****

**Comments on**

**Draft General Comment on Equality and Non- discrimination (Article 5 CRPD) of the UN Committee on the Rights of Persons with Disabilities**

**Submitted by: The Carter Center**

**Contact name:** David Carroll, Director, Democracy Program and

Eve Byrd, Director, Mental Health Program

**Contact email:** [**david.carroll@cartercenter.org**](mailto:david.carroll@cartercenter.org) **or** [**eve.byrd@cartercenter.org**](mailto:eve.byrd@cartercenter.org)

**Website:** [**www.cartercenter.org**](http://www.cartercenter.org)

*The Carter Center is a not-for-profit, nongovernmental organization that has helped to improve life for people in more than 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University to advance peace and health worldwide.*

*The Carter Center’s Democracy Program works globally to promote democratic elections and governance consistent with human rights. The Center has monitored more than 100 elections in 38 countries since 1989, forging many of the techniques now common to the field. Recognizing that democratic transitions involve much more than elections, the Center also conducts long-term monitoring of political transitions and works to strengthen civil society organizations to support democratic governance. The Democratic Election Standards (DES) initiative aims to build consensus on standards for democratic elections, based on state obligations under public international law.*

*The Carter Center's Mental Health Program works to promote awareness about mental health issues, inform public policy, achieve equity for mental health care comparable to other health care, and reduce stigma and discrimination against those with mental illnesses.*

The following comments on the draft General Comment on Equality and Non-discrimination (Article 5 CRPD) of the UN Committee on the Rights of Persons with Disabilities are submitted on behalf of the Mental Health and Democracy Programs of The Carter Center.

*\*\*\**

***Paragraph 1***

Following the first sentence of this paragraph, a suggested change from “persons with disabilities” to “persons with physical disabilities, mental illness and substance use disorders, and intellectual and developmental disabilities.” This will clarify that persons with disabilities includes not only physical disabilities but also invisible mental disorders which are often the least understood and most highly stigmatized.

***Paragraph 2***

Following the last sentence of this paragraph, suggest including… “In response, it is critical that persons with physical disabilities, mental illnesses and substance use disorders, and intellectual and developmental disabilities play a central and substantial role in the development of legal reforms within all sectors including education, health and the workplace.

***Paragraph 44***

In line 3 of this paragraph, where it states “awareness raising campaigns…”, please add “that focus on positive contact and portrayal of persons living in recovery.”

In line 7 of this paragraph, where it states “… as well as harmful stereotypes”, please add, “which are particularly debilitating surrounding mental illnesses and substance use disorders, as well as intellectual and developmental disabilities.”

***Paragraph 45***

Following the first sentence of this paragraph, suggest including… “Legal remedies rarely address children with mental health conditions and substance use, as well as intellectual and developmental disabilities. Children can experience mental health conditions that directly affect behaviors, often leading to exclusion and separation in schools.” This reaffirms the importance of Article 24 and the assertion that we must work “to remove all types of discriminatory barriers to inclusive education.”

***Paragraph 66***

Following the first sentence of this paragraph, suggest including… “Development of support services should be person- central and monitored to ensure a culturally competent delivery system.”

***Paragraph 70***

Following line 2 of this paragraph, suggest including… “including students with visible and invisible disabilities.”

***Paragraph 74***

1. Suggested text in bracket: Reform all laws (policies and regulations) that exclude persons with disabilities from voting (and/or standing as candidates in elections. This includes working to abolish practices that may place unreasonable restrictions on the rights of persons with disabilities to vote or run for public office);
2. Suggested text: Ensure the access of persons with disabilities in the whole electoral process, including before, during and after election day;
3. Suggested texts in bracket: Provide reasonable accommodation to individual persons with disabilities, (and support measures based on the individual needs of persons with disabilities to participate in political and public life);
4. Suggested text in bracket: Encourage and support persons with disabilities to be candidates in elections and representatives in parliamentary and other (decision-making) bodies (including through political parties and other associations).
5. Suggested paragraph 74(e): Support and engage with organizations and associations representing persons with disabilities in the process of decision-making at the national, regional and international levels, including consulting such organizations in matters that concern persons with disabilities directly.
6. Suggested paragraph 74(f): Encourage and support public awareness campaigns that focus on positive portrayals of active participation by persons with disabilities in public and political life.
7. Suggested paragraph 74 (g): “Ensure access to a timely and effective remedy for acts that discriminate against persons with disabilities in the enjoyment of their participatory rights.”