**Submission to the Committee on the Rights of Persons with Disabilities**

**Comments on the draft General Comment on the right of persons with disabilities to live independently and be included in the community (article 5)**

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

　Japan National Assembly of Disabled Peoples’ International (DPI-Japan) is a cross-disability organization, advocating the rights of persons with disabilities. Our activities cover, among others, such issues as accessibility, independent living, work and employment, inclusive education, women with disabilities, life with dignity and international cooperation not only in Japan but also in Asia, South America and Africa.

The followings are our comments to the draft.

[25]

Add “Modification and adjustments to provide reasonable accommodation need to be determined by agreement of a person with disabilities as a premise. Respectful explanation required by persons with disabilities as well as making agreement are essential.”

Reason

Such explanation of reasonable accommodation as “Reasonable accommodation needs to be negotiated with the individual person with a disability concerned”is weak.

[33]

Include “State parties are obliged to enact/revise laws to include types of discriminations on the basis of disability, especially indirect discrimination and denial of reasonable accommodation”.

Reason

In Japan, Act to Eliminate Discrimination against Persons with Disabilities and Act on Employment Promotion etc. of Persons with Disabilities do not stipulate indirect discrimination as a discrimination, though the Article 2 of the CRPD states to prohibit all forms of discriminations.

[33]

Specify covering areas in addition to “education, employment, social protection, and goods and services, for example IT services and housing.” They are healthcare, child care, preschool education, education at all levels, jurisdiction, insurance, transportation, built environment, sports, culture, recreation and tourism.

Reason

Child care and education at the period from infant to youth are specified, because they are, on the basis of diagnosis, rejected entering schools or put in segregating schools according to category and degree of disability. Even if a child can go to a so-called inclusive school, a family member may be required to accompany.

In the case of using public transportation, persons with disabilities are often refused. Even though they can use, some conditions may be required such as making reservations in advance, which persons without disabilities do not. And, in some case, a person with disabilities has to pay extra charge since an accessible room is bigger than a normal room.

[38]

Also include women and ethnic group who are consulted regarding multiple discrimination.

[39]

Replace “The Committee has observed that in many State parties there is a lack of updated data on disability discrimination, and that often there is no disaggregation according to impairment, gender, different identities (trans, intersex, or sexual orientation or gender identity), ethnicity, age and other layers of identity and life circumstances.” with a new sentence,“As obligation of State Parties, the central government as well as an independent human rights institution collects data disaggregated according to impairment, gender, different identities (trans, intersex, or sexual orientation or gender identity), ethnicity, age and other layers of identity and life circumstances.”

Reason

In Japan, collection and analysis of cases of discriminations are not conducted appropriately both at the national level and the local level. Most of the work depends on local government, and their performance gap is very wide.

[55]

Add “Since all persons are equal before and under the law, denial of legal capacity, that intends and/or gives effect on preventing people with disabilities from enjoying equal protection and equal benefit of the law, shall be specifically prohibited.”

Reason

The last sentence, “Denial of decision-making on the basis of disability through any of these systems is discriminatory.” is not enough to express the importance of denial of legal capacity.

[56]

Add the following as “d”

“d. Provide support and reasonable accommodation for decision-making not because of the incapacity of understanding laws but because of making decision at the equal basis with others.”

Reason

It should be clearly stated that the need of supported decision making and reasonable accommodation cannot be applied to questioning legal capacity.

**Additional Topic**

The general comment should clearly states discriminations in line with the CRPD is prohibited, when State Parties make the guideline to implement SDGs.

Reason

In Japan, the guideline to implement SDGs which was made by Government regarded discriminations against disability as issues related only to attitudinal barrier of individuals. Paragraphs of 50 and 76 n are not enough, so that a new paragraph on SDGs is required.