

**COMMENTS ON THE DRAFT GENERAL COMMENT ON ARTICLE 4.3 and 33.3 of the Convention on the participation with persons with disabilities in the implementation and monitoring of the Convention**

**From :**

**The Interfederal Centre for Equal Opportunities (Unia)**

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# **I. IDENTIFICATION OF THE SUBMITTING ORGANISATION**

Unia is an independent public institution that fights discrimination and promotes equal opportunities. We have interfederal competence, which means that, in Belgium, we are active at the federal state level as well as the level of the Regions and Communities.

Unia is responsible for assisting victims of discrimination based on the protected grounds (one of which is disability) of the anti-discrimination laws which implement the European directives 2000/43 and 2000/78. As an independent mechanism on the basis of article 33.2 of the Convention on the Rights of Persons with Disabilities (CRPD), Unia has also been responsible for promoting, protecting and monitoring the implementation of the CRPD in Belgium since 2012.

**II. COMMENTS ON SPECIFIC PARAGRAPHS**

**§11(d), 14, 15**. The Committee provides a series of definitions of organisations representing persons with disabilities. The Committee highlights the importance of distinguishing between organisations « of » persons with disabilities and organisations « for » persons with disabilities. There are many associations that are both: social-cultural organisations, composed partially of persons with disabilities, of which the members are persons with disabilities and their families. They also defend the interests of persons with disabilities.

Unia notes that there is a lack of a definition of what constitutes *representation,* as well as recommendations for how representation should take place within organisations. How to give voice to the needs, opinions, and demands of all persons with disabilities in their diversity? How to find proportionate representation and what steps should organisations take to consult their members?

One of the answers provided is to collaborate and coordinate between organisations, in order to represent the diversity of the situations of disability, towards authorities for example. Unia asks, however, that the Committee provide guidelines for organising representation internally within each organisation.

Unia also thinks that States should be encouraged to find methods or promote existing methods to more accurately and as respectfully as possible identify and represent the ‘voices’ of persons with disabilities who are further removed from organisations that could represent them, and of those who have little or no access to spoken language or have any disability that does not allow them to express themselves without support.

Unia also has questions about the representativity within organisations: what are the qualitative and quantitative criteria on the basis of which one can determine that an organisation is sufficiently representative.

**§28**. Unia thinks it would be useful if the Committee mentions the duty of States Parties to translate the Conventions and implementation strategies (e.g. action plans on disability) in sign language and easy to read formats, as referred to in paragraphs 32 and 38. Does the Committee mean that every text/proposal on which States Parties consult with persons with disabilities, should be translated in sign language and Easy Read formats?

**§61 - 63**. Unia notes that, quite often, people with psychosocial disabilities - with the exception of those with a dual diagnosis (intellectual and mental) – are not represented in the umbrella organisations representing persons with disabilities. One explanation for this is that these individuals are already labelled within the framework of ‘psychiatry’ and do not want an additional label based on a ‘disability’. Another potential reason is that in reality, at least in Belgium, mental health and disability are completely unrelated competencies at the institutional and legislative level and these two worlds rarely meet. Thus, they experience a lack of representativity in the advisory bodies, or even a lack of protection in areas that concern them (discrimination, abuse, …).

**§72.** Unia as an independent mechanism on the basis of article 33.2 created a Steering Committee within Unia, which is involved in monitoring the implementation of the CRPD. Since late 2011 this Committee has been operating with 23 members who come from civil society, including persons with disabilities and organisations representing them, the social partners and academics. Persons with disabilities are represented by members of the various advisory bodies that exist in Belgium or, in the absence of advisory bodies for certain regional entities, (the Flemish, French and German speaking Communities), existing umbrella organisations have designated one of their members jointly.

Within this Steering Committee, the strategic and operational plans of Unia are discussed, as well as opinions and recommendations. Meetings are held every 2 months. A system of alerts has been set up so that when Unia initiates or resumes the development of an opinion or a recommendation, the members can provide input, points of concern or any useful information.

The chair of the Steering Committee, who traditionally comes from the National Council of Persons with Disabilities, is invited to attend the meetings of the Board of Directors of Unia.