of the Child, **the State should give effect to all UNCRC rights and obligations by fully and directly incorporating the Convention into Irish law.**¹⁷

Putting children's rights into law provides a framework for accountability, puts children at the heart of everything we do and gives them the opportunity to claim their rights. This is particularly important for disabled children who have been relatively invisible within disability law and policy and children's law and policy respectively. In the OCO's view, incorporation of the 42 rights of the UNCRC into law is the single most important thing we can do to protect and safeguard the rights of all children in Ireland.

Feedback on Part 1 of the Act

With respect to Part 1 of the Act, the OCO's key concerns are:

- The need to align the purpose, objectives and guiding principles of the Act with the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child.

- The absence of a specific Children’s Principle, reflecting the UNCRPD and the UNCRC, to guide interpretation and implementation of the provisions of the Act that concern children.
- The definition of disability is adult-centred and impairment-focused and does not reflect the human rights model of disability underpinning the UNCRPD.
- The need to review the resource allocation provisions to ensure that resource considerations do not operate as a general qualification on rights and obligations.
- The need to retain and strengthen the statutory review mechanism in any reform of the Act.

Compliance with UNCRPD and UNCRC

As the Department knows, the Act considerably pre-dates Ireland’s ratification of the UN Convention on the Rights of Persons with Disabilities in 2018. Nor does it expressly reflect Ireland’s obligations under the UN Convention on the Rights of the Child, ratified in 1992. In its 2023 Concluding Observations, the Committee on the Rights of the Child (CRC) recommended that Ireland review relevant legislation, including the Equality Acts, Disability Act and the EPSEN Act, to bring them in line with a human rights-based approach to disability.¹⁸

It is the OCO’s firm view therefore that **any reform of the Act must reorient the legislation around a human rights model of disability, consistent with the UNCRPD and the UNCRC, with express recognition of the rights of disabled children.**

This approach is reflected in the *National Human Rights Strategy for Disabled People 2025–2030*, which seeks to advance the realisation of the UNCRPD and is explicitly underpinned by the principles set out in Article 3 of UNCRPD. These principles are:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.¹⁹

A reformed Disability Act should embed objectives and guiding principles reflecting these general principles, supplemented by specific provision for the rights of disabled children in accordance with Article 7 of the Convention.

Introduction of a Children's Principle

Article 7 of the UNCRPD requires States to ensure that disabled children enjoy all human rights and fundamental freedoms on an equal basis with other children.²⁰ It also specifically recognises their rights in relation to best interests and participation, complementing the rights afforded to all children under the UNCRC.

As recommended in our *Unmet Needs* report, the OCO believes **a reformed Disability Act should include a Children's Principle, setting out guiding principles which must inform the interpretation and implementation of the provisions that concern children:**

- Children are recognised as independent rights-holders;
- Children have a right to have their best interests treated as a primary consideration in all actions and decisions affecting them;
- Children have a right to survival and development to the maximum extent possible;
- Children with disabilities are entitled to enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community;
- Children have the right to non-discrimination, and the State must take active steps to identify children, who may require special measures for the recognition and realisation of their rights;
- Children have a right to the enjoyment of the highest attainable standard of health;
- Children with disabilities should be provided with reasonable accommodation, and effective individualised support measures in educational environments that maximise academic and social development, consistent with the goal of full inclusion;
- Children have a right to express their views freely and to have due weight given to their views, in accordance with their age and maturity, and must be provided with disability- and age-appropriate assistance to exercise this right; and
- Children are entitled to timely decision-making and accountability by decision makers.

Definition of disability

The current definition of disability, provided for in section 2 of the Act, is not aligned with the UNCRPD, is not sufficiently rights-based or child-centred, nor is it consistent with how

disability is defined elsewhere in Irish legislation.²¹ The language of “enduring” impairment risks excluding those disabled children with transient or cyclical conditions.²² Additionally, the focus on the capacity of a person to carry out “a profession, business, or occupation” is adult-centred, and does not sufficiently cover important elements of a child’s daily life such as their right to an education and their right to play, as protected by Articles 28 and 31 of the UNCRC.²³ The definition largely reflects the medical model of disability, neglecting its social aspects, locating the restriction primarily in the individual's impairment rather than recognising the interaction between impairment and societal barriers.

The UNCRPD instead reflects a broader understanding of disability, recognising in the Preamble that it is an evolving concept and one which “results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.”²⁴ Article 1 of the UNCRPD notes that 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.”²⁵ The Convention refutes the medical and charity models of disability and adopts a human rights model, recognising the inherent dignity of individuals with disabilities, and that impairment must never be considered legitimate grounds for the denial or restriction of human rights.^{26 27} In a joint statement issued by the UNCRC and UNCRPD Committees, it was reaffirmed that all principles and rights contained the UNCRC and UNCRPD are underpinned by this human rights model of disability.²⁸

As the OCO has previously recommended, **the definition of disability should be amended to ensure that it is rights-based, child-centred and inclusive.** Furthermore, it is essential that this **definition is adopted consistently throughout Irish legislation, policy and programmes concerning disabled people, including children.**

Resource allocation

Section 5 of the Act makes the provision of services subject to the resources allocated by Ministers and public bodies and provides that, where the maximum permitted allocation has been made, the Act does not require additional funding or the provision of services that cannot be met from that allocation.

While both the UNCRPD and UNCRC recognise the progressive realisation of economic, social and cultural rights within available resources, they require States to take measures to the maximum extent of available resources. Resource constraints should therefore not operate as a general qualification on the rights and obligations protected by the Conventions.²⁹

A reformed Act should therefore **ensure that provisions relating to resources are consistent with the State's obligations under the UNCRPD and the UNCRC and do not undermine the effective enjoyment of rights.**

Review of the Act

Section 6 provided for a review of the operation of the Act five years following its commencement. This is good practice and **a revised Disability Act should include a review clause to ensure the legislation is achieving its objectives and meeting Ireland's obligations under the UNCRPD and the UNCRC.**

The review should be independently conducted and shaped by the meaningful participation of disabled people, including direct consultation with disabled children. It should comprehensively assess the operation and impact of the Act, drawing on the experiences of those directly affected by it. Consideration should be given to establishing a periodic review mechanism to assess the Act's continued effectiveness and compliance with the UNCRPD and the UNCRC.

Feedback on Part 2 of the Act

With respect to Part 2 of the Act, the OCO's key concerns are:

- The need to provide a child-centred, rights-based and needs-led framework for assessment, with statutory provision for holistic and multidisciplinary assessment, including diagnosis where appropriate, effective redress and oversight, and clear alignment with reform of the EPSEN Act.
- Regarding the Disability (Amendment) Bill 2026, legislative amendments designed to reduce burdens on resources must not erode children's statutory rights, including the right to a comprehensive assessment process that can lawfully and effectively identify a child's needs and the services required.

Unmet Needs

The OCO has longstanding concerns about the operation and design of Part 2 of the Act. Our *Unmet Needs* report highlighted the serious impact on children of delays in accessing statutory Assessments of Need (AONs), particularly given the importance of early identification and intervention to children's development.

We have consistently stated that, as enacted, Part 2 provides an assessment of the need for services, rather than an assessment of the child's holistic health and development

needs. The gateway to service identification under Part 2 is a finding of “disability” under an adult-centred definition. Where an Assessment Officer finds that a child does not have a disability, a Service Statement cannot be provided irrespective of other needs identified. This is a diagnosis-led rather than needs-led model and is at odds with more recent policy directions toward needs-led models and early intervention.

The UNCRC requires children’s development to be understood holistically, encompassing their physical, mental, spiritual, moral, psychological and social development. And the Committee on the Rights of Persons with Disabilities has expressed its concern that the laws and policies of States still approach disability through a diagnosis-led model, despite the incompatibility of that model with the Convention. According to the Committee, the persistent use of such paradigms fails to acknowledge persons with disabilities as full rights holders. They are instead ‘reduced’ to their impairments. In contrast, the rights-based model of disability recognises that disability is a social construct, and impairments must not be taken as a legitimate ground for the denial or restriction of rights. It acknowledges that disability is one of several layers of identity, and that human rights are interdependent, interrelated and indivisible.³⁰

In the OCO’s view, the assessment and identification of children’s developmental needs should be holistic and multidisciplinary, and this should be expressly provided for in legislation. **A revised Disability Act should therefore amend section 7 of the 2005 Act to ensure a best interests, holistic, multidisciplinary, needs-based approach to Assessment of Need.**

Cross-departmental coordination and alignment with EPSEN reform

The effectiveness of Part 2 has also been undermined by its relationship with the EPSEN Act. The two Acts were intended to operate together, but sections 3–13 of the EPSEN Act, which provide for assessment of special educational needs and education planning, were never commenced. In *Unmet Needs*, we recommended the amendment of section 8(9) of the 2005 Act to remove reference to a special educational needs assessment referral under the EPSEN Act, as necessary. As outlined earlier in this submission, the OCO believes that cross-departmental coordination is essential to align reform of the Disability Act with implementation of the EPSEN Act review. As such, **any amendment to section 8(9) should be made in conjunction with reform of the EPSEN Act.**

Effective redress and oversight

The State should ensure that a functional and accessible complaints mechanism remains in place for children to seek and obtain effective and timely remedies. Where the statutory

timelines as set out in the 2005 Act have been breached, the Disability Appeals Officer should seek to exercise their powers under the 2005 Act by applying to the Circuit Court for an enforcement order three months after the non-implementation of their recommendation.³¹

Where exigent circumstances exist, appropriate reparation in the form of the reimbursement of private medical fees incurred by a parent in securing alternative services as a result of a delay in receiving an AON for their child, should be considered.³² This may necessitate the legislative expansion of the powers of the Disability Appeals Officer to provide such compensation as a remedy for breaches under the Act.³³

A revised Disability Act should therefore **amend section 18 of the 2005 Act to strengthen the remedial powers of the Disability Appeals Officer, including by providing for compensation where appropriate.**

Disability (Amendment) Bill 2026

The OCO's concerns with Part 2 have gained further significance since the publication of *Unmet Needs* in 2020. In its 2023 Concluding Observations, the CRC recommended that Ireland revise the HSE's standard operating procedure for AONs to include diagnoses, in line with the Disability Act, reduce waiting times for assessments and diagnoses, and urgently address shortages of staff and qualified experts to ensure prompt access to the necessary services and supports.³⁴

In March 2026, the OCO raised several concerns about the *General Scheme of the Disability (Amendment) Bill 2025*, which proposed targeted amendments intended to clarify and streamline elements of the AON process.³⁵ While recognising the objective of improving the efficiency of the process and reducing unnecessary reliance on resource-intensive diagnostic assessment, the OCO emphasised that **legislative amendments designed to reduce burdens on resources must not erode children's statutory rights, including the right to a comprehensive assessment process that can lawfully and effectively identify a child's needs and the services required.**

The General Scheme and the subsequent Disability (Amendment) Bill 2026 do not address the broader structural reforms identified by the OCO in *Unmet Needs* and in the present submission. The OCO underscores that these targeted amendments to the AON process should not preclude a more comprehensive, rights-based review of the Act or the broader structural reform required to establish a child-centred, holistic and needs-led framework.

Feedback on Part 3 of the Act

With respect to Part 3 of the Act, the OCO's key concerns are:

- The need for the direct and meaningful participation of disabled children in government-level implementation and monitoring structures.
- The need to extend the accessibility framework to privately owned facilities and services that are open or provided to the public.

Respect for the views of disabled children

Part 3 provides for access to public buildings, services and information and required six Government Ministers to prepare sectoral plans. Research commissioned by the Irish Human Rights and Equality Commission (IHREC) notes that these sectoral plans have largely been superseded by other reporting structures.³⁶ The research argues, however, that reform of the 2005 Act should consider “the structures required at government level for ongoing implementation and monitoring, and the active participation of DPOs within these structures, including with powers to determine the future trajectory and development of additional laws and policies to complement the 2005 Act and ensure broader compliance with Ireland’s obligations under the CRPD.”³⁷

From a children’s rights perspective, any revised structures should also expressly provide for the direct and meaningful participation of disabled children. Article 12 of the UNCRC and Article 7(3) of the UNCRPD require disabled children to be able to express their views on matters affecting them and to have those views given due weight; Article 4(3) of the UNCRPD specifically requires children with disabilities to be included in consultation concerning legislation, policies and other decision-making processes. The Committees on the Rights of the Child and the Rights of Persons with Disabilities have further stated that such consultation and participation processes should be inclusive, child-friendly, transparent and respectful of children’s rights.³⁸ **Reform of Part 3 should therefore ensure that any future departmental planning, implementation and monitoring arrangements include specific mechanisms for the direct, accessible and ongoing participation of disabled children, alongside engagement with Disabled Persons Organisations (DPOs).**

Accessibility

Part 3 should also be reviewed in light of the broader accessibility obligations under Article 9 of the UNCRPD and the importance that the UNCRC attaches to disabled children's participation and inclusion in the community. Article 23 of the UNCRC recognises the right

of disabled children to conditions which promote self-reliance and facilitate their active participation in the community, while Article 9 of the UNCRPD requires States to identify and eliminate accessibility barriers to buildings and other facilities and services that are open or provided to the public. Crucially, this obligation is not confined to publicly owned buildings: Article 9(2)(b) requires States to take appropriate measures to ensure that private entities offering facilities and services open or provided to the public take account of all aspects of accessibility.

By contrast, section 25 of the 2005 Act places an accessibility obligation on public bodies in respect of their public buildings. Given that accessibility is necessary to enable disabled children to participate fully in community life on an equal basis with others, **consideration should be given to strengthening Part 3 to address the accessibility of privately owned facilities and services that are open or provided to the public, consistent with Article 9 of the UNCRPD.**

Conclusion

In conclusion, the OCO welcomes the review of the Disability Act 2005 and the continued prioritisation of disability by government. This process presents an important opportunity to achieve a step change in how law, policy and services uphold the rights and meet the needs of disabled children.

Disabled children's views and experiences must be central to this process and to the development of reforms that enable them to enjoy their rights, live with dignity and participate fully in their communities.

References

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- ¹ Government of Ireland, *National Human Rights Strategy for Disabled People 2025–2030* (September 2025), available at: <https://www.gov.ie/en/department-of-children-disability-and-equality/campaigns/the-national-human-rights-strategy-for-disabled-people-2025-2030/>
- ² National Disability Authority, *Advice Paper on Disability Language and Terminology* (NDA, August 2026), available at: <https://nda.ie/publications/nda-advice-paper-on-disability-language-and-terminology>
- ³ UN Committee on the Rights of the Child and UN Committee on the Rights of Persons with Disabilities, *Joint Statement: The Rights of Children with Disabilities* (March 2022) https://www.ohchr.org/sites/default/files/2022-03/CRC-CRPD-joint-statement_18March2022.docx
- ⁴ CRC Committee and CRPD Committee, *Joint Statement*, para 5.
- ⁵ Catriona Moloney, Cliona de Bhailís, Danielle Kennan, Carmen Kealy, Shivaun Quinlivan, Eilionóir Flynn and Jacqueline Phiri, *Mind the Gap: Barriers to the Realisation of the Rights of Children with Disabilities in Ireland* (Ombudsman for Children’s Office, 2021), available at: https://www.oco.ie/app/uploads/2021/03/MindTheGap_OCO_NUIG_Disability_Report.pdf
- ⁶ Ombudsman for Children’s Office, *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* (OCO, October 2020), available at: https://www.oco.ie/app/uploads/2020/10/15438_OCO_Assessmnet_of_Need_Report_Interactive.pdf
- ⁷ Houses of the Oireachtas, Joint Committee on Children, Equality, Disability, Integration and Youth, *Report on Assessments of Need for Children* (February 2023), available at: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_children_equality_disability_integration_and_youth/reports/2023/2023-02-14_report-on-assessments-of-need-for-children_en.pdf
- ⁸ Ombudsman for Children’s Office, *General Scheme of the Disability (Amendment) Bill 2025: Observations by the Ombudsman for Children’s Office* (OCO, March 2026), available at: <https://www.oco.ie/app/uploads/2026/06/OCO-Submission-on-the-General-Scheme-of-the-Disability-Amendment-Bill-2025.pdf>
- ⁹ Houses of the Oireachtas, Joint Committee on Disability Matters, *Report on Pre-Legislative Scrutiny of the General Scheme of the Disability (Amendment) Bill 2025* (April 2026), available at: https://data.oireachtas.ie/ie/oireachtas/committee/dail/34/joint_committee_on_disability_matters/reports/2026/2026-04-17_report-on-pre-legislative-scrutiny-of-the-general-scheme-of-the-disability-amendment-bill-2025_en.pdf
- ¹⁰ Ombudsman for Children’s Office, *Nowhere to Turn: Children with Disabilities Left with No Support* (OCO, 2023), available at: <https://www.oco.ie/app/uploads/2023/09/NowhereToTurnReport.pdf>
- ¹¹ Ombudsman for Children’s Office, *Plan for Places: Forward Planning for the Provision of School Places for Children with Special Educational Needs: A Children’s Rights Issue* (OCO, June 2022), available at: <https://www.oco.ie/app/uploads/2022/06/Plan-For-Places-Full-Report.pdf>
- ¹² Moloney et al., *Mind the Gap: Barriers to the Realisation of the Rights of Children with Disabilities in Ireland*.
- ¹³ Ombudsman for Children’s Office, *Department of Education Review of the Education for Persons with Special Educational Needs Act 2004: Observations by the Ombudsman for Children’s Office* (OCO, March 2023), available at: https://www.oco.ie/app/uploads/2023/03/OCO_Submission_Review-EPSEN-Act-2004_March-2023.pdf
- ¹⁴ Ombudsman for Children’s Office, *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* (OCO, February 2024), available at: <https://www.oco.ie/app/uploads/2024/02/Ombudsman-for-Childrens-Office-submission-on-the-National-Disability-Strategy.pdf>
- ¹⁵ Government of Ireland, *Programme for Government 2025: Securing Ireland’s Future* (2025), p. 92, available at: <https://assets.gov.ie/static/documents/programme-for-government-securing-irelands-future.pdf>

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- ¹⁶ Department of Education and Youth, *Review of the Education for Persons with Special Educational Needs (EPSEN) Act 2004* (June 2025), available at: https://assets.gov.ie/static/documents/Report_on_the_Review_of_Education_for_Persons_with_Special_Educational_Needs_EPSEN_Act.pdf
- ¹⁷ UN Committee on the Rights of the Child (2023), *Concluding observations on the combined 5th and 6th periodic reports of Ireland*, CRC/C/IRL/CO/5-6, para. 6.
- ¹⁸ CRC Committee, *Concluding observations on Ireland* (2023), para. 29(a).
- ¹⁹ UN Convention on the Rights of Persons with Disability (2006), Article 3.
- ²⁰ UN Convention on the Rights of Persons with Disability (2006), Article 7.
- ²¹ The Equal Status Act 2000 for instance, under section 2, offers a broader, although still medically based and diagnosis-led, definition of disability.
- ²² Jurgen De Wispelaere and Judy Walsh, 'Disability Rights in Ireland: Chronicle of a Missed Opportunity' (2007) 22 *Irish Political Studies* 517.
- ²³ Moloney et al., *Mind the Gap: Research on Barriers to the Realisation of Rights of Children with Disabilities in Ireland*.
- ²⁴ UN Convention on the Rights of Persons with Disabilities (2006), Preamble.
- ²⁵ UN Convention on the Rights of Persons with Disabilities (2006), Article 1.
- ²⁶ CRC Committee and CRPD Committee, *Joint Statement*, para 1.
- ²⁷ UN Committee on the Rights of Persons with Disabilities (2018), *General comment No.6 on equality and non-discrimination*, CRPD/C/GC/6, para. 9.
- ²⁸ CRC Committee and CRPD Committee, *Joint Statement*, para 1.
- ²⁹ UNCRPD, Article 4(2); UNCRC, Article 4.
- ³⁰ Ombudsman for Children's Office, *Unmet Needs*, p. 26.
- ³¹ *Ibid*, p. 31.
- ³² At the time of writing *Unmet Needs*, the HSE informed the OCO that it was concerned that limited State resources would be used for compensation rather than directing resources to providing appropriate services.
- ³³ Ombudsman for Children's Office, *Unmet Needs*, p. 31.
- ³⁴ CRC Committee, *Concluding observations on Ireland* (2023), para. 29(b).
- ³⁵ Ombudsman for Children's Office, *General Scheme of the Disability (Amendment) Bill 2025: Observations by the Ombudsman for Children's Office*.
- ³⁶ Eilíonóir Flynn, Clóna de Bhailís and János Fiala-Butora, *Review of the Compliance of the Disability Act 2005 with the UN Convention on the Rights of Persons with Disabilities* (Irish Human Rights and Equality Commission, February 2026), available at: <https://www.ihrec.ie/downloads/Review-of-the-compliance-of-the-Disability-Act-2005-with-the-UN-Convention-on-the-Rights-of-Persons-with-Disabilities.pdf>
- ³⁷ Flynn, de Bhailís and Fiala-Butora, *Review of the Compliance of the Disability Act 2005*, p. 42.
- ³⁸ CRC Committee and CRPD Committee, *Joint Statement*, para 6.