



INDEPENDENT LIVING  
MOVEMENT IRELAND

FREEDOM • RIGHTS • EMPOWERMENT

**ILMI input into the review of the National Cycle Manual  
May 2023**

**Summary:**

Post-ratification of the UNCRPD there is increased awareness of the rights of disabled people and how legislation, policy and public investment needs to ensure the inclusion of disabled people in society.

ILMI recognises the need to promote active mobility and sustainable travel to reduce our national carbon footprint and the key role the development of cycling infrastructure will play to meet vital targets. The review of the National Cycle Manual should not only continue to promote sustainable safe cycling but that this can, and indeed should be done, with our existing commitments under the UNCRPD to ensure that disabled people are not further marginalised and excluded from society through a failure to recognise that disabled people must have accommodation made to provide for transport and mobility needs.

**Who are ILMI?**

Independent Living Movement Ireland (ILMI) is a campaigning cross-impairment national Disabled Persons Organisation (DPO).

Our vision is an Ireland where disabled persons have freedom, choice and control over all aspects of their lives and can fully participate in an inclusive society as equals.

Our work is informed by the principles of community development: empowerment, human rights, inclusion, social justice, self-determination and collective action.

Our core values of human rights, collective empowerment and social change reflect our philosophy of Independent Living and our ambitions

for equality and human rights. They underpin our mission, and our plans and activities in pursuit of our mission.

Our core values are interlinked and we seek to embed and engage these values across all of our functions and in our priorities, processes and practice.

### **Human Rights**

Human rights are about discovery, capacity, and control over one's life. It involves having options and making informed choices.

### **Collective Empowerment**

Collective empowerment is about organising, shared analysis, representation, and consultation. It involves giving voice to the lived experience of being disabled and building collective power for change.

### **Social Justice**

Social justice is about making rights real and achieving a more equal distribution of resources. It involves dismantling structural ableism, and embedding the social model of disability in policy thinking, policymaking, and policy implementation.

## **UNCRPD and the rights of disabled people**

Ireland ratified the UNCRPD with legally binding obligations to “undertake to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability (Article 4).

According to Article 1 the purpose of the CRPD “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.” It acknowledges that all disabled persons are right holders and that impairment cannot be used as a justification for denial or restrictions of human rights. It recognises disability as a social construct which is caused when impairment interacts with societal barriers. It is a as a paradigm shift from the medical to the social model of disability.

Article 5 (“Equality and non-discrimination”) specifically shows that:

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

The UNCRPD makes specific references to state party commitments to ensure disabled people are effectively involved in all policy forums.

Article 4.3 states: “In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”

General Comment 7.13 of the CRPD states that: “Organisations of persons with disabilities should be distinguished from organisations “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 organisations prioritise their purpose as private entities over the rights of persons with disabilities.

Article 9 of the UNCRPD specifically places obligations on States to take appropriate measures to ensure disabled people “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. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility”.

## **The necessity to ensure safety of all pedestrians and cyclists**

The current National Cycle Manual (section 1.9 “pedestrians and cyclists”) recognises that pedestrians, regardless of age or impairment, as the most vulnerable road users. The current plan recognises that “shared facilities between pedestrians and cyclists generally result in reduced Quality of Service for both modes and should not be considered as a first option”.

Any review of the National Cycle Manual needs to be cognisant of Article 5 and article 9 of the CRPD to ensure access of disabled people.

Dangerous “shared spaces” are directly impacting our ability as disabled people to participate with our accustomed ease of freedom in society.

Similarly section 1.7 in referencing segregated cycling needs to be modified from “separated from the general traffic by a physical barrier” to “separate from the general traffic **and pedestrians** by a physical barrier”. The segregation between pedestrians and cyclists needs to be constantly reinforced in a revised cycle manual to ensure that the development of a cycling infrastructure is not done at the expense of the rights of disabled people to access their communities safely.

This would also be consistent with Goal 11 of the SDGs to ensure that our towns and cities are “inclusive, safe, resilient and sustainable”.

## **Policy and the National Cycle Manual**

A review of the cycle manual needs to reference commitments under the UNCRPD. Specifically it should notify planners of their obligations under Article 4.3 (and general comment 7) to engage with DPOs locally and nationally to ensure the development of inclusive plans for cycling infrastructure.

Direct engagement with DPOs will ensure that the provision of appropriate accommodation made to provide for our transport and mobility needs.

There have been examples of local planning with regard to cycling which have had negative impact on our lives. These local plans were delivered with little or no recognition of earlier objections to their design, and with

no new consultation with disabled people through representative Disabled Persons Organisations (DPOs) as per the States commitments under Article 4.3 of the UNCRPD.

This has led to a mix of local initiatives without meaningful consultation with disabled people, which undermine disabled people's right to access and inclusion. Article 9 of the UNCRPD specifically places obligations on States to take appropriate measures to ensure disabled people "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. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility"

Engagement with disabled people through our authentic autonomous organisations are reinforced through Section 42 of the Irish Human Rights Equality Commission Act (2014) (the Public Sector Duty) to ensure inclusion of all people in the provision of services, including how public spaces are planned, designed, safe and maintained.

This would also be relevant to embed in section three of the current plan ("Planning for the bicycle") to ensure that DPOs are engaged in the planning process to ensure that scarce public investment does not end up being used for infrastructure that further excludes our participation in society.

The development of local cycling infrastructure can only be informed by local DPOs to bring an authentic cross-impairment perspective to ensure that disabled people can access their communities.

### **Getting the details right: Ensuring the safety of all**

Section five of the current National Cycle Plan recognises the Disability Act (2005). The ratification of the UNCRPD supersedes the disability act and places higher obligations on States to promote inclusion.

Currently the needs of disabled people are noted in developing bus stops but falls short out prioritising the needs of disabled people who use public transport over planning for cycling ("While it is recognised that it

will not always be possible to provide conflict-free access for all users to and from buses and/or bus stops, there is an onus on the designer, nevertheless, to ensure in respect of mobility-impaired persons that access is facilitated, and that the highest degree of convenience is afforded them, insofar as is reasonably practicable”).

The review of the National Cycle Plan needs to robustly state that shared spaces or “floating” bus stops are contrary to the access needs of disabled people as per Article 9 of the UNCRPD. The design of floating bus stops could also be seen as a breach of the Equal Status legislation in denying disabled people safe access to public transport.

Whilst recognising the needs of cyclists to travel safely, the provision of floating bus stops are neither safe for pedestrians nor cyclists as they will inevitably lead to collisions between cyclists and pedestrians (as witnessed in other jurisdictions).