# Netzwerk Artikel 3, Krantorweg 1, 13503 Berlin

Committee on the Rights of

Persons with Disabilities

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Berlin, June 10, 2017

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## ****Comment on the draft General Comment on the right of persons with disabilities to live independently and be included in the community (article 19)****

**Dear Members of the Committee on the Rights of Persons with Disabilities,**

thank you very much that you are working towards a general comment on Article 19 of the UN-Convention on the rights of persons with disabilities. We from the German Network for human rights and equal rights of disabled people (NETZWERK ARTIKEL 3) feel very strong about the importance and the right interpretation of Article 19. We feel especially strong about the right to lead a self-determined life – that’s how we in Germany translate the term “independent living” – in the middle of the community with the support and assistance, which is needed. Therefore we hope that the following comments on the draft comment is helpful for the further discussion and can be included.

1. Identification of the submitting organization:

NETZWERK ARTIKEL 3 is a non-profit and non-governmental cross disability organization controlled by disabled people themselves in Germany. We are working for over 20 years for equal rights and the necessary legislation. We ran several campaigns in this area during the last years and we coordinated the Germany alliance around the implementation of the UN-Convention on the Rights of Persons with Disabilies. The address you can find below.

1. Identification of the paragraph to which each comment is referred to

Our comment refers to No. 15 d and can also be included in No. 24:

1. Development of the comment

Based on the German experience with a new law, which was passed in December 2016 – the Bundesteilhabegesetz – we feel strongly about a clarification around the issues of personal assistance.

The comment should therefore clarify that there can’t be a regulation and practice that rules that if the costs for personal assistance are higher, when provided for living independently in the community than in institutions, the funding for this assistance can be limited by the administration to the cheaper funding in an institution. In practise this means that disabled people can be forced to live in an institution since they need assistance.

We also like to see a clarification that disabled people can’t be forced against their will to share personal assistance. The new German law, which will be fully in effect on January 1st 2020, opens the doors that the administration can require that disabled people have to share personal assistance with other people. We are afraid that this will limit the self-determination and forces disabled people in institutional-like schedules how they have to organize and run their lives.

We also suggest strongly that there should be a clear statement included in the comment, that disabled people get the assistance they need, no matter how much they and their partners and families are earning or have saved. The new law has raised the limits disabled people can save if they get funding for assistance somewhat, but there is still a limit and a major discrimination of disabled people regarding their earnings and savings.

We hope that you can include those ideas in your comment, even though we don’t have at this points clear suggestions for the exact phrasing in the comment.

In addition to that, we support fully the comments of the Interessenvertretung Selbstbestimmt Leben in Deutschland (DPI Germany), which has made some specific suggestions for changes in the comment.

Thank you very much for considering our aspects and best wishes for your further work.

Sincerely



Ottmar Miles–Paul