



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**Submission to the Department for Communities'  
Consultation on the NI Executive Disability  
Strategy 2025-2035**

**March 2026**

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## Recommendations

The NI Human Rights Commission recommends:

- 2.4 the NI Executive, working with Department for Communities, commits to reflecting the full human rights framework within the Disability Strategy, including a list of relevant human rights standards and ensures that the obligations flowing from these human rights standards are reflected throughout the Strategy. The Ending Violence Against Women and Girls Strategic Framework 2024-2031 provides an example for how this can be achieved.**
- 2.14 the NI Executive, working with Department for Communities, ensures that views expressed during the public consultation process are meaningfully considered and that the Disability Strategy is amended, as is necessary and reasonable, to ensure that it is effective in practice and human rights compliant.**
- 2.15 the NI Executive, working with the Department for Communities, engages with former members of the Co-Design Group and Expert Advisory Panel on the Disability Strategy to ascertain the nature of their concerns regarding the co-design process and use this as the basis for a formalised policy for future participation processes. This includes taking learning from this process and considering examples of best practice of other processes of effective participation. The principle of effective participation should be at the core of any such policy.**
- 2.18 the NI Executive, working with Department for Communities, expedites the production of its three-year rolling Disability Strategy Action Plan alongside meaningful consultation with d/Deaf and Disabled people's organisations and relevant representative civil society organisations.**
- 2.20 the NI Executive, working with Department for Communities, sets out which NI Executive Department will assume responsibility for the delivery of Strategic outcomes and actions within the Disability Strategy.**
- 2.27 the NI Executive, working with Department for Communities, ensures that the proposed Regional Disability Forum is as closely representative of all d/Deaf and disabled people living in NI as is possible, including children and young people with disabilities, to**

**ensure pluralism and the capture of a wide range of views and concerns.**

- 2.35 the NI Executive, working with Department for Communities, commits within the Disability Strategy to adopting an intersectional approach. This includes implementing a firm understanding across the NI Executive Departments and wider society on the effects of multiple intersectional discrimination in relation to poverty in NI.**
- 2.36 the NI Executive, working with Department for Communities, ensures that its proposals to strengthen data collection in relation to disability takes account of multiple intersectional discrimination, and that the collection, collation and distribution of data in relation to disability is suitably robust and disaggregated.**
- 2.47 the NI Executive, working with Department for Communities, include within the Disability Strategy a commitment to a full review of all statutory controls that influence the built environment including the public realm and the natural environment and make the necessary amendments to ensure compliance with the UN CRPD. This review should be conducted with the full and meaningful participation of d/Deaf and disabled people, including children and young people, and their representative organisations.**
- 2.53 the NI Executive, working with Department for Communities, commission research to identify barriers to access to justice by d/Deaf and disabled people and thereafter implements measures to remove barriers and close gaps in access to effective remedies.**
- 2.54 the NI Executive, working with Department for Communities, include within the Disability Strategy an action to implement effective training on disability inclusion and accessibility at all levels of the criminal justice system.**
- 2.55 the NI Executive, working with Department for Communities, include actions within the Disability Strategy to ensure that support services for d/Deaf and disabled people exiting situations of abuse, including domestic violence, are fully accessible.**
- 2.68 the NI Executive, working with Department for Communities, ensure that services to facilitate independent living captured under Outcome 5 of the Disability Strategy, including plans for social**

housing supply, are developed and delivered alongside meaningful participation from d/Deaf and Disabled people and their representative organisations. These services should be distributed across urban and rural areas and gender, age and culturally sensitive.

- 2.69** the NI Executive, working with Department for Communities, publishes the outcome of the Anti-Poverty Strategy consultation process and identifies the key concerns relating to the proposed Strategy's ability to alleviate poverty for d/Deaf and disabled people, including children and young people.
- 2.70** the Department for Communities, alongside the NI Executive, ensures that an independent advocacy service is available on an equal basis across NI and independent of the NI Executive and local health and social care Trusts. This independent advocacy service should be designed and implemented with meaningful participation from d/Deaf and disabled people and their representative organisations.
- 2.77** the NI Executive, working with Department for Communities, ensures that any provisions to tackle rates of unemployment or improve access to good jobs for d/Deaf and disabled people addresses identified barriers to work and poor working conditions or practices. This should include the commitment to consider and address the specific experiences and needs of d/Deaf and disabled people. Such measures should be developed, implemented and monitored by effective engagement with affected individuals and their representative organisations.
- 2.82** the NI Executive, working with Department for Communities, commits within the Disability Strategy to sufficient school places in inclusive educational settings for children and young people with special educational needs and disabilities. This commitment should be realised with urgency, with suitable alternative options offered without charge to children and young people who are currently unable to avail of places in educational settings in the meantime.
- 2.85** the NI Executive, working with Department for Communities, sets out a timeframe within which the legislative review of disability legislation will be conducted. This should include consideration of incorporation of UN CRPD into domestic legislation.

- 3.5 that a Windsor Framework Article 2 assessment should be undertaken and published at the earliest possible opportunity and that the Draft Strategy and any resulting action plan are reviewed and amended as necessary to ensure Windsor Framework Article 2 compliance.**
- 3.9 the NI Executive, working with Department for Communities, ensure that within the Disability Strategy the legal definition of disability is shaped by EU equality law, including evolving CJEU case-law so that this minimum standard is reflected.**
- 3.15 the NI Executive, working with Department for Communities recognise within the Disability Strategy intersectional discrimination which affects d/Deaf and Disabled people, including the impact of disability when it intersects with protected characteristics in line with evolving EU equality standards.**
- 3.20 the NI Executive, alongside the Department for Communities works to maintain North-South equivalence of disability and accessibility protections on the island of Ireland.**
- 4.6 the NI Executive, alongside the Department for Communities, ensures that the Disability Strategy is effectively funded to the maximum of its available resources and includes an express commitment to the principles of progressive realisation and non-retrogression.**

# 1.0 Introduction

- 1.1 The Northern Ireland Human Rights Commission (NIHRC), pursuant to section 69(1) of the Northern Ireland (NI) Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in NI. The NIHRC is also required, under section 78A(1) to monitor the implementation of Article 2(1) of the Windsor Framework.<sup>1</sup> In accordance with these functions, the following advice is submitted to the Department of Communities consultation on the Disability Strategy.
- 1.2 The NIHRC bases its advice on the full range of internationally accepted human rights standards, including the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998, and the treaty obligations of the Council of Europe (CoE) and the United Nations (UN).
- 1.3 The NIHRC advises on the UK Government's compliance with its commitment in Article 2 of the Windsor Framework to ensure there is no diminution of rights, safeguards and equality of opportunity in the relevant section of the Belfast (Good Friday) Agreement as a result of the UK's withdrawal from the EU. The UK-EU Withdrawal Agreement, including the Windsor Framework, is binding under international law and given effect in UK law by section 7A of the EU (Withdrawal) Act 2018. Section 6 of the NI Act 1998 prohibits the NI Assembly from making any law which is incompatible with Windsor Framework Article 2. Section 24 of the 1998 Act also requires all acts of NI Ministers and NI Departments to be compatible with Windsor Framework Article 2. As a result of Windsor Framework Article 2, certain EU measures continue to set minimum standards in NI. The relevant EU measures in this context include the Employment Equality (Framework) Directive.<sup>2</sup>
- 1.4 The NIHRC welcomes the opportunity to respond to the Department of Communities' consultation on the NI Executive's Disability Strategy.

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<sup>1</sup> The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the to the Agreement on the Withdrawal of the UK of Great Britain and NI from the EU and the EEAC, 24 January 2020 (UK-EU Withdrawal Agreement) (see Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

<sup>2</sup> Directive 2000/78/EC, 'Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000.

## 2.0 Human Rights-Based Approach

### Human Rights Framework

- 2.1 Human rights standards provide the baseline for human rights compliance. They set the minimum standards which can be built upon, which should not be subject to regression. Having a clear understanding of the minimum standard expected helps to ensure that the NI Executive's human rights obligations are adhered to. For example, the Human Rights Act 1998 requires that "it is unlawful for a public authority to act in a way which is incompatible with a [ECHR]... right",<sup>3</sup> this includes the NI Executive. When the UK Government ratifies a human rights treaty of the UN or CoE, it is binding itself and devolved governments, including the NI Executive, to adhere to the obligations contained within.<sup>4</sup> Express reference to the relevant human rights standards within government strategies is useful for ensuring public policy is effective and lawful. It offers a reminder to public authorities of their duties and responsibilities. It also provides guidance for individuals and their representative organisations as to what human rights are involved and offers a clear basis for advocating for these rights to be promoted and protected.
- 2.2 The NIHRC commends the Department for Communities for including explicit reference to standards under the UN Convention on the Rights of Persons with Disabilities (UN CRPD) throughout the proposed Disability Strategy. However, the UK Government has ratified a suite of human rights instruments that provide protection for d/Deaf and Disabled people, the inclusion of which would further strengthen the Disability Strategy. While the UN CRPD is focused on the rights of persons with disabilities specifically, the Disability Strategy includes provisions associated with, but not limited to, economic, social and cultural rights, including the right to

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<sup>3</sup> Section 6(1), Human Rights Act 1998.

<sup>4</sup> Article 14, Vienna Convention 1969; Section 26, NI Act 1998.

education,<sup>5</sup> right to highest attainable standard of health,<sup>6</sup> right to work,<sup>7</sup> and freedom from discrimination.<sup>8</sup> Failing to meet the needs of d/Deaf and Disabled people may also infringe on civil and political rights the ability to access justice<sup>9</sup> and expose individuals to experiences of exploitation.<sup>10</sup> It can also hinder the ability to enjoy freedom of expression,<sup>11</sup> religion<sup>12</sup> and assembly.<sup>13</sup> In more extreme scenarios, failing to take account of the

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<sup>5</sup> Article 13, UN Covenant on Economic, Social and Cultural Rights 1966; Articles 28 and 29, UN Convention on the Rights of the Child 1989; Article 10, UN Convention on the Elimination of Discrimination Against Women 1979; Article 5(e)(v), UN Convention on the Elimination of Racial Discrimination 1965; Article 24, UN Convention on the Rights of Persons with Disabilities 2006; E/C.12/1999/10, 'UN ICESCR Committee General Comment No 13: The Right to Education', 8 December 1999, at paras 43-46; CRC/GC/2001/1, 'UN CRC Committee General Comment No 1: The Aims of Education', 17 April 2001; CRPD/C/GC/4, 'UN CRPD Committee General Comment No 4: The Right to Inclusive Education', 25 November 2016, at paras 39-43; Article 2 of the Protocol 1, European Convention on Human Rights 1950 (Protocol 1 was adopted in 1952).

<sup>6</sup> Article 12, UN Covenant on Economic, Social and Cultural Rights 1966; Article 24, UN Convention on the Rights of the Child 1989; Article 12, UN Convention on the Elimination of Discrimination against Women 1979; Article 25, UN Convention on the Rights of Persons with Disabilities 2006; Article 5(e)(iv), UN Convention on the Elimination of Racial Discrimination 1965; E/C.12/2000/4, 'UN ICESCR Committee General Comment No 14: The Right to the Highest Attainable Standard of Health', 11 August 2000, at paras 30-33; CRC/C/GC/15, 'UN CRC Committee General Comment No 15: The Right of the Child to the Highest Attainable Standard of Health', 17 April 2013, at paras 71-74; 'UN CEDAW Committee General Recommendation No 24: Women and Health', 1999.

<sup>7</sup> Article 6, UN International Covenant on Economic, Social and Cultural Rights 1966; Article 5(e)(i), UN Convention on the Elimination of Racial Discrimination 1965; Article 11(1), UN Convention on the Elimination of Discrimination against Women 1979; Article 32, UN Convention on the Rights of the Child 1989; Article 27, UN Convention on the Rights of Persons with Disabilities 2006; Article 1, European Social Charter 1961; E/C.12/GC/18, 'UN ICESCR Committee General Comment No 18: The Right to Work', 6 February 2006, at para 31; 'UN CEDAW Committee General Recommendation No 13: Equal Remuneration for Work of Equal Value', 1989; CRPD/C/GC/8, 'UN CRPD Committee General Comment No 8: the Right of Persons with Disabilities to Work and Employment', 7 October 2022, at paras 63-64.

<sup>8</sup> Article 2(2), UN Covenant on Economic, Social and Cultural Rights 1966; Article 2(1), UN Covenant on Civil and Political Rights 1966; Article 2, UN Convention on the Elimination of Racial Discrimination 1965; Article 2, UN Convention on the Elimination of Discrimination against Women 1979; Article 2, UN Convention on the Rights of the Child 1989; Article 5, UN Convention on the Rights of Persons with Disabilities 2006; Article 14, European Convention on Human Rights 1950. See also E/C.12/GC/20, 'UN ICESCR Committee General Comment No 20: Non-Discrimination in Economic, Social and Cultural Rights', 2 July 2009, at para 7; 'UN Human Rights Committee General Comment No 18: Non-Discrimination', 1989, at para 3; 'UN CERD Committee General Recommendation No 20: Non-Discrimination in the Implementation of Rights', 1996, at para 1; CEDAW/C/GC/28, 'UN CEDAW Committee General Recommendation No 28: Core Obligations under Article 2' 16 December 2010, at paras 8-13; CRC/GC/2003/5, 'UN CRC Committee General Comment No 5: General Measures of Implementation', 27 November 2003, at para 12; CRPD/C/GC/6, 'UN CRPD Committee General Comment No 6: Equality and Non-Discrimination', 26 April 2018, at paras 4-7.

<sup>9</sup> Articles 5 and 6, European Convention on Human Rights 1950; Articles 14-16, UN International Covenant on Civil and Political Rights 1966; Article 5(a), UN Convention on the Elimination of All Forms of Racial Discrimination 1965; Article 15, UN Convention on the Elimination of Discrimination Against Women 1981; Article 13, UN Convention on the Rights of Persons with Disabilities 2006.

<sup>10</sup> Article 4, European Convention on Human Rights 1950; Article 8, UN International Covenant on Civil and Political Rights 1966; Article 6, UN Convention on the Elimination of Discrimination Against Women 1981; Articles 32, 34, 36 and 39, UN Convention on the Rights of the Child 1989; Articles 16 and 27(2), UN Convention on the Rights of Persons with Disabilities 2006; CoE Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse 2007.

<sup>11</sup> Article 10, European Convention on Human Rights 1950; Article 19, UN International Covenant on Civil and Political Rights 1966; Article 5(d)(viii), UN Convention on the Elimination of All Forms of Racial Discrimination 1965; Article 13, UN Convention on the Rights of the Child 1989; Article 21, UN Convention on the Rights of Persons with Disabilities 2006.

<sup>12</sup> Article 9, European Convention on Human Rights 1950; Article 18, UN International Covenant on Civil and Political Rights 1966; Article 5(d)(vii), UN International Covenant on the Elimination of All Forms of Racial Discrimination 1965; Article 14, UN Convention on the Rights of the Child 1989.

<sup>13</sup> Article 11, European Convention on Human Rights 1950; Article 21, UN International Covenant on Civil and Political Rights 1966; Article 5(d)(ix), UN Convention on the Elimination of All Forms of Racial Discrimination 1965; Article 15, UN Convention on the Rights of the Child 1989.

specific needs of d/Deaf and Disabled people can engage the right to life,<sup>14</sup> freedom from inhumane or degrading treatment<sup>15</sup> and the right to respect for family and private life.<sup>16</sup>

- 2.3 While it is commendable to include reference to UN CRPD, the proposed Strategy would be strengthened by inclusion of all relevant domestic, regional and international human rights obligations regarding the rights of d/Deaf and Disabled people. It would also be in keeping with other NI Executive Strategies, which have made reference to a significantly more expansive suite of relevant human rights standards, including the Ending Violence Against Women and Girls Strategic Framework 2024-2031 and the Racial Equality Strategy 2015-2025.<sup>17</sup>
- 2.4 **The NIHRC recommends that the NI Executive, working with Department for Communities, commits to reflecting the full human rights framework within the Disability Strategy, including a list of relevant human rights standards and ensures that the obligations flowing from these human rights standards are reflected throughout the Strategy. The Ending Violence Against Women and Girls Strategic Framework 2024-2031 provides an example for how this can be achieved.**

## PANEL Principles

- 2.5 In addition to specific rights set out within relevant human rights standards, the PANEL Principles offer guidance on what a human rights-based approach requires in practice. Taking such an approach ensures that law and policy are as effective as possible regarding the realisation of human rights.

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<sup>14</sup> Article 2, European Convention on Human Rights 1950; *Nencheva and Others v Bulgaria* (2013) ECHR 554; Article 6, UN Covenant on Civil and Political Rights 1966; Article 6, UN Convention on the Rights of the Child 1989; Article 10, UN Convention on the Rights of Persons with Disabilities 2006; CCPR/C/GC/36, 'UN Human Rights Committee General Comment No 36: The Right to Life', 3 September 2019, at para 26.

<sup>15</sup> Article 3, European Convention on Human Rights 1950; Article 7, UN Covenant on Civil and Political Rights 1966; Article 16, UN Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment 1984; Article 37(a), UN Convention on the Rights of the Child 1989; Article 15, UN Convention on the Rights of Persons with Disabilities 2006; 'UN Human Rights Committee General Comment No 20: Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment', 1992; CAT/C/GC/2, 'UN CAT Committee General Comment NO 2: Implementation of Article 2', 24 January 2008, at para 3.

<sup>16</sup> Article 8, European Convention on Human Rights 1950; Article 17, UN International Covenant on Economic, Social and Cultural Rights 1966, Article 16, UN Convention on the Rights of the Child 1989; Article 23, UN Convention on the Rights of Persons with Disabilities 2006.

<sup>17</sup> The Executive Office, 'Ending Violence Against Women and Girls Strategic Framework 2024-2031' (TEO, 2024), at 10; The Executive Office, 'Racial Equality Strategy 2015-2025' (TEO, 2015), at Annex 1.

- 2.6 The proposed Disability Strategy recognises the social model of disability, which identifies that “people are disabled by the way society is designed, and not by their disability”.<sup>18</sup> This is a commendable approach in keeping with the framework of UN CRPD. A human rights-based approach, framed by the PANEL principles, will help guide the NI Executive towards better applying a social model of disability.
- 2.7 In summary, a human rights-based approach is a conceptual framework informed by international human rights standards, which aims to put “human rights and corresponding State obligations at the heart of policy making”.<sup>19</sup> Thus, applying a human rights-based framework is important to safeguard rights for rights-holders, who can be individuals or social groups that have entitlements in relation to duty bearers. Duty bearers are State, or delegated non-State actors, that have an obligation to ensure that the human rights of rights-holders are respected, protected and fulfilled. The PANEL principles offer guidance on how to achieve a human rights-based approach. These are:
- Participation – everyone is entitled to active participation in decision-making processes which affect the enjoyment of their rights.
  - Accountability – duty-bearers are held accountable for failing to fulfil their obligations towards rights-holders. There should be effective remedies in place when human rights breaches occur.
  - Non-discrimination and equality – all individuals are entitled to their rights without discrimination of any kind. All types of discrimination should be prohibited, prevented and eliminated.
  - Empowerment – everyone is entitled to claim and exercise their rights. Individuals and communities need to understand their rights and participate in the development of policies which affect their lives.
  - Legality – approaches should be in line with the legal rights set out in domestic and international laws.
- 2.8 While the NIHRC welcomes the Executive’s inclusion of some human rights standards within the draft Strategy, there are some areas of concern

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<sup>18</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 6.

<sup>19</sup> European Network of National Human Rights Institutions, ‘Human Rights-Based Approach’. Available at: [Human Rights-Based Approach - ENNHRI](#)

regarding the implementation of the principles of a human rights-based approach. Each PANEL principle is considered in turn below.

## Participation

- 2.9 The right to participation is protected in several international human rights instruments.<sup>20</sup> These provisions make it clear that affected individuals, including children, should be involved in decision-making, policy making, and the preparation of laws at all stages (including design, implementation, monitoring and evaluation). The UN CRPD promotes the principle of “nothing about us, without us”. The UN Committee on the Rights of Persons with Disabilities (UN CRPD Committee) also elaborates that any participation should be “meaningful” and occur in a “timely manner”.<sup>21</sup> This includes that participation “should not be merely symbolic”.<sup>22</sup>
- 2.10 The NI Executive states that “in the spirit of the [UN CRPD], the Strategy has been co-designed in partnership with Deaf and disabled people and their representative organisations. It has been shaped by their voices and experiences. It recognises and respects their diversity”.<sup>23</sup> An Expert Advisory Panel and a Co-Design Group made up of community and voluntary organisations were established, engaged in discussions with the Department for Communities and produced a report with clear recommendations for consideration.<sup>24</sup> However, organisations involved in the engagement process have reported to the NIHRC that they do not view the outcome as true to the co-design model. While there was engagement with relevant organisations in advance of producing the strategy, the commitments within the strategy do not adequately reflect that process.<sup>25</sup> The NIHRC co-convenes a Forum of Disabled People’s organisations and

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<sup>20</sup> Article 25, UN Convention on Civil and Political Rights 1966; CCPR/C/21/Rev.1/Add.7, ‘UN Human Rights Committee General Comment No 25: Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service’, 12 July 1996; Article 12(1), UN Convention on the Rights of the Child 1989; Article 4(3), UN Convention on the Rights of Persons with Disabilities 2006; CRPD/C/GC/7, ‘UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities Including Children with Disabilities, Through Their Representative Organisations, In the Implementation and Monitoring of the UN CRPD’, 9 November 2018, at paras 11 and 22; A/55/18/Annex V, ‘UN CERD Committee General Recommendation XXVII: Discrimination Against Roma’, 16 August 2000, at paras 41-46; CEDAW/C/GC/40, ‘UN CEDAW Committee General Recommendation No 40: Equal and Inclusive Representation of Women in Decision-Making Systems’, 25 October 2024.

<sup>21</sup> CRPD/C/GC/7, ‘UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities Including Children with Disabilities, Through Their Representative Organisations, In the Implementation and Monitoring of the UN CRPD’, 9 November 2018, at paras 11 and 22.

<sup>22</sup> CRPD/C/15/4, ‘UN CRPD Committee Inquiry Concerning the UK of Great Britain and NI Carried Out by the UN CRPD Committee Under Article 6 of the Optional Protocol to the UN CRPD’, 24 October 2017.

<sup>23</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 7.

<sup>24</sup> Disability Strategy Expert Advisory Panel, ‘Report and Recommendations’, (DfC, 2020).

<sup>25</sup> IMTAC, ‘Disappointment with the Draft Disability Strategy – a briefing paper’ (IMTAC,2026).

representative civil society groups alongside the Equality Commission for NI. The majority of the organisations that make up this Forum were involved in the Co-Design process for the proposed Strategy and have identified to the NIHRC that said process was not meaningful or effective participation and have reflected their concerns that this strategy will not improve the lives of d/Deaf and disabled people in NI.<sup>26</sup>

2.11 While it should be the aim to do so where reasonable, co-design does not require the NI Executive to reflect all the views and recommendations made. However, it does require the NI Executive to give due consideration to the views and recommendations expressed, with an open dialogue on what can and cannot be included and why. It is clear that this was not part of the process.

2.12 The UN CRPD Committee has indicated that:

the views of persons with disabilities, through their representative organisations, should be given due weight. States parties should guarantee that they are not only heard as a mere formality or as a tokenistic approach to consultation. States parties should take into account the results of such consultations and reflect them in the decisions adopted, by duly informing participants of the outcome of the process.<sup>27</sup>

2.13 The NIHRC is concerned that the NI Executive is stipulating that the proposed Disability Strategy was developed through a policy of co-design,<sup>28</sup> yet the participants in that process have indicated that, in their view, the process was not meaningful or effective in practice and the outcome will not be sufficiently transformative. The public consultation phase is an opportunity to remedy this.

2.14 **The NIHRC recommends that the NI Executive, working with Department for Communities, ensures that views expressed during the public consultation process are meaningfully considered and that the Disability Strategy is amended, as is necessary and reasonable, to ensure that it is effective in practice and human rights compliant.**

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<sup>26</sup> Meeting between NI Human Rights Commission and IMNI Disability Stakeholder Forum, 21 January 2026.

<sup>27</sup> CRPD/C/GC/7, 'UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities Including Children with Disabilities, Through Their Representative Organisations, In the Implementation and Monitoring of the UN CRPD', 9 November 2018, at para 48.

<sup>28</sup> NI Executive, 'The NI Disability Strategy 2025-2035' (DfC, 2025), at 7.

- 2.15 **The NIHRC recommends that the NI Executive, working with the Department for Communities, engages with former members of the Co-Design Group and Expert Advisory Panel on the Disability Strategy to ascertain the nature of their concerns regarding the co-design process and use this as the basis for a formalised policy for future participation processes. This includes taking learning from this process and considering examples of best practice of other processes of effective participation. The principle of effective participation should be at the core of any such policy.**

## **Accountability**

- 2.16 The proposed Disability Strategy sets out how the strategy will be monitored.<sup>29</sup> The core elements of accountability include responsibility, answerability and enforceability.<sup>30</sup> Responsibility requires that duty bearers have clearly defined duties and performance standards, enabling their behaviour to be assessed transparently and objectively. Answerability requires duty bearers to provide reasoned justifications to those affected by their decisions, to oversight bodies, and to the electorate and the public at large. Enforceability requires mechanisms that monitor the degree to which duty bearers comply with established standards and ensure that appropriate corrective and remedial action is taken when this is not the case.<sup>31</sup>
- 2.17 The proposed Strategy sets out its implementation and monitoring framework, noting that actions to meet the strategic commitments set out in the Strategy will be introduced in an Action Plan covering a three-year rolling period.<sup>32</sup> The Strategy stipulates that this forthcoming Action Plan will “include milestones demonstrating progress towards the delivery of each of the commitments. The Action Plan will be a living document that will evolve and develop as work progresses and circumstances change”.<sup>33</sup> It is disappointing that this Action Plan is not available to view alongside the proposed Disability Strategy. Having an outline of when the Department for Communities, alongside the NI Executive, expects specific actions to be put in place to address the outcomes of the Strategy would

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<sup>29</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 17.

<sup>30</sup> UN Human Rights Office of the High Commissioner, ‘Who Will be Accountable?: Human Rights and the Post-2015 Development Agenda’ (OHCHR).

<sup>31</sup> UN Human Rights Office of the High Commissioner, ‘Who Will be Accountable?: Human Rights and the Post-2015 Development Agenda’ (OHCHR).

<sup>32</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 17.

<sup>33</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 17.

have been helpful for the consultation process and strengthened accountability.

**2.18 The NIHRC recommends that the NI Executive, working with Department for Communities, expedites the production of its three-year rolling Disability Strategy Action Plan alongside meaningful consultation with d/Deaf and Disabled people’s organisations and relevant representative civil society organisations.**

2.19 The proposed Strategy states that the Department for Communities “has lead responsibility for monitoring and reporting on the Disability Strategy, however, it is a cross-departmental Strategy”.<sup>34</sup> The NIHRC welcomes the commitment of all Executive Departments to the Strategy, however, it is noted that the Strategy does not indicate which Department will have responsibilities for which strategic outcomes. It could be that these responsibilities will be formally outlined in the forthcoming Action Plan, but without sight of the Action Plan it is currently impossible to ascertain exactly what Executive Departments are committing to. For the avoidance of doubt, and to aid accountability and transparency of responsibility and answerability, it would be useful to set out exactly what each Department is committing to on the face of the Strategy. This would be in keeping with other NI Executive Strategies, namely the Ending Violence against Women and Girls Strategic Framework.<sup>35</sup>

**2.20 The NIHRC recommends that the NI Executive, working with Department for Communities, sets out which NI Executive Department will assume responsibility for the delivery of Strategic outcomes and actions within the Disability Strategy.**

2.21 The proposed Disability Strategy identifies its primary commitment to establish a Regional Disability Forum to “advise on the monitoring and implementation of the Disability Strategy”.<sup>36</sup> The Forum’s membership will be “made up entirely of Deaf and disabled people” and will link with the Department for Health’s existing Regional Disabled People’s Health and Social Care Forum as appropriate.<sup>37</sup>

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<sup>34</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 17.

<sup>35</sup> The Executive Office, ‘Ending Violence Against Women and Girls Strategic Framework 2024-2031’ (TEO, 2024).

<sup>36</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 18.

<sup>37</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 18.

- 2.22 Monitoring and accountability systems are required across several human rights instruments. In general, these should involve “robust monitoring and accountability mechanisms” that “set verifiable benchmarks” and aim to “monitor progress towards the realisation of” human rights.<sup>38</sup>
- 2.23 The UN CRPD Committee has also recommended that the UK Government and NI Executive set up a “mechanism and a system of human rights-based indicators to permanently monitor the impact of the different policies and programmes relating to the access to and enjoyment by persons with disabilities of the right to... an adequate standard of living”.<sup>39</sup>
- 2.24 The UN CRPD Committee requires States parties to “ensure that the participation of organisations of persons with disabilities in monitoring processes, through independent monitoring frameworks, is based on clear procedures, proper time frames and previous dissemination of relevant information”.<sup>40</sup> The UN CRPD Committee notes that “monitoring and evaluation systems should examine the level of engagement of organizations of persons with disabilities in all policies and programmes and ensure that the views of such persons are given priority”.<sup>41</sup> Furthermore, participation within monitoring mechanisms should be pluralistic, representative of all persons with disabilities, including but not limited to:

women, older persons, children, those requiring high levels of support, 24 victims of landmines, migrants, refugees, asylum seekers, internally displaced persons, undocumented and stateless persons, persons with actual or perceived psychosocial impairments, persons with intellectual disabilities, neurodiverse persons, including those with autism or dementia, persons with albinism, permanent physical impairments, chronic pain, leprosy and visual impairments and persons who are deaf,

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<sup>38</sup> CRC/C/GBR/CO/6-7, ‘UN CRC Committee Concluding Observations on the Combined Sixth and Seventh Periodic Reports of the UK of Great Britain and NI’, 22 June 2023, at para 46(b); E/C.12/1999/5, ‘UN ICECSR Committee General Comment No 12 on the Right to Adequate Food’, 12 May 1999, at para 31.

<sup>39</sup> CRPD/C/15/4, ‘UN CRPD Committee Inquiry Concerning the UK of Great Britain and NI Carried Out by the UN CRPD Committee Under Article 6 of the Optional Protocol to the UN CRPD’, 24 October 2017, at para 114(j).

<sup>40</sup> CRPD/C/GC/7, ‘UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities Including Children with Disabilities, Through Their Representative Organisations, In the Implementation and Monitoring of the UN CRPD’, 9 November 2018, at para 56.

<sup>41</sup> CRPD/C/GC/7, ‘UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities Including Children with Disabilities, Through Their Representative Organisations, In the Implementation and Monitoring of the UN CRPD’, 9 November 2018, at para 56.

deafblind or otherwise hearing-impaired and/or those living with HIV/AIDS.<sup>42</sup>

- 2.25 The proposed Regional Disability Forum should be representative of all d/Deaf and disabled people living in NI. This was noted by the Expert Advisory Panel, which recommended that the NI Executive “work with women, girls, children and young people, older people, ethnic minorities, people with learning disabilities and mental health issues, d/Deaf people and others to ensure their direct participation and involvement in such a Forum”.<sup>43</sup>
- 2.26 Additionally, the NI Executive and Department for Communities may wish to explore the option of allowing the NIHRC to participate on the Forum as an observer, capable of providing information on steps to be taken to comply with human rights obligations. This has been proven to be effective in other settings, notably the Racial Equality Sub-Group.
- 2.27 **The NIHRC recommends that the NI Executive, working with Department for Communities, ensures that the proposed Regional Disability Forum is as closely representative of all d/Deaf and disabled people living in NI as is possible, including children and young people with disabilities, to ensure pluralism and the capture of a wide range of views and concerns.**

## **Non-Discrimination and Equality**

- 2.28 Non-discrimination is an important facet of a human rights-based approach and integral in the realisation of economic, social and cultural rights.<sup>44</sup> The proposed Disability Strategy acknowledges that “current data collected does not provide an adequate capture of the diversity of Deaf and disabled people and the issues they experience”.<sup>45</sup> The proposed Strategy commits to “improve the collection and increase availability of high quality, reliable and inclusive disability data. Every two years we will publish a Disability Data Compendium setting out disability data held by Executive departments”.<sup>46</sup> This is a welcome inclusion. However, it would be

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<sup>42</sup> CRPD/C/GC/7, ‘UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities Including Children with Disabilities, Through Their Representative Organisations, In the Implementation and Monitoring of the UN CRPD’, 9 November 2018, at para 50.

<sup>43</sup> Disability Strategy Expert Advisory Panel, ‘Report and Recommendations’, (DfC, 2020), at 18.

<sup>44</sup> E/C.12/GC/20, ‘UN ICESCR Committee General Comment No 20 on Non-Discrimination and Equality’, 2 July 2009, at para 2.

<sup>45</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 20.

<sup>46</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 22.

strengthened by a commitment to ensure an intersectional approach to data collection is taken.

- 2.29 Deaf and disabled people are not a homogenous group. The UN CRPD Committee notes that discrimination can be based on a single characteristic, such as disability or gender, or on multiple and/or intersecting characteristics.<sup>47</sup> Intersectional discrimination relating to a person with a disability occurs when “a person with a disability or associated to disability suffers discrimination of any form on the basis of disability, combined with, colour, sex, language, religion, ethnic, gender or other status”.<sup>48</sup>
- 2.30 The UN ICESCR Committee has identified the need to be cognisant of intersectional discrimination, where someone is discriminated against on multiple prohibited grounds, for example, based on both sex and disability.<sup>49</sup>
- 2.31 The UN CRPD Committee has observed that data collection often fails to differentiate information on disability discrimination according to the type of impairment or on any other characteristic. It is this type of disaggregated data that is of “paramount importance for developing effective anti-discrimination and equality measures” in relation to disability.<sup>50</sup>
- 2.32 The UN CRPD Committee has identified concerns with how data is collected by the UK Government and NI Executive, noting “the lack of measures and available data concerning the impact of multiple and intersectional discrimination against women and girls with disabilities”.<sup>51</sup> The UN CRPD Committee recommended that the UK Government and NI Executive “significantly increase the availability of high-quality, timely and reliable data disaggregated by, among others, income, sex, age, gender, race, ethnic origin, migratory, asylum-seeking and refugee status, disability,

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<sup>47</sup> CRPD/C/GC/6, ‘UN CRPD Committee General Comment No 6: Equality and Non-Discrimination’, 26 April 2018, at para 19.

<sup>48</sup> CRPD/C/GC/6, ‘UN CRPD Committee General Comment No 6: Equality and Non-Discrimination’, 26 April 2018, at para 19.

<sup>49</sup> E/C.12/GC/20, ‘UN ICESCR Committee General Comment No 20: Non-Discrimination and Equality’, 2 July 2009, at para 27.

<sup>50</sup> CRPD/C/GC/6, ‘UN CRPD Committee General Comment No 6: Equality and Non-Discrimination’, 26 April 2018, at para 34.

<sup>51</sup> CRPD/C/GBR/CO/1, ‘UN CRPD Committee Concluding Observations on the Initial Report of the UK of Great Britain and NI’, 3 October 2017, at para 19.

geographic location and other characteristics relevant in national contexts".<sup>52</sup>

- 2.33 The Expert Advisory Panel recommended that the Disability Strategy should "ensure collection, and increase availability, of high-quality, timely and reliable disaggregated quantitative and qualitative data, including in all general population surveys and censuses and that recognises the diversity and intersectionality of disability".<sup>53</sup>
- 2.34 The inclusion of a commitment to improve data collection within the proposed Disability Strategy is to be welcomed, but the Strategy must be explicit in its commitment to take an intersectional approach to disability discrimination, including by committing to the collection, collation and publishing of robust, disaggregated data.
- 2.35 **The NIHRC recommends that the NI Executive, working with Department for Communities, commits within the Disability Strategy to adopting an intersectional approach. This includes implementing a firm understanding across the NI Executive Departments and wider society on the effects of multiple intersectional discrimination in relation to poverty in NI.**
- 2.36 **The NIHRC recommends that the NI Executive, working with Department for Communities, ensures that its proposals to strengthen data collection in relation to disability takes account of multiple intersectional discrimination, and that the collection, collation and distribution of data in relation to disability is suitably robust and disaggregated.**

## **Empowerment**

- 2.37 Empowerment and effective participation are intertwined, with an understanding of rights and how to use them key to individuals and representative organisations enjoying and advocating for the promotion and protection of human rights.<sup>54</sup> The empowerment of persons with disabilities is a key component of the participation, particularly in public affairs and policy making. Empowerment allows persons with disabilities to "call for the development of technical, administrative and communication

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<sup>52</sup> CRPD/C/GBR/CO/1, 'UN CRPD Committee Concluding Observations on the Initial Report of the UK of Great Britain and NI', 3 October 2017, at para 65.

<sup>53</sup> Disability Strategy Expert Advisory Panel, 'Report and Recommendations', (DfC, 2020), at 26.

<sup>54</sup> European Network of National Human Rights Institutions, 'Human Rights-Based Approach'. Available at: [Human Rights-Based Approach - ENNHRI](#)

skills, and the facilitation of access to information and tools concerning their rights, legislation and policymaking”.<sup>55</sup>

2.38 In a human rights context, empowerment concerns supporting people to understand their rights and how to use them. As set out above, this starts with expressly identifying what the relevant human rights and their guiding principles are. It is also linked to effective participation, to establish what the main barriers are and how to overcome them. Notably, the proposed Disability Strategy focuses several of its outcomes on rights which can advance the empowerment of d/Deaf and Disabled people if utilised in an appropriate way, inclusive of the full and effective participation of disabled people. These rights include accessibility, the right to live independently, access to healthcare, the right to work and the right to inclusive education.

## **Accessibility**

2.39 Several of the proposed Disability Strategy’s Outcomes are concerned with improving accessibility for d/Deaf and Disabled people in NI, namely Outcomes 2, 3 and 4.

2.40 Article 25(c) of ICCPR protects the right of everyone to have access, on general terms of equality, to public service in his or her country. The UN Human Rights Committee has noted that “Affirmative measures may be taken in appropriate cases to ensure that there is equal access to public service for all citizens”.<sup>56</sup>

2.41 Article 9 of UN CRPD requires State parties to:

take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.<sup>57</sup>

2.42 Accessibility is a precondition for persons with disabilities to lead independent lives and be empowered to fully and equally participate in

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<sup>55</sup> CRPD/C/GC/7, ‘UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities’, 9 November 2018, at para 58.

<sup>56</sup> CCPR/C.21/REV.1/Add.7, ‘UN Human Rights Committee General Comment No 25: The Right to Participation in Public Affairs’, 27 August 1996, at para 23.

<sup>57</sup> Article 9, UN Convention on the Rights of Persons with Disabilities.

society.<sup>58</sup> The UN CRPD Committee note that “it is important that accessibility is addressed in all its complexity, encompassing the physical environment, transportation, information and communication, and services.”<sup>59</sup>

2.43 The UN CRPD Committee has recommended that the UK Government and NI Executive:

identify outstanding gaps across the State party in terms of obligatory accessibility standards in all areas of the Convention, among others, the design of affordable and accessible physical environments, housing, ICT, information formats and transport infrastructure, including emergency services and green and public spaces in both urban and rural areas, and ensure that the standards are met.<sup>60</sup>

2.44 Outcome 2 of the proposed strategy purports to ensure that “Deaf and disabled people can access our built environment, facilities and transport on an equal basis”.<sup>61</sup> Outcome 3 of the proposed Strategy aims to ensure that “Deaf and disabled people can access our public services, government information and communications on an equal basis”.<sup>62</sup> Outcome 4 will aim to allow d/Deaf and Disabled people to “access and participate in culture, leisure activities and sport on an equal basis”.<sup>63</sup>

2.45 Accessibility for d/Deaf and disabled communities within NI is a concern. A UK wide review of Transport statistics identified that, while all buses and coaches within NI are wheelchair accessible, not all bus stops are wheelchair accessible. The report also detailed a lack of available data on inclusive transport held at government level as an issue.<sup>64</sup> A reported lack of accessible taxis in NI has also been identified as an issue.<sup>65</sup> Digital accessibility for d/Deaf and disabled people in NI remains a issue for both public authorities and private companies.<sup>66</sup> The NIHRC notes that many of the actions under Outcomes 2 to 4 are continuations of current policy and legal requirements. It stands to reason that if accessibility for d/Deaf and

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<sup>58</sup> CRPD/C/GC/2, ‘UN CRPD Committee General Comment No 2: Accessibility’, 22 May 2014, at para 1.

<sup>59</sup> CRPD/C/GC/2, ‘UN CRPD Committee General Comment No 2: Accessibility’, 22 May 2014, at para 14.

<sup>60</sup> CRPD/C/GBR/CO/1, ‘UN CRPD Committee Concluding Observations on the Initial Report of the UK of Great Britain and NI’, 3 October 2017, at para 25.

<sup>61</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 24.

<sup>62</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 27.

<sup>63</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 30.

<sup>64</sup> Office for Statistics Regulation, ‘Review of Transport Accessibility Statistics’ (OSR, 2022).

<sup>65</sup> Abdullah Sabri, ‘Activist uncovers ‘major problem’ for people with disabilities across NI: ‘It’s next to impossible’’, *Belfast Telegraph*, 30 April 2025.

<sup>66</sup> NICVA, ‘Press Release: New report shows many of Northern Ireland’s authorities and private companies fail when it comes to digital accessibility’, 31 May 2023.

Disabled people requires improvement, repeating the same procedures within the new strategy is unlikely to have a transformative impact.

- 2.46 In relation to accessibility, the Expert Advisory Panel recommended that the NI Executive “commit to a full review ... of all statutory controls that influence the built environment including the public realm and the natural environment and make the necessary amendments to ensure compliance with the CRPD”.<sup>67</sup> The Panel stipulated that this review should be carried out in meaningful partnership with d/Deaf and disabled people and their representative organisations. It seems that a review of accessibility measures, both current and future facing, would be a useful exercise in determining what works and what does not work and well as identifying any gaps. This will allow the Disability Strategy to build transformative actions to address gaps and improve accessibility to the built environment, transport and public services for d/Deaf and disabled people in NI.
- 2.47 **The NIHRC recommends that the NI Executive, working with Department for Communities, include within the Disability Strategy a commitment to a full review of all statutory controls that influence the built environment including the public realm and the natural environment and make the necessary amendments to ensure compliance with the UN CRPD. This review should be conducted with the full and meaningful participation of d/Deaf and disabled people, including children and young people, and their representative organisations.**
- 2.48 Outcome 3 of the proposed Disability Strategy includes actions to “make it easier for d/Deaf and disabled people to report crime and access the justice system”, including by providing improved communications, designating specific offices with disability responsibilities in Court and Tribunal venues, strengthening hate crime legislation and police response, continuing to provide registered intermediaries and improving the accessibility of Youth Justice Agency buildings.<sup>68</sup>
- 2.49 Access to justice is protected under several international human rights mechanisms.<sup>69</sup> The UN CRPD Committee notes that “safe houses, support services and procedures must all be accessible in order to provide effective

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<sup>67</sup> Disability Strategy Expert Advisory Panel, ‘Report and Recommendations’, (DfC, 2020), at 75.

<sup>68</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 29.

<sup>69</sup> Articles 5 and 6, European Convention on Human Rights 1950; Articles 14-16, UN International Covenant on Civil and Political Rights 1966; Article 5(a), UN Convention on the Elimination of All Forms of Racial Discrimination 1965; Article 15, UN Convention on the Elimination of Discrimination Against Women 1981; Article 13, UN Convention on the Rights of Persons with Disabilities 2006.

and meaningful protection from violence, abuse and exploitation to persons with disabilities, especially women and children”.<sup>70</sup> The UN CRPD Committee has provided several recommendations to the UK Government and NI Executive to improve access to justice for d/Deaf and disabled people in NI, including to:

- a) Develop and implement capacity-building programmes among the judiciary and law enforcement personnel, including judges, prosecutors, police officers and prison staff, about the rights of persons with disabilities;
- b) Design and implement a decision-making regime with guidelines and appropriate resources, focusing on respecting the will and preferences of persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities, in court proceedings;
- c) Provide free or affordable legal aid for persons with disabilities in all areas of law and remove fees to access courts and employment tribunals, bearing in mind the Supreme Court ruling of 26 July 2017 regarding the Employment Tribunal’s fees (R (on the application of UNISON) (Appellant) v. Lord Chancellor (Respondent));
- d) Ensure that all persons with disabilities enjoy the right and are provided with adequate procedural accommodation within the justice system, and enable in particular deaf persons through the use of sign language interpreters, to participate as jurors fully and equally in court proceedings; and
- e) Take measures to empower persons with disabilities to work in the justice system as judges, prosecutors or in other positions, with the provision of all necessary support.<sup>71</sup>

2.50 Barriers to access to justice for d/Deaf and disabled people in NI persist. For example, a report on the d/Deaf community and access to justice identified issues with accessing sign language interpreters, the design of services being for hearing people, with no consideration of the needs of Deaf people and a lack of training for legal professionals.<sup>72</sup>

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<sup>70</sup> CRPD/C/GC/2, ‘UN CRPD Committee General Comment No 2: Accessibility’, 22 May 2014, at para 37.

<sup>71</sup> CRPD/C/GBR/CO/1, ‘UN CRPD Committee Concluding Observations on the Initial Report of the UK of Great Britain and NI’, 3 October 2017, at para 33.

<sup>72</sup> Dr Bronagh Byrne, Dr Brent Elder and Dr Michael Schwartz, ‘Improving Access to Justice for Deaf People in Northern Ireland: Summary Report’ (BDA NI, 2019).

- 2.51 The Expert Advisory Panel identified that d/Deaf and disabled people experience barriers to access support for domestic abuse and human trafficking. The Panel recommended that a commitment to “commission further research to understand experiences of d/Deaf and disabled people in accessing domestic violence services and supports and access legal redress” was placed within the Disability Strategy.<sup>73</sup> This commitment was not brought forward in the proposed Disability Strategy despite acknowledgement of the issue.<sup>74</sup>
- 2.52 The actions within the proposed Disability Strategy are to be welcomed, but more practical steps to address barriers to access to justice for d/Deaf and disabled people are required to address ongoing concerns, including capacity building within the criminal justice system.
- 2.53 **The NIHRC recommends that the NI Executive, working with Department for Communities, commission research to identify barriers to access to justice by d/Deaf and disabled people and thereafter implements measures to remove barriers and close gaps in access to effective remedies.**
- 2.54 **The NIHRC recommends that the NI Executive, working with Department for Communities, include within the Disability Strategy an action to implement effective training on disability inclusion and accessibility at all levels of the criminal justice system.**
- 2.55 **The NIHRC recommends that the NI Executive, working with Department for Communities, include actions within the Disability Strategy to ensure that support services for d/Deaf and disabled people exiting situations of abuse, including domestic violence, are fully accessible.**

## **Independent Living**

- 2.56 Outcome 5 of the proposed strategy aims to support d/Deaf and disabled people to “live independently in the community with choice and control and with a sufficient and sustainable standard of living”.
- 2.57 Article 3 of the UN CRPD states that the general principle of “respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons”, while Article 19 recognises

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<sup>73</sup> Disability Strategy Expert Advisory Panel, ‘Report and Recommendations’, (DfC, 2020), at 61.

<sup>74</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 28.

the equal right of all persons with disabilities to live in the community, with choices equal to others, including the opportunity to choose their place of residence.

- 2.58 The UN CRPD Committee defines independent living as meaning “individuals with disabilities are provided with all necessary means to enable them to exercise choice and control over their lives and make all decisions concerning their lives”.<sup>75</sup> Personal autonomy and self-determination are integral components of independent living, encompassing “access to transport, information, communication and personal assistance, place of residence, daily routine, habits, decent employment, personal relationships, clothing, nutrition, hygiene and health care, religious activities, cultural activities and sexual and reproductive rights”.<sup>76</sup>
- 2.59 The former UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Juane E Méndez previously highlighted that in the health care context, “choices by people with disabilities are often overridden based on their supposed ‘best interests,’” and “serious violations and discrimination against persons with disabilities may be masked as ‘good intentions’ of health professionals”.<sup>77</sup>
- 2.60 In relation to adequate housing in order to facilitate independent living for d/Deaf and disabled people, the UN CRPD Committee has identified that:
- accessible housing providing accommodation to persons with disabilities, whether they live alone or as a part of a family, must be available in sufficient number, within all areas of the community, to provide the right of persons with disabilities to choose and the possibility to do so. To this end, barrier-free new residential construction and the barrier-free retrofitting of existing residential structures are required. In addition, housing must be affordable to persons with disabilities.
- 2.61 The UN CRPD Committee note that “support services must be available within safe physical and geographical reach to all persons with disabilities living in urban or rural areas. They must be affordable, considering

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<sup>75</sup> CRPD/C/GC/5, UN CRPD Committee General Comment No 5: Living Independently and Being Included in the Community, 27 October 2017, at para 16(a).

<sup>76</sup> CRPD/C/GC/5, UN CRPD Committee General Comment No 5: Living Independently and Being Included in the Community, 27 October 2017, at para 16(a).

<sup>77</sup> A/HRC/22/53 ‘Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E Méndez’, 1 February 2013, at para 61.

persons living on low incomes. They also need to be acceptable, which means that they must respect standard levels of quality and be gender, age and culturally sensitive”.<sup>78</sup>

- 2.62 An adequate standard of living is protected under several international human rights frameworks.<sup>79</sup> In 2016, the UN CRPD Committee conducted an inquiry into the impact of welfare reforms since 2010 on disabled people in the UK. The UN CRPD Committee observed that cuts to welfare for disabled people, including the personal independence payment “hindered various aspects of the right to live independently and be included in the community”.<sup>80</sup>
- 2.63 In its follow-up to the 2016 inquiry in 2024, the UN CRPD Committee observed that “no significant progress has been made in the State party concerning the situation of persons with disabilities addressed in the inquiry proceedings”.<sup>81</sup>
- 2.64 Action 28 under Outcome 5 intends to improve the availability of suitable housing for d/Deaf and disabled people and their families by incorporating the views of d/Deaf and disabled people into the “final co-designed Housing Supply Strategy”.<sup>82</sup> The NIHRC reminds the Department for Communities and the NI Executive that effective participation with d/Deaf and disabled people is protected under Article 4(3) on UN CRPD, State parties must “closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations”.<sup>83</sup>
- 2.65 There is a housing crisis in NI currently, characterised by “an extreme disparity between supply and demand, which makes accessing suitable, sustainable homes extremely difficult, and deep affordability issues,

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<sup>78</sup> CRPD/C/GC/5, ‘UN CRPD Committee General Comment No 5: Living Independently and Being Included in the Community’, 27 October 2017, at para 35.

<sup>79</sup> Article 11, UN Covenant on Economic, Social and Cultural Rights 1966; Article 27, UN Convention on the Rights of the Child 1981; Article 28, UN Convention on the Rights of Persons with Disabilities 2006; Article 14(2)(h), UN Convention on the Elimination of Discrimination against Women 1979; Article 5(e)(iii), UN Convention on the Elimination of Racial Discrimination 1965; Article 31, European Social Charter 1961; E/1992/23, ‘UN ICESCR Committee General Comment No 4: The Right to Adequate Housing’, 1991, at para 7; E/1998/22, ‘UN ICESCR Committee General Comment No 7: The Right to Adequate Housing - Forced Evictions’ 1997, at para 8; E/C.12/1999/5, ‘UN ICESCR Committee General Comment No 12: The Right to Adequate Food’, 12 May 1999, at paras 14-20; E/C.12/2002/11, ‘UN ICESCR Committee General Comment No 15: The Right to Water’, 20 January 2003, at paras 17-29.

<sup>80</sup> CRPD/C/15/4, ‘UN CRPD Committee Inquiry Concerning the UK of Great Britain and NI carried out by the Committee Under Article 6 of the Optional Protocol to the Convention’, 24 October 2017, at para 95.

<sup>81</sup> CRPD/C/GBR/FUIR/1, ‘UN CRPD Committee Report on Follow-Up to the Inquiry Concerning the UK of Great Britain and NI’, 22 March 2024, at para 88.

<sup>82</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 37.

<sup>83</sup> Article 4(3), UN Convention on the Rights of Persons with Disabilities 2006.

particularly in the private rented sector”.<sup>84</sup> This is magnified for d/Deaf and disabled people who have additional accessibility requirements.<sup>85</sup>

2.66 Action 30 under this Outcome identifies that the Disability Strategy will align with and compliment the Anti-Poverty Strategy. The proposed Anti-Poverty Strategy has received significant criticism from civil society for not being suitably transformative.<sup>86</sup> There was a significant consultation exercise by the Department for Communities on the proposed Anti-Poverty Strategy, the result of which is not yet publicly available. The NIHRC is concerned that relying on the proposed Anti-Poverty Strategy in its current form to protect an adequate standard of living for d/Deaf and disabled people in NI, who are themselves significantly more likely to experience poverty,<sup>87</sup> will not provide suitable protections or interventions. The NIHRC submitted a response to the consultation on the proposed Anti-Poverty Strategy, which may be useful to the Department for Communities in relation to Outcome 5.<sup>88</sup>

2.67 Action 31 of the proposed Disability Strategy promises to “take steps to place Deaf and disabled people who are currently institutionalised at the heart of all planning and future decision making”.<sup>89</sup> This will include actions relating to the report of the Muckamore Abbey Hospital Inquiry, resettlement of individuals from institutions and appropriate funding and provision of an independent advocacy service to support those who need it.<sup>90</sup> The UN CRPD Committee notes that State parties should “support persons with disabilities and their representative organisations ... to independently advocate for their full and effective participation in society”.<sup>91</sup> This support should include the provision of funds and other requisite resources.<sup>92</sup> There are concerns that current provision for

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<sup>84</sup> Cliff Edge Coalition NI, ‘Cliff Edge Coalition NI response to the UK Government’s ‘Pathways to Work: Reforming Benefits and Support to Get Britain Working Green Paper’ (Cliff Edge Coalition NI, 2024), at 19.

<sup>85</sup> Disability Strategy Expert Advisory Panel, ‘Report and Recommendations’, (DfC, 2020), at 34.

<sup>86</sup> Anti-Poverty Strategy Group, ‘Press Release: Media statement from the Anti-Poverty Strategy Group following the publication of the draft Anti-Poverty Strategy’, 18 June 2025; Committee on the Administration of Justice, ‘Initial Comparator Paper – The Draft Anti-Poverty Strategy for Consultation 2025 Against Previous Recommendations’ (CAJ, 2025).

<sup>87</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 34.

<sup>88</sup> NI Human Rights Commission, ‘Submission to the Department for Communities’ Consultation on the NI Executive’s Anti-Poverty Strategy 2025-2035’ (NIHRC, 2025).

<sup>89</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 37.

<sup>90</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 37.

<sup>91</sup> CRPD/C/GC/7, ‘UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities Including Children with Disabilities, Through Their Representative Organisations, In the Implementation and Monitoring of the UN CRPD’, 9 November 2018, at para 60.

<sup>92</sup> CRPD/C/GC/7, ‘UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities Including Children with Disabilities, Through Their Representative Organisations, In the Implementation and Monitoring of the UN CRPD’, 9 November 2018, at para 61.

independent advocates differs by Trust area.<sup>93</sup> Any independent advocacy service should be consistently available across NI and independent of the NI Executive and local Trusts. Preferably funding should be allocated to representative disability organisations who have experience in providing an advocacy service.<sup>94</sup>

- 2.68 **The NIHRC recommends that the NI Executive, working with Department for Communities, ensure that services to facilitate independent living captured under Outcome 5 of the Disability Strategy, including plans for social housing supply, are developed and delivered alongside meaningful participation from d/Deaf and Disabled people and their representative organisations. These services should be distributed across urban and rural areas and gender, age and culturally sensitive.**
- 2.69 **The NIHRC recommends that the NI Executive, working with Department for Communities, publishes the outcome of the Anti-Poverty Strategy consultation process and identifies the key concerns relating to the proposed Strategy's ability to alleviate poverty for d/Deaf and disabled people, including children and young people.**
- 2.70 **The NIHRC recommends that the Department for Communities, alongside the NI Executive, ensures that an independent advocacy service is available on an equal basis across NI and independent of the NI Executive and local health and social care Trusts. This independent advocacy service should be designed and implemented with meaningful participation from d/Deaf and disabled people and their representative organisations.**

## **Right to Work**

- 2.71 Outcome 7 of the proposed Disability Strategy commits to ensuring that "Deaf and disabled people can access, sustain and progress within quality employment in an inclusive labour market."<sup>95</sup>

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<sup>93</sup> Meeting between the NI Human Rights Commission and Families Involved NI, 27 November 2025

<sup>94</sup> CRPD/C/GC/7, 'UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities Including Children with Disabilities, Through Their Representative Organisations, In the Implementation and Monitoring of the UN CRPD', 9 November 2018, at para 61(b).

<sup>95</sup> NI Executive, 'The NI Disability Strategy 2025-2035' (DfC, 2025), at 42.

- 2.72 The right to work is protected across several human rights instruments.<sup>96</sup> In the context of disability, the UN ICESCR Committee has identified the persistent issue of pay disparity for d/Deaf and disabled people in the UK and NI, recommending that the UK Government and NI Executive “strengthen measures to guarantee equal pay for work of equal value, particularly for ... persons with disabilities”.<sup>97</sup>
- 2.73 The UN CRPD Committee has also noted concerns with “insufficient affirmative action measures and provision of reasonable accommodation to ensure that persons with disabilities can access employment on the open labour market”.<sup>98</sup> The UN CRPD Committee recommended that the UK Government and NI Executive:
- ensure that reasonable accommodation is provided to all persons with disabilities who require it in the workplace, that regular training on reasonable accommodation is available to employers and employees without disabilities, and that dissuasive and effective sanctions are in place in cases of denial of reasonable accommodation.<sup>99</sup>
- 2.74 In NI, disability-related discrimination complaints represent the highest number of enquiries in respect of employment to the Equality Commission for NI.<sup>100</sup> There also remains a significant disability employment gap in NI, with employment rate for people with disabilities at 38.3 per cent compared to 85.9 per cent for people without disabilities, a different of 47.6 percentage points.<sup>101</sup>
- 2.75 Accessible workplaces remain an issue for d/Deaf and disabled people in NI, with research indicating that many workplaces contain a number of unnecessary physical barriers.<sup>102</sup> Access to accessible transport is also an important factor to consider when addressing systemic barriers to

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<sup>96</sup> Article 1, Council of Europe European Social Charter 1961, Article 6, UN International Covenant on Economic, Social and Cultural Rights 1966, Article 11, UN Convention on the Elimination of Discrimination against Women 1979, Article 5(e)(i), UN Convention on the Elimination of All Forms of Racial Discrimination 1965, Article 32, UN Convention on the Rights of the Child 1989, Article 27, UN Convention on the Rights of Persons with Disabilities 2006. The ECHR does not contain an express right to work, however the European Court of Human Rights (ECtHR) has recognised that aspects of the right to work fall within the scope of several provisions, including under Article 8 on respect for private life and family, and Article 14 on non-discrimination, *Sidabras and Dziautas v Lithuania* (2004) ECHR 395, at paras 47-50, *Glor v Switzerland* (2009) ECHR 2182, at para 71.

<sup>97</sup> *Ibid*, at paras 36-37.

<sup>98</sup> CRPD/C/GBR/CO/1, ‘UN CRPD Committee Concluding Observations on the Initial Report of the UK of Great Britain and NI’, 3 October 2017, at para 56(b).

<sup>99</sup> *Ibid*, at para 57(b).

<sup>100</sup> Equality Commission for NI, ‘Key Inequalities in Employment’ (ECNI, 2018).

<sup>101</sup> NISRA, ‘Disability employment gap in Northern Ireland 2021’ (NISRA, 2024).

<sup>102</sup> NI Statistics and Research Agency, ‘Disability Within the NI Labour Market’ (NISRA, 2022), at 13.

employment for persons with disabilities, particularly for individuals living in rural areas.<sup>103</sup> Recruitment practices are a key barrier to the workplace for d/Deaf and disabled people, with online platforms, lengthy job descriptions and a lack of advertised jobs with flexible work or job-sharing options.<sup>104</sup>

2.76 The proposed Disability Strategy states that it will support employers to be more inclusive in their practices, maximise opportunities for lifelong learning, increase employment of disabled people in the civil service workforce and implement the NI Executive's Social Value in Procurement Policy.<sup>105</sup> The NIHRC notes that there is no allocated budget for any of these measures, nor is there a provisional timeframe for their introduction. While the principle of inclusion is an important one, the proposed Strategy does not identify the barriers to inclusion in the workplace, nor does it set out how these inclusive work programmes will counter these barriers. Well documented, consideration of the specific experiences, barriers and needs of d/Deaf and disabled individuals in NI is also missing.

2.77 **The NIHRC recommends that the NI Executive, working with Department for Communities, ensures that any provisions to tackle rates of unemployment or improve access to good jobs for d/Deaf and disabled people addresses identified barriers to work and poor working conditions or practices. This should include the commitment to consider and address the specific experiences and needs of d/Deaf and disabled people. Such measures should be developed, implemented and monitored by effective engagement with affected individuals and their representative organisations.**

## Right to Inclusive Education

2.78 Outcome 8 of the proposed Disability Strategy focuses on ensuring that "Deaf and disabled children and young people can exercise their rights and reach their full educational, social and developmental potential".<sup>106</sup>

2.79 The right to education is well recognised within human rights standards.<sup>107</sup> This includes that education should be affordable, accessible, of high

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<sup>103</sup> Ibid, at 13-14.

<sup>104</sup> NI Statistics and Research Agency, 'Disability Within the NI Labour Market' (NISRA, 2022), at 14.

<sup>105</sup> NI Executive, 'The NI Disability Strategy 2025-2035' (DfC, 2025), at 45.

<sup>106</sup> NI Executive, 'The NI Disability Strategy 2025-2035' (DfC, 2025), at 46.

<sup>107</sup> Articles 13 and 14, UN Covenant on Economic, Social and Cultural Rights 1966; Articles 28 and 29, UN Convention on the Rights of the Child 1989; Article 10, UN Convention on the Elimination of Discrimination against Women 1979; Article

quality and inclusive, with particular consideration of the needs of children and d/Deaf and disabled people.<sup>108</sup> Also that primary education is compulsory and free of charge<sup>109</sup> and that secondary and further education can take different forms with a view to it being available, accessible and affordable.<sup>110</sup> In terms of barriers to education, the UN CRPD Committee has noted that the additional costs for reasonable adjustments should not entail additional costs for the individual d/Deaf and disabled learner.<sup>111</sup>

2.80 Currently in NI, there is an issue in placing children and young people with special educational needs and disabilities in inclusive educational settings.<sup>112</sup>

2.81 The proposed strategy outlines several actions relating to education which should already be ongoing for the NI Executive, notably assurance that “the rights of Deaf and disabled children and young people will be respected, protected and promoted by all Departments”.<sup>113</sup> The proposed Strategy does not contain a specific commitment to ensure places for children and young people with special educational needs and disabilities in inclusive educational settings. The NIHRC notes an action to deliver a new Special Educational Needs Framework, but little is currently known about the timeline for its implementation, and in the meantime, children are being left without school places.

**2.82 The NIHRC recommends that the NI Executive, working with Department for Communities, commits within the Disability Strategy to sufficient school places in inclusive educational settings for children and young people with special educational**

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5(e)(v), UN Convention on the Elimination of Racial Discrimination 1965; Article 24, UN Convention on the Rights of Persons with Disabilities 2006; E/C.12/1999/10, ‘UN ICESCR Committee General Comment No 13: The Right to Education’, 8 December 1999, at paras 43-46; CRC/GC/2001/1, ‘UN CRC Committee General Comment No 1: The Aims of Education’, 17 April 2001; CRPD/C/GC/4, ‘UN CRPD Committee General Comment No 4: The Right to Inclusive Education’, 25 November 2016, at paras 39-43; Article 2 of the Protocol 1, European Convention on Human Rights 1950 (Protocol 1 was adopted in 1952).

<sup>108</sup> E/C.12/GBR/CO/7, ‘UN ICESCR Committee Concluding Observations on the Seventh Periodic Report of the UK of Great Britain and NI’, 28 February 2025, at para 57; Article 28, UN Convention on the Rights of the Child 1989; Article 24, UN Convention on the Rights of Persons with Disabilities 2006; CRPD/C/GC/4, ‘UN CRPD Committee General Comment No 4: Right to Inclusive Education’, 25 November 2016, at paras 20 and 24.

<sup>109</sup> Article 14, UN International Covenant on Economic, Social and Cultural Rights 1966; E/C.12/1999/4, ‘UN ICESCR Committee General Comment No 11: Plans of Actions for Primary Education’, 10 May 1999, at para 7.

<sup>110</sup> Article 28, UN Convention on the Rights of the Child 1989.

<sup>111</sup> CRPD/C/GC/4, ‘UN CRPD Committee General Comment No 4: Right to Inclusive Education’, 25 November 2016, at para 24.

<sup>112</sup> Sally Weale, ‘Headteachers in England, Wales and NI say SEND provision crisis is worsening’, *The Guardian*, 2 May 2025; Mark Robinson, ‘Over 160 Pupils with SEN at risk of no school place as Education Authority calls for ‘urgent’ support from schools’, *Irish News*, 25 June 2025; Rebekah Wilson and Hayley Halpin, ‘No parent wants to send their child to a school that does not want them’, *BBC News*, 25 June 2025.

<sup>113</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 49.

**needs and disabilities. This commitment should be realised with urgency, with suitable alternative options offered without charge to children and young people who are currently unable to avail of places in educational settings in the meantime.**

## **Legality**

- 2.83 Action 5 of Outcome 1 of the proposed Disability Strategy promises to conduct “a review and update of existing Disability Legislation in Northern Ireland to include how the UNCRPD can best be incorporated into local legislation here”.<sup>114</sup> Action 5 further outlines that this will involve the commissioning of a legal scoping study to identify and compare benefits of and models for incorporation, a review and update our disability legislative framework and comparative good practice across the UK and Ireland.<sup>115</sup> The NIHRC particularly welcomes the commitment that this work will be carried out “with a view to the full incorporation of the UNCRPD into domestic law”.<sup>116</sup>
- 2.84 The NIHRC welcomes the commitment to a review of the disability legislative framework. However, it is notable that there is no time limit in which to carry out these actions. This information may be forthcoming in the Disability Strategy Action Plan; however, it would be useful to view these timeframes in tandem with the consultation process.
- 2.85 **The NIHRC recommends that the NI Executive, working with Department for Communities, sets out a timeframe within which the legislative review of disability legislation will be conducted. This should include consideration of incorporation of UN CRPD into domestic legislation.**

## **3.0 Windsor Framework Article 2**

- 3.1 Windsor Framework Article 2 requires the UK Government and NI Executive to ensure that there is no diminution of rights, safeguards and equality of opportunities contained in the relevant part of the Belfast (Good Friday) Agreement 1998, because of the UK’s withdrawal from the EU. The rights listed in the 1998 Agreement include the “civil rights ... of everyone in the community” and in particular, the right to “equal opportunity in all

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<sup>114</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 22.

<sup>115</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 22.

<sup>116</sup> NI Executive, ‘The NI Disability Strategy 2025-2035’ (DfC, 2025), at 22.

social and economic activity, regardless of ... disability”.

3.2 Articles 2 and 13 of the Windsor Framework require that NI law “keeps pace” with any improvements to minimum standards of equality protection enshrined in six EU Equality Directives listed in Annex 1 to the Windsor Framework. For other EU obligations, the UK Government and NI Executive’s commitment is measured by the relevant EU standards as they were on 31 December 2020.<sup>117</sup> The dynamic alignment (keeping pace) obligation requires adherence, on an ongoing basis, to relevant CJEU case law.<sup>118</sup> As detailed below, independent research published by the NIHRC with the Equality Commission for NI and the Irish Human Rights and Equality Commission has highlighted developments in CJEU caselaw of relevance to the EU Employment Equality (Framework) Directive, including the *Szpital Kliniczny* case on the concept of disability.

3.3 In 2024, the EU adopted two Directives setting minimum standards for equality bodies, strengthening their role and independence to achieve more robust enforcement of equality protection under the relevant EU equality directives in Annex 1.<sup>119</sup> The UK Government has accepted<sup>120</sup> that these EU directives amend or replace provisions of EU equality directives listed in Annex 1 of the Windsor Framework.<sup>121</sup> Therefore, NI law must be amended to keep pace with this change by the transposition deadline of June 2026. While the EU Charter of Fundamental Rights no longer applies directly in NI, it remains relevant insofar as it informed the CJEU case-law interpreting the Annex 1 Equality Directives prior to withdrawal, which forms part of the minimum standards protected under Windsor Framework

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<sup>117</sup> UK Government, ‘UK Government Commitment to No-diminution of Rights, Safeguards and Equality of Opportunity in Northern Ireland’ (NIO, 2020), at para 13.

<sup>118</sup> Article 13, Ireland/NI Protocol to the UK-EU Withdrawal Agreement 2020. See NI Human Rights Commission and Equality Commission for NI, ‘Annual Report of the NI Human Rights Commission and the Equality Commission for NI on the Implementation of Article 2 of the Windsor Framework 2023-2024’ (NIHRC and ECNI, 2024), at para 3.87-3.88. See also NI Human Rights Commission, ‘Annual Statement 2025 – Human Rights in NI’ (NIHRC 2025) at 116-124.

<sup>119</sup> Directive 2024/1499/EU, ‘EU Council Directive on Standards for Equality Bodies in the Field of Equal Treatment Between Persons Irrespective of their Racial or Ethnic Origin, Equal Treatment in Matters of Employment and Occupation Between Persons Irrespective of their Religion or Belief, Disability, Age or Sexual Orientation, Equal Treatment Between Women and Men in Matters of Social Security and in the Access to and Supply of Goods and Services, and Amending Directives 2000/43/EC and 2004/113/EC’, 7 May 2024; Directive (EU) 2024/1500, ‘EU Parliament and Council Directive on Standards for Equality Bodies in the Field of Equal Treatment and Equal Opportunities Between Women and Men in Matters of Employment and Occupation, and Amending Directives 2006/54/EC and 2010/41/EU’, 14 May 2024.

<sup>120</sup> Letter from the Minister of State for NI, Steve Baker MP, to the Chair of the House of Lords Sub Committee on the Protocol on Ireland/NI, 18 September 2023.

<sup>121</sup> More detail on the Commission’s advice and recommendations is available in NI Human Rights Commission and Equality Commission for NI, ‘Annual Report on the Implementation of Article 2 of the Windsor Framework 2023-2024’ (NIHRC and ECNI, 2024). See also NI Human Rights Commission, ‘Annual Statement 2025 – Human Rights in NI’ (NIHRC 2025).

Article 2.<sup>122</sup>

- 3.4 It is essential that in its development and implementation, the proposed Disability Strategy is grounded in the UK and NI Executive’s binding legal obligation under Windsor Framework Article 2. In particular, the Department of Communities must ensure that the proposed disability Strategy is informed from the outset by the non-diminution commitment, the “keeping pace” obligation, and the minimum standards arising from the Annex 1 Equality Directives.
- 3.5 **The NIHRC recommends that a Windsor Framework Article 2 assessment should be undertaken and published at the earliest possible opportunity and that the Draft Strategy and any resulting action plan are reviewed and amended as necessary to ensure Windsor Framework Article 2 compliance.**

## Definition of Disability

- 3.6 In 2023, the Court of Appeal in NI confirmed that since UN CRPD was part of the EU legal order prior to UK withdrawal, the NI Assembly is prohibited from legislating contrary to the UN CRPD as EU law where matters fell within EU competence.<sup>123</sup> The UN CRPD definition is relevant to the interpretation of the Annex 1 Equality Directives and underpinning EU obligations for the rights, safeguards and equality of opportunity listed in the relevant parts of the Belfast (Good) Friday Agreement 1998.<sup>124</sup> This judgment emphasises the importance of aligning with the equality protections arising from EU Annex 1 Equality Directives and the UN CRPD.
- 3.7 As mentioned above, pursuant to Articles 2 and 13 of the Windsor Framework, NI disability discrimination law must be updated to meet the requirement of “keeping pace”, including evolving CJEU case law on Annex 1 equality directives. In *Szpital Kliniczny*, the CJEU court significantly elaborated on the definition of disability within the Employment Equality

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<sup>122</sup> *Martina Dillon and Others v Secretary of State for NI* [2024] NICA 59, at paras 117, 120 and 126. See also *Secretary of State for Work and Pensions v AT* [2023] EW CA Civ 1307, at para 92; Tobias Lock et al, ‘The Interaction Between the EU Charter of Fundamental Rights and General Principles with the Windsor Framework’ (NIHRC, 2024).

<sup>123</sup> *Society for the Protection of the Unborn Child Pro-Life Ltd v Secretary of State for NI* [2023] NICA 35, at paras 57 (“The UN CRPD is, we accept, one of the Treaties specified as an EU Treaty by virtue of the EC (Definition of Treaties) (UN Convention on the Rights of Persons with Disabilities) Order 2009”) and 68 (“we think it correct as the NIHRC contended that section 6(2)(d) of the Northern Ireland Act 1998 only prohibited the Assembly from legislating contrary to the UNCRPD as EU law as regards matters within the competence of the EU”).

<sup>124</sup> Belfast (Good Friday) Agreement, 10 April 1998, at Part 6 on Rights, Safeguards and Equality of Opportunity – Human Rights.

(Framework) Directive.<sup>125</sup> This judgment clarified that disability discrimination under EU equality is not limited to situations where disabled people are treated less favourably than non-disabled people, and that any form of discrimination inextricably linked to disability constitutes direct discrimination.<sup>126</sup> Therefore, EU law now recognises direct discrimination on the grounds of disability where an individual has been treated differently due to a condition solely stemming from their disability. This interpretation of direct discrimination is relevant to the minimum standard that must be upheld in NI and how disability should be defined when developing the proposed Disability Strategy.

- 3.8 This proposed Disability Strategy adopts the UN CRPD definition of disability and acknowledges the diversity of experience and hidden disabilities. However, it does not acknowledge the legal definition of disability is shaped by EU-derived law and its interpretations by the CJEU. This is relevant to consider with the Strategy, as EU case law continues to clarify how disability discrimination protections must be interpreted and applied, highlighting the importance of monitoring and reviewing CJEU jurisprudence on Annex 1 Equality Directives.<sup>127</sup>
- 3.9 **The NIHRC recommends that the NI Executive, working with Department for Communities, ensure that within the Disability Strategy the legal definition of disability is shaped by EU equality law, including evolving CJEU case-law so that this minimum standard is reflected.**

## Intersectional Discrimination

- 3.10 As noted above, EU law shapes how disability and disability discrimination are defined in NI. This includes recognising that discrimination may arise from the interaction of disability with other protected characteristics.
- 3.11 Intersectional discrimination occurs when a person experiences discrimination based on a combination of any grounds, for example, discrimination protected under Directive 2000/43/EC, 2000/78/EC, or EU

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<sup>125</sup> *Szpital Kliniczny im. dra J. Babińskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie*, Case C-16/19, 27 January 2021.

<sup>126</sup> Sarah Craig et al, 'EU Developments in Equality and Human Rights: The Impact of Brexit on the Divergence of Rights and Best Practice on the Island of Ireland' (ECNI, NIHRC and IHREC, 2022); Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, 'Policy Recommendations: EU Developments in Equality and Human Rights – The Impact of Brexit on the Divergence of Rights and Best Practice on the Island of Ireland' (ECNI, NIHRC and IHREC, 2023) at 72; *Szpital Kliniczny im. dra J. Babińskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie*, Case C-16/19, 27 January 2021.

<sup>127</sup> Recent case referencing this Directive is *Bervidi*, C-38/24, 11 September 2025.

gender equality law, including Directive 2006/54/EC.<sup>128</sup> In the context of disability, this requires an understanding that d/Deaf and Disabled people may experience discrimination not only because of disability, but because disability intersects with other protected characteristics, such as sex, race, age, religion or belief, or sexual orientation.<sup>129</sup>

- 3.12 For d/Deaf and Disabled people, intersectional discrimination can impact access to services, employment, healthcare and protection from violence and exploitation. Without understanding disability through an intersectional lens, these experiences risk being inadequately addressed.
- 3.13 EU developments such as the Pay Transparency Directive emphasise the importance of addressing discrimination experience on an intersectional basis, including where disability intersects with sex in employment and pay inequality. The Directive updates the definition of discrimination to include 'intersectional discrimination' which is defined as a combination of any grounds protected under Directive 2000/43/EC or 2000/78/EC. The NIHRC and the Equality Commission for NI consider that this Directive amends and replaces provisions in Directives listed in Annex 1 of Windsor Framework, therefore triggering the 'keeping pace' obligation requiring dynamic alignment with evolving EU equality standards to ensure effective protection against discrimination.<sup>130</sup>
- 3.14 While the Proposed Strategy recognises the diversity of d/Deaf and Disabled people's experiences, it does not explicitly engage with intersectional discrimination or recognise how compounded disadvantage will be recognised and addressed in practice. Recognition of intersectionality within the Proposed Strategy would support a more comprehensive, inclusive and effective approach to disability equality and non-discrimination.<sup>131</sup>

### 3.15 **The NIHRC recommends that the NI Executive, working with**

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<sup>128</sup> Directive 2000/43/EC, 'EU Council Directive on Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000; Directive 2000/78/EC, 'EU Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000; Directive 2006/54/EC, 'EU Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation', 5 July 2006.

<sup>129</sup> The CJEU found that pursuant to Article 1 of the EU Employment Equality (Framework) Directive the definition of 'disability discrimination' should include discrimination between persons with disabilities. It also ruled under Article 2 of the EU Directive that any form of discrimination which is inextricably linked to a protected characteristic amounts to direct discrimination, rather than indirect discrimination. See *Szpital Kliniczny im. dra J. Babińskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie*, Case C-16/19, 27 January 2021.

<sup>130</sup> Equality Commission for NI and NI Human Rights Commission, 'Briefing Paper: The EU Pay Transparency Directive: The UK Government's Dynamic Alignment Obligations Relating to Windsor Framework Article 2' (ECNI and NIHRC, 2024).

<sup>131</sup> NI Human Rights Commission, 'Annual Statement 2025—Human Rights in NI' (NIHRC 2025) at 111-118

**Department for Communities recognise within the Disability Strategy intersectional discrimination which affects d/Deaf and Disabled people, including the impact of disability when it intersects with protected characteristics in line with evolving EU equality standards.**

## **Divergences of Rights on the Island of Ireland**

- 3.16 Prior to 31 December 2020, EU law had facilitated the alignment of many laws on rights and equality between Ireland and NI. Although the keeping pace obligation helps to maintain alignment to an extent,<sup>132</sup> there is potential for equality and human rights on the island of Ireland to diverge in areas outside the six Annex 1 Directives. The Commission has previously urged UK Government and the NI Executive to ensure North-South equivalence of rights by aligning with changes to EU equality and human rights law, that enhance protections and reflect international human rights standards, even where not required under Windsor Framework.<sup>133</sup>
- 3.17 Accessibility of services and digital technology is relevant to disability rights and barriers in digital environments can restrict d/Deaf and disabled people's ability to participate equally in employment, access services, engage in education and participate in the community. As technology continues to develop and allow for access to essential services, the differences in accessibility standards may result in divergence regarding the rights protections experienced by disabled people.
- 3.18 Minimum accessibility standards at the EU level have been established and developed through the European Accessibility Act.<sup>134</sup> This Act has established accessibility requirements including in digital services. The standards outlined in this Act remove barriers arising from national approaches and ensures a baseline of accessibility protections for d/Deaf and Disabled people. This is done by enabling accessible products and services in the market, establishing fewer barriers when accessing transportation, education, and making more jobs available where accessibility expertise is needed.<sup>135</sup>

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<sup>132</sup> Article 13, Windsor Framework.

<sup>133</sup> NI Human Rights Commission and Equality Commission for NI, 'Annual Report of the NIHRC and the ECNI on the implementation of Protocol Article 2 2022 – 2023' (NIHRC and ECNI, 2023).

<sup>134</sup> Directive 2019/882/EU, 'EU Parliament and Council Directive on the Accessibility Requirements for Products and Services', 17 April 2019.

<sup>135</sup> Directive 2019/882/EU, 'Directive of the EU Parliament and Council on the accessibility requirements for products and services (European Accessibility Act)', 17 April 2019.

- 3.19 Ireland transposed the European Accessibility Act into domestic law in June 2025. This has resulted in accessibility requirements being enforceable in Irish law. NI does not currently have an equivalent framework, which creates a risk of divergence in practical accessibility on the standards on the island of Ireland specific to areas reliant on digital and technological systems. Although the European Accessibility Act does not directly fall under the Windsor Framework commitment, it is relevant due to its impact on d/Deaf and Disabled people on the island.<sup>136</sup>
- 3.20 **The NIHRC recommends that the NI Executive, alongside the Department for Communities works to maintain North-South equivalence of disability and accessibility protections on the island of Ireland.**

## 4.0 Funding

- 4.1 For the Disability Strategy to be effective, it must have sufficient resources attached. No additional funding has been made available publicly by the NI Executive to implement the proposed Disability Strategy.
- 4.2 The NIHRC notes that the NI Executive is experiencing budgetary pressures.<sup>137</sup> The NIHRC recalls the obligations to respect, to protect and to fulfil human rights and to maximise available resources, as identified within human rights treaties including Article 2(2) of the UN ICCPR, Article 2(1) of the UN ICESCR and Article 4(2) of the UN CRPD.
- 4.3 The effective allocation of resources is a key element in the enjoyment of human rights and requires States not only to distribute existing resources, but also to effectively mobilise resources within a country, including through fiscal reform.<sup>138</sup> The UN ICESCR Committee has previously raised concerns about the impact of the UK's fiscal policy on its capacity to "collect sufficient resources to achieve the full realisation of economic,

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<sup>136</sup> Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, 'Policy Recommendations: EU Developments in Equality and Human Rights: The Impact of Brexit on the Divergence of Rights and Best Practice on the Island of Ireland' (ECNI, NIHRC and IHREC, 2023) at 72

<sup>137</sup> John Campbell, 'Pay deals dominant reason for Stormont overspends – watchdog', *BBC News*, 24 February 2026.

<sup>138</sup> UN Human Rights Office of the High Commissioner, 'Realising Human Rights Through Government Budget' (OHCHR, 2017).

social and cultural rights for the benefit of disadvantaged and marginalised individuals and groups".<sup>139</sup>

- 4.4 Additionally, effective implementation of the Disability Strategy must be considered in the context of the loss of EU funding following EU withdrawal. The Equality Commission for NI has published independent research identifying concerns about the loss of EU funding.<sup>140</sup> The transition from EU funds to the UK Shared Prosperity Fund has reduced funding and capacity within organisations supporting d/Deaf and Disabled people in NI. This raises risks for effective implementation of equality and disability protections.
- 4.5 While progressive realisation to the maximum available resources is an important facet of economic, social and cultural rights, the NI Executive should consider the moral, legal and financial cost of inaction or ineffective action regarding the Disability Strategy.
- 4.6 **The NIHRC recommends that the NI Executive, alongside the Department for Communities, ensures that the Disability Strategy is effectively funded to the maximum of its available resources and includes an express commitment to the principles of progressive realisation and non-retrogression.**

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<sup>139</sup> E/C.12/GBR/CO/6, 'UN ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 14 July 2016, at para 16.

<sup>140</sup> Eve Hepburn, Lewis Bloss and Hannah Jeffery, 'Funding for Equality Groups in NI The Impact of the Transition from EU Funding to UK Shared Prosperity Fund (ECNI, 2025).

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