**Submission to the Draft General Comment No. 6 on the right of persons with disabilities to equality and non-discrimination (article 5) by the Committee on the Rights of Persons with Disabilities**

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1. **Introduction**

Croatian Union of Associations of Persons with Disabilities – SOIH is the umbrella organization of persons with disabilities by types of disabilities and the parents or guardians of persons with disabilities who cannot represent themselves. SOIH network is made of 16 national associations through which it gathers more than 250 local associations of persons of all types of disabilities throughout the Republic of Croatia. Since the establishment, SOIH continuously operates and implements measures aimed at equalizing opportunities for persons with disabilities and helps coordinate the work of its members in order to improve the quality of life and to create conditions for full implementation of the Convention on the Rights of Persons with Disabilities.

Given that Committee on the Rights of Persons with Disabilities invited, inter alia, interested civil society organizations, and particularly representative organizations of persons with disabilities, to provide written input on the issues represented in the Draft General Comment No. 6 and to contribute to the development of the Draft, we appreciate that opportunity and offer our opinion in accordance with the problems which we encounter in the course of our work.

1. **Proposed additional topics to be included in the General Comment No. 6**

We fully support detailed interpretation of Article 5 in conjunction with other articles of the Convention and consider such explanations crucial for understanding of the Convention. Therefore, we suggest the interpretation of the Article 5 in relation to the articles of the Convention which have not been mentioned in the Draft General Comment No. 6, taking into account current and future importance of understanding entirely the articles concerned, as follows below. We consider important to emphasize the realization of the right of equality and non-discrimination in every area of ​​life and not to stop on the proclamation of principles and rights.

**2.1. Article 18 - Liberty of movement and nationality**

Proclaimed rights of persons with disabilities in Article 18 - to liberty of movement, to freedom to choose residence and to a nationality, are dependent on the possibility of their realization. Right to liberty of movement, which includes rights of a person to move withing their own country's territory, to leave any country, including their own, and to enter their own country, can be realized only if the means of transportation are available and accessible for persons with disabilities.

Concerning freedom to choose residence, it is necessary to notice that the choice of residence is dependent on the opportunities provided to persons with disabilities in the territorial area in which they wish to have a place of residence, which includes accessibility of buildings, access to education, employment and every other form of involvement in the society. In relation to choice of residence, persons with disabilities have limited possibilities because all parts of the countries are not equally developed and do not enable equal participation of persons with disabilities in a community.

In regard to right to nationality, we believe that particularly sensitive are issues of national minorities. Being a part of national minority group, besides being a person with disability, is an additional base for discrimination and unequal treatment. In addition to that, it is extremely important to enable to people with disabilities the exercise of rights to which they are entitled as members of a national minority. For example, the right of minorities to education in their own language and script, should be adjusted for people, including children attending school, with different types of disabilities.

**2.2. Article 20 - Personal mobility**

Regarding Article 20, we think that it is important to emphasize how much inequality is caused by the impossibility or limitation of mobility, and it is especially important to emphasize so for countries which are not highly developed and have limited monetary resources. In such environment, it is believed that people, including people with disabilities, should be satisfied if they are provided with food and accommodation, and that all above that, including personal mobility, is considered to be a luxury. It is necessary to raise awareness that mobility of persons with disabilities, besides being one of the fundamental rights of persons with disabilities, also allows participation in society which can affect the whole society's well-being positively.

**2.3. Article 21 - Freedom of expression and opinion, and access to information**

In relation to right of freedom of expression and opinion it should be taken into account the fact that certain types of disability are barriers to communication, which is a prerequisite for realization of the right of freedom of expression and opinion. Failure to provide communication between all members od society represents unequal treatment and discrimination. It should also be emphasized the importance of the way in which informations are presented and provided so they can be equally accessible to persons with disabilities. For example, television programs, including news, should be accompanied by a translation into a sign language. Furthermore, modern legal acts on the right of access to information, adopted in many countries, should include provisions specifying that the procedure of accessing information must be adjusted for people with disabilities.

**2.4. Article 22 - Respect for privacy**

Although each area of ​​privacy should be protected, here, in accordance with current legal development, we want to emphasize the importance of application of personal data protection acts, which should not constitute discrimination against persons with disabilities. Rights to give consent to use personal data, to access personal information and to withhold given consent for the disposal of personal data must be equally possible for every person. It presupposes education of data protection officers in which way they can and must enable persons with disabilities to exercise their rights.

**2.5. Article 23 - Respect for home and the family**

This particularly sensitive and highly personal sphere of life must be treated and interpreted extremely gently and carefully and in accordance with the differences of each person. Equality and non-discrimination in this area must take into account the specificities and flexible restrictions of independent decision-making of persons with mental disorders. It is necessary to be careful not to unduly restrict the decision-making of such persons relating to marriage and parenthood. States must find the way which will help them to independently decide about those matters. The next problem relates to the needs of persons for whom there is no question if they can make decisions in their best interest, but due to some other form of disability they would have difficulties carrying and upbringing children. It is necessary to oblige states to provide the necessary assistance for such persons in order to have an equal right to family life on equal basis as non-disabled people.

**2.6. Article 25 – Health**

Regarding relationship between health and the right to equal treatment and non-discrimination, we think that it is important to emphasize that health services should be equally available throughout the whole country. States must ensure that distance of medical services and /or unavailability of public transport does not prevent disabled people from access to health services. Furthermore, it is necessary to raise awareness and educate medical staff on how to communicate with people who have difficulties which are barriers to their communication with other people.

**2.7. Article 26 - Habilitation and rehabilitation**

Habilitation and rehabilitation are fundamental preconditions for equal participation in society, which is an essential element of equal treatment and non-discrimination. Habilitation and rehabilitation should start from an early childhood and should be equally available in all areas of the country.

**2.8. Article 28 - Adequate standard of living and social protection**

Persons with disabilities must, in addition to social protection enjoyed by other citizens, be provided by additional social benefits so they can equally participate in society as people who do not have disabilities. However, it is necessary to pay attention that additional benefits granted to persons with disabilities do not have patronizing character and are not a substitute for actual participation in social life.

1. **Summary**

Altogether, we consider explanation of Article 5 of the Convention in respect of each article extremely important for achieving real, substantive, and not just proclaimed equality of persons with disabilities. We fully support the way in which Draft General Comment No. 6 is written and therefore we are pleased to give our suggestions in the process of making General Comment No. 6, and we hope it will produce the most powerful and widest impact possible.