**Contribution to the Committee on the Rights of Persons with Disabilities (CRPD) on the Draft General Comment on Article 27 of the CRPD**

December 6, 2021

Japan National Assembly of Disabled Peoples′ International (DPI-Japan)

DPI-Japan, an organization of persons with cross-disabilities which advocates the rights of persons with disabilities, hereby submit our comments for the draft General Comments on Article 27 CRPD to the Committee on the Rights of Persons with Disabilities. We sincerely hope that these comments will be reflected in the General Comments.

**Article 27(1) The right, on an equal basis with others, to freely chosen or accepted work in an open, inclusive and accessible workplace**

On paragraph (par. hereafter) 18: It is necessary for States parties to implement measures in the form of effective action plans to facilitate the transition of persons with disabilities currently working in sheltered workshops to employment in the open labour market. At the same time, States parties must also take measures to transform employment in the open labour market into an inclusive working environment.

**Article 27(1)(b) on just and favourable conditions of work on an equal basis with others**

On par. 27(e)**：**States Parties must provide remedies for complaints, and these must be accompanied by the reality of the organization as a remedial function, with the authority to investigate and make recommendations. It should be noted that even if a consultation service exists, an organization that does not have the authority to investigate and make recommendations within the redress process will not be able to function.

On par. 28**：**(c). Please specify that the "enjoyment of the right to just and favourable conditions of work" must be based on labour-related legislation and without any wage disparity with non-disabled staff engaged in similar work in the same workplace.

On par. 29: It needs to be ensured that " all workers with disabilities in all settings " includes all persons with disabilities working in workplaces provided as disability services, including persons with disabilities working as vocational training or supported employment. It is necessary to ensure that there are no places where the minimum wage does not apply or where labour law rights are not protected, and to specify that where people with disabilities work, they should not be required to pay any costs to users.

**Article 27(1)(c) on labour and trade union rights**

On par. 35: States parties should ensure that trade unions to which workers with disabilities participate are inclusive, whether they are company-based, industry-based or differentiated by worker demographics, and that issues of workers with disabilities are addressed with the participation of persons with disabilities.

**Article 27(1)(g) on employment in the public sector**

On par. 43: Please note that in the light of the differences between state parties in the scope of disability and in the adoption and proportion of quota mechanisms, with regard to the public sector employees with disabilities, the appropriate number of employees with disabilities should be calculated on the basis of the social model of disability and in the ratio of the disabled working population based on the working population.

**Article 27(1)(h) on employment in the private sector and affirmative action programmes**

On par. 47(b): The requirements for what constitutes "fake employment" need to be clarified. In Japan, where a statutory quota mechanism exists, the business of contracting out employment-rates is being carried out. For example, company A is hiring a number of disabled people on the behalf another company B though contract. While the workers with disabilities employed under the name of company B earned more than the minimum wage at company A’s workplace including farms etc., their work does not produce any profit.

Article 27(1)(j) on work experience

On Par. 51: Please add that sustainable financial measures are needed to promote work experience programmes and ensure reasonable accommodation in the workplace by the state party.

On para 52:In order to ensure the effectiveness of clearly regulating and monitoring the situation of persons with disabilities in employment support programmes for persons with disabilities, please stated that the monitoring body should be a third party origination with powers of investigation and guidance.

Article 27(1)(k) on rehabilitation, job retention, and return-to-work

On par. 53: In order to ensure the effectiveness of employment support for persons with disabilities, please specify that such organizations need to have both financial basis and powers to advise and guide employers to support employment of persons with disabilities.

On par. 55: In order to ensure the effectiveness of the return-to-work programme, please specify that it is necessary to set up public organisations to support persons with disabilities in their return to work.

V. Relationship with other specific articles of the Convention

aOn par. 88: State parties should allocate resources and make sure to realize public provision of individualized support services, including personal assistance.