**SUBMISSION OF THE NETHERLANDS INSTITUTE FOR HUMAN RIGHTS**

**On the Draft General Comment No.5 (2017)**

**Artikel 19: Living independently and being included in the community**

**II Normative content of article 19**

1. **Definitions**

15 (b) According to the text full and effective inclusion and participation in society “means being social and having access to all services….”. It would be better if “means being social” would be replaced by “the possibility of being social”.

15 (b) In the sentence “Hence, persons with disabilities must be entitled to be independent in community everywhere” the word “community” should be replaced by “communities”.

1. **Article 19, chapeau**

23. In this paragraph the Institute recommends adding LGBTI (Lesbian, Gay, Bisexual, Transgender/Transsexual and Intersexed) persons to the groups who enjoy equal protection under article 19.

**III Obligation of States parties**

47. It is difficult to understand the meaning of this paragraph. Does it mean that if a person with a disability chooses to live in an institution, this choice must be respected eventhough it is the states’ party duty to close down institutions? The Institute recommends making this text a bit clearer.

1. **Obligation to fulfill**

55. In this paragraph it is stated that States parties must closely consult and actively involve a diverse range of people with disabilities through their representative organizations. The Institute recommends to replace “representative organizations” by “persons with disabilities and representative organizations”, because representative organizations do not always consist of persons with disabilities.

60. The last sentence of this paragraph is “States parties should not add to the hardship faced by persons with disabilities, by reducing their income in this period of austerity measures”. It is true that poverty is greater amongst persons with disabilities than amongst others, but not every person with a disability experiences hardship. Therefor it would be better to replace the sentence by “Because poverty is greater amongst persons with disabilities than amongst others, States parties should not reduce the income of persons with disabilities in periods of austerity measures”.

62. The Institute recommends to add LGBTI to the sentence “States parties should ensure that persons with disabilities are entitled to access personal budgets irrespective of their age, sex, ethnic background, language, social condition, migrant, asylum-seeking or refugee status”.

**IV Relationship with other provisions of the Convention**

69. In this paragraph it is stated that decision-makers at all levels must actively involve and consult a diverse range of people with disabilities through their representative organizations. The Institute recommends to replace “representative organizations” by “persons with disabilities and representative organizations”, because representative organizations do not always consist of persons with disabilities.

71. In this paragraph one can read that “Women and girls with disabilities often also experience gender-based, multiple and intersectional discrimination…” It is not clear what the difference is between multiple and intersectional discrimination. The Institute recommends explaining this in the text.

75. In this paragraph it is stated that all awareness-raising activities should be carried out in close cooperation with persons with disabilities through their representative organizations. The Institute recommends to replace “through their representative organizations” by “and their representative organizations”.

**V Implementation at the national level**

94. (f) Here it is stated that ensuring participation of persons with disabilities, through their representative organizations, is pivotal in transforming support services and communities. The Institute recommends to replace “through their representative organizations” by “through persons with disabilities themselves and their representative organizations”.