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An   
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
CH-1211 Geneva 10

Submitted electronically to Ms Iskakova at: janna.iskakova@un.org

**CRPD Draft General Comment on art. 27**

Hannover, 6. Dezember 2021

Dear Sir or Madam,

We are pleased that the CRPD has considered in the draft General Comment the proposals we sent in our letter of 15 March 2021.

Furthermore, as a self-help association for persons with disabilities, we feel that our right to work has been considered in a enough way in the wording. In this respect, we would like to thank the authors of this draft.

At the outset, it should be emphasized that the right to work is well presented in this draft in connection with other areas of life and has been considered accordingly. That is why we do not see any compelling need for additional paragraphs to be proposed from our side.

For the further implementation of the right to work, it is indispensable that the structure of the General Comment be maintained as provided for in the draft. For us, it is necessary to agree with some paragraphs in particular. However, this does not mean that we do not attach importance to the other statements.

Only in some paragraphs do we see a need for corrections or changes in wording or additions. Details are shown in the table below:

| **par. no.** | **concise comments -**  **proposed text for amendment** |
| --- | --- |
| 3 | Fully agree - mandatory to include in General Comment:  Sentences 1 - 2  No consent  from sentences 3  text for amendment:  Ableism refers to the rejection, discrimination and marginalisation of people with disabilities. Due to the experiences in National Socialist Germany and European states allied to it, politicians and administrations at the federal, state and local levels and other public and private organisations avoid being openly, visibly and demonstrably hostile towards persons with disabilities. Discriminatory action is not directly evident from the regulations issued by policy-makers and the practice of these authorities and organizations mentioned above, such a designation is also not desired. Our expectations of the CRPD are therefore high that in the General Comment, requirements, measures and regulations that can be verified in practice by persons with disabilities themselves can be named, which create transparency so that changes in the sense of the VN-CRPD also occur in reality..  Our assessment is: Germany is moving very slowly towards non-discriminatory action. We observe above all that various groups of people with disabilities do not benefit from changes. Discrimination goes as far as excluding them from benefits they urgently need for a self-determined life. Above all, the long duration of legal disputes about the scope of benefits discourages people from exercising their rights, especially when they are justified because of respect for human rights. |
| 7 | Agree - mandatory to include in General Comment,  but not enough  … to charitable and/or medical models refer.  therefore, text supplement, after „with the Convention“:  Furthermore, the timely implementation of the VN-CRPD after national ratification is not taken seriously for years or decades and is postponed indefinitely. Various groups of persons with disabilities in Lower Saxony (cf. No. 3) have now been waiting over 12 years for implementation in key areas of life. This also applies, and even more so, to the right to work. Cf. also our comment on no. 59. |
| 8 | Agree - mandatory to include in General Comment  … to the human rights model.  Text supplement  … on the participation of organizations representing persons with disabilities:  The entitlement to represent persons with disabilities through organisations must ensure that all forms of disabilities can effectively represent their needs. |
| 9 | Fully agree - mandatory to include in General Comment. |
| 12 | Fully agree - mandatory to include in General Comment. |
| 15 | Agree - mandatory to include in General Comment.  Text amendment to sentence 1, where the only real opportunity  … or the real funding structures on the ground …. |
| 16 | Agree - mandatory to include in General Comment  … although this statement cannot be derived directly from the regulations, it does correspond to practice.  Proposed text for addition:  To avoid special national approaches, an unrestricted legal entitlement must be formulated: Every person with a disability may decide independently whether he or she wants to work and to what extent. If they decide not to work of their own free will, this must not lead to the denial of other social benefits.  Note on the situation in Germany:  The regulations for workshops in Germany do not formally consider a medical approach. They only have to "provide a minimum level of economically usable work performance". Such a formulation also de facto prevents a group of persons with disabilities from being admitted to a segregated facilities. |
| 19 | Fully agree - mandatory to include in General Comment. |
| 24 - 25 | Fully agree - mandatory to include in General Comment. |
| 49 | agree - mandatory to include in General Comment.  but with an additional sentence at the end of the paragraph:  The human rights obligation to provide for reasonable accommodation in all spheres of life is not taken seriously or observed in practice in numerous nation states. There are many reasons for this. In nation states that are organized internally as a confederation of states or a federal state with decentralized competences, such as Germany, this is precisely an obstacle. Each subdivided organization with independent tasks refers in practice to the competence of the other organization. It is imperative that binding agreements are made regarding goals, organization, measures, financing, responsibilities, controlling, liability issues, right up to compensation for damages and legal enforceability, which serve the observance of human rights. |
| 50 | Agree - mandatory to include in General Comment,  … on the statement „disproportionate or undue burden“.  textually specification:  according to „proportional relationship between the means employed and its aim“, „so that only the goals of the VN-CRPD are decisive for this“ - enjoyment … |
| 59 | Fully agree - mandatory to include in General Comment.  Note:  Above all, we supported the requirement "... within a reasonably short time“ … |
| 61 | Fully agree - mandatory to include in General Comment. |
| 63 | Fully agree - mandatory to include in General Comment. |
| 65 | Fully agree - mandatory to include in General Comment. |
| 65 | Fully agree - mandatory to include in General Comment. |
| 66 | Agree - mandatory to include in General Comment,  to include an example:  One such example is a commitment to the introduction of the "Universal Designe". |
| 67 - 71 | Fully Agree - mandatory to include in General Comment. |
| 72 | Agree - mandatory to include in General Comment,  with a correction,  of the term „disability allowances“,  through  "losing social measures drawn to compensate for the person's disability." |
| 73 | Fully Agree - mandatory to include in General Comment. |
| 81 - 83 | Fully Agree - mandatory to include in General Comment. |
| 85 | Fully Agree - mandatory to include in General Comment. |
| 87 | Fully Agree - mandatory to include in General Comment. |
| 88 - 89 | Fully Agree - mandatory to include in General Comment. |
| 91 - 93 | Fully Agree - mandatory to include in General Comment. |
| 95 | Fully Agree - mandatory to include in General Comment. |

With kind regards  
Aktiv DabeiSein e.V.   
For the Executive Committee

signed

Klaus Dickneite Klaus Müller-Wrasmann