



DIRECTORATE GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



PETITIONS

General comment on Article
19: Living independently and
being included in the
community

Introduction

- General comment – to assist States parties in implementing Article 19 CRPD and fulfilling their obligations under the Convention
- Article 19 – one of the widest ranging and most intersectional articles
- Integral for the implementation of the Convention across all articles

Remaining barriers

- Denial of legal capacity
- Inadequacy of social support and protection schemes
- Inadequacy of legal frameworks and budget allocations for PA and individualized support
- Institutionalization
- Lack of DI strategies and continued investment into institutions
- Negative attitudes, stigma and stereotypes
- Misconceptions about IL
- Lack of accessible mainstream services and facilities
- Lack of monitoring mechanisms
- Insufficient mainstreaming of disability in general budgets
- Inappropriate decentralization

Core elements

- To ensure the right to legal capacity
- To ensure non-discrimination in accessing housing
- To develop a concrete action plan for IL
- To monitor and sanction non-compliance with accessibility requirements for basic mainstream services
- To develop personalized disability-specific support services
- To ensure non-retrogression in achieving Article 19
- To collect data
- To use available funding to develop inclusive and accessible IL services

Obligation to respect

- Reform laws that impede exercise of Article 19
- Remove barriers in access to support services, as well as general facilities and services
- Put in place supported decision-making, instead of substituted decision-making
- Phase out institutionalization

Obligation to protect

- Public or private funds must not be spent on maintaining, renovating, establishing existing and new institutions in any form
- Support based on individual requirements, not interest of service provider
- Prohibition of discriminatory practices in access to services and facilities

Obligation to fulfil

- Support families of disabled people
- Closely consult and actively involve disabled people
- Adopt a strategy and action plan on DI
- Provide accessible and affordable housing
- Support services to be sensitive to different living conditions and individual circumstances
- Assessment based on a human rights approach
- Provide cash transfers
- Access to information
- Access to justice and legal aid
- Adequate support to family carers

Legal and social protection

- Link to Article 12 – disabled people should have the equal right to choose and control over their lives by choosing where, with whom and how they want to live and to receive support according to their will and preferences
- Link to Article 13 – support to enable IL shall be enforceable as rights and entitlements
- Link to Article 28 – States parties should ensure access to services, devices and other assistance for impairment related requirements, for disabled people who live in poverty
 - Includes access to public and subsidized housing programs in the community
 - Having to pay for one's disability-related expenses is contrary to CRPD

Useful links

- General comment on Article 19:
<http://www.ohchr.org/Documents/HRBodies/CRPD/CRPD.C.18.R.1-ENG.docx>
- ENIL's Report 'Addressing Barriers to Independent Living Across the Globe' (2017): http://enil.eu/wp-content/uploads/2017/06/The-right-to-live-independently_FINAL.pdf
- ENIL's Report on the monitoring and complaints system for the European Structural and Investment Funds (2017):
http://enil.eu/wp-content/uploads/2017/07/OurRightsCampaign-Briefing_FINAL.pdf

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