

1. Ongoing Consultation with DPOs

I make this observation on behalf of, and as a member of, Voice of Vision Impairment (VVI), a DPO under the Convention on the Rights of People with Disabilities. In relation to Article 4.3 of the CRPD, General Comment 7 states:

Organizations of persons with disabilities should be distinguished from organizations “for” persons with disabilities, which provide services and/or advocate on behalf of persons with disabilities, which, in practice, may result in a conflict of interests in which such organizations prioritize their purpose as private entities over the rights of persons with disabilities. States parties should give particular importance to the views of persons with disabilities, through their representative organizations, support the capacity and empowerment of such organizations and ensure that priority is given to ascertaining their views in decision-making processes.

As such, our expertise as the national DPO for people with a visual impairment, should be sought outside and above consultations open to the general public, and our views be appropriately weighted, and not aggregated with other interests.

We are happy to offer our services in all or any consultations undertaken by the Department of Justice, since every policy and initiative will have a disability/accessibility element to it.

2. Collecting Statistics Through Hate-Crime Reporting and Investigation:

The ONS in the UK consistently reports that people with disabilities are five times more likely to be victims of assaults when compared to the general population. This valuable data is only available because of the Hate Crime legislation in the UK. and we ask that similar data-collection be facilitated by any new legislation in this jurisdiction.

3. Definition in Cases of Assault:

since people with disabilities are very unlikely to be in a position to fight back, any assault on a person with a disability is likely to be because they have a disability, and this is how the matter is approached in the UK.

Such bullying or aggression towards vulnerable adults should be complementary to the Criminal Justice Act (2012) in its recognition of the special status of vulnerable adults in assaults on them.

4. Robbery and Deception of People with Disabilities:

Where people with disabilities have been targeted for crime because of their disability, or taken advantage of in a criminal manner because of their disability, this should be treated as a hate crime on top of the physical crime which has been committed.

5. Verbal, Video/Image, and Written Aggressions:

Any public aggression towards someone with a disability where a disability is named, should be a summary offence. The lives of people with disabilities are hard enough without having to fend off such bullying and demeaning put-downs.

6. Gratuitous Degrading Depictions of People with Disabilities:

Gratuitous depictions of people with disabilities in public should be a summary offence.

7. General Encitement:

Any general encitement of public enmity against any group that is associated in any way with disability should be a summary offence.

8. Other Legal Supports:

Article 12 of the Crpd and Article 21 of the Charter of Fundamental Rights of the EU, give all people with disabilities equality before the law vis-à-vis their non-disabled comparitors. However, supports need to be given to An Garda Síochána and the Courts Service to:

a). train staff (including judges) as to the needs of people with disabilities.

b). CRPD, Article 13 – Effective Access to Justice:

eliminate unconscious bias and outright prejudice from the institutional culture within the Gardaí and the Courts. For instance, very often crimes against blind people are not investigated because particular gardaí believe that the blind person would not make a good witness – not being able to see the assailant. This attitude consigns blind people to the position of second class citizen.

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