From: Mr Marcello Sacco To: Committee CRPD

University of Leeds School of Law Geneva

lwmsac@leeds.ac.uk cpedreros@ohchr.org

jaraya@ohchr.org

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Subject: Personal comment on the Draft General Comment No 5 – Article 19: living independently and being included in the community (Article 19).

I welcome this opportunity to contribute to the development of this important topic. The present personal comment (PC) does not represent the institution to which I am affiliated but only a personal contribution. This document: (i) starts with a brief introduction; (ii) comments specific articles suggesting amendments; (iii) ends with general issues.

**Introduction**

The Draft General Comment No. 5 (DGC) seems to cover the different aspects of living independently and being included in the community. In particular, there was the need for common definitions that are here provided with regard to: (i) independent living; (ii) community living; (iii) institutionalisation; and (iv) personal assistance. However, I am primarily concerned that two of these concepts are not mentioned in Article 19: (i) community living; and (ii) institutionalisation. In fact, Article 19 CRPD refers to ‘being included in the community’ that is different from ‘community living’. In addition, Article 19 CRPD mentions and allows ‘residential support services’ but does not mention ‘institutions’. Although the definitions provided by the Committee are welcome, my main concern relates to the lack of definitions for the terms used by Article 19 CRPD. This causes confusion, as the next section explains in detail.

Other principles are mentioned without explicit definitions as isolation, which is another word used in Article 19 CRPD, and housing. Other concepts only raise from the text like the one of direct payments, which is also confused with personal budgets and individual budgets.[[1]](#footnote-1) With regard to these three policies, the Committee should clearly support one or more of them, explaining and being consistent with the choice.

A conclusive general remark refers to the fact that this DGC uses too often: (i) sentences with a negative connotation; and (ii) a terminology that categorises instead of including. It is a question of style but with substantive implications. The specific comments in the next section seek to use positive sentences and a universal terminology.

**Specific comments**

This section lists specific comments related to several paragraphs of the DGC. The number at the beginning of the comments is the number of the DGC’s paragraph to which the comments refer. Where useful, an introductory comment precedes a proposed amendment. The amendments show the relevant part of the paragraphs. The old text has been struck and the proposed text underlined.

1. (i) The dichotomy between ‘persons with disabilities and the others’ should be definitely abandoned. The CRPD does not use this formula as substantive provision but as a stylish preference only. After 10 years of life, the Committee may be ready to overcome this formula preferring the use of a real universal terminology. The CRPD is an instrument for inclusion and it should not be interpreted in a way that creates idealised categories of persons. The CRPD was written also because persons with disabilities were excluded from the group of ‘others’ contained in previous human rights treaties.[[2]](#footnote-2) The dichotomy disabled/others has been considered a negative stigma by several academics[[3]](#footnote-3) since the drafting of the CRPD itself.[[4]](#footnote-4) The present PC suggests to embrace the idea of a unique category for human beings. As the Special Rapporteur on the Rights of Persons with Disabilities said: ‘By investing in recognizing the rights of persons with disabilities, we’re in fact investing in the full recognition of the concept of universality of Human Rights’. Persons with disabilities wanted to be included. A universal language is part of this inclusion. (ii) In addition to this, infrastructures are not inaccessible per se, but they are built with this characteristic. Proposed amendment:

Throughout history […] unable to live independently ~~among others~~ in their chosen communities. Support […] infrastructure is ~~inaccessible~~ not universally designed […].

2. Dichotomy.[[5]](#footnote-5) Proposed amendment:

As an answer […] community, with ~~choices equal to others~~ the freedom to choose and control their lives […].

4. Dichotomy.[[6]](#footnote-6) Proposed amendment:

Independent living […] services are ~~made fully available to them on an equal basis with others~~ projected and developed with universal design prerogatives.

8. Dichotomy.[[7]](#footnote-7) Proposed amendment:

Article 19 reflects […] one’s life with the ~~same~~ maximum level of self-determination and interdependence within society ~~as everybody else~~ […].

14.a. The denial of legal capacity should not be confined to decisions about living arrangements. Consistency with DGC paragraphs 15.a and 24. Proposed amendments:

- Denial of legal capacity […] ~~concerning decisions about the living arrangements of persons with disabilities~~ (interrelation with article 12).

- Denial of legal capacity […] ~~concerning~~ as for decisions about the living arrangements of persons with disabilities, daily routine, personal relationships, clothing, nutrition, hygiene and health care, religious, cultural and sexual and reproductive rights (interrelation with article 12).

14.c. The concept of ‘direct payments’[[8]](#footnote-8) should find a place in this point. Proposed amendment:

Inadequacy of legal frameworks and budget allocations, as direct payments, aimed […].

14.k. Decentralisation might not be a problem per se, issues seem to derive from inconsistency of policies between local and central authorities. Proposed amendment:

~~Decentralisation, resulting in disparities between local authorities~~ Disparity of policies between local authorities that can derive from inadequate decentralisation measures may result in unequal chances […].

15.d. (i) The sentence ‘the funding is to be controlled by and allocated to the person with disability with the purpose of paying for any assistance required’ is the definition of ‘direct payments’.[[9]](#footnote-9) Why do not introduce this concept? (ii) In addition to this, DGC paragraph 15.d affirms that ‘direct payments’ should be ‘based on an individual needs assessment and a person/user’s life circumstances’. On the one hand, ‘individual needs assessment’ is a very medical-model-definition (DGC paragraphs 59 and 70), although it represents the pragmatic way to quantify individual needs. On the other hand, the difference between ‘needs’ and ‘life circumstances’ is unclear[[10]](#footnote-10) and the latter seems to refer to ‘norms and values’ (DGC paragraph 80), implementation gaps (DGC paragraph 14) or other differences (DGC paragraph 23) that should not interfere with the evaluation of individual needs. Finally, these needs should not be only medical-oriented but also social-oriented. Proposed amendments:

- Personal assistance […] it is based on an individual socio-physical needs assessment ~~and a person/user’s life circumstances~~ […].

- Personal assistance […] it is based on an individual socio-physical needs assessment and a person/user’s life circumstances such as familiar income, sexual identity, age, religion, ethnicity […].

16. It is not clear the difference between ‘residential’ and ‘institutional’ support services.[[11]](#footnote-11) DGC paragraph 15.c indicates specific characteristics to define ‘institutions’ that could be summarised by the formula ‘one package’ used in DGC paragraph 16. So this ‘one package’ option should be referred to the just defined ‘institutional settings’ instead of using the term ‘residential services’ that has not been defined. Rather, ‘residential services’ should be used to indicate the opposite of ‘institutions’. ‘Residential services’ should identify organised places where persons are free to choose to live and where the rights of residents are fully respected and fulfilled. Without the possibility of having residential support services respectful of human rights, persons would not have the possibility to live in such environments that instead could be an alternative to living alone. This paragraph itself underlines this idea when saying ‘independent and community living can also not be counted as personal assistance if the assistance is only provided within certain arrangements’ because the presence of alternatives is pre-requisite of the possibility to choose (DGC paragraphs 25 and 38). One should have the possibility to choose the community where living, which could be a village, a town or a residential service in the countryside that respects individual choices and needs. This personal remark is supported by Article 19.b itself that refers to ‘residential support services’. These are allowed and represent an alternative to ‘institutions’ as also stated in DGC paragraph 28. The sentence ‘residential services, where housing and support are delivered in one package, cannot be counted as personal assistance’ is not correct because the listed characteristics define ‘institutions’ and not ‘residential services’. This last concept is positive, is allowed by Article 19 but is not defined in detail within the DGC. DGC paragraph 28 broadly states that ‘residential services are services which offer persons with disabilities support as well as a place to live’. The whole DGC should be consistent with this brief definition. Proposed amendment:

Independent and community […] providing ~~residential or~~ institutional support services […] public. ~~Residential~~ Institutional services […] community living. On the contrary, settings that respect these concepts are defined residential services.

18. (i) The heading mentions two rights: (i) to live independently; and (ii) to be included in the community. These two rights are much more than referring to individual and social dimensions. DGC paragraphs 7 and 41 clearly explain that Article 19 CRPD entails an interrelation between civil and social rights. The heading reflects this interrelation. The right to independent living is negative and immediately applicable, the right to be included is positive and subject to progressive realisation. They are introduced together because the difference between the two spheres of rights is finally disappearing. (ii) In addition to this, in the second part of this paragraph the concept ‘the right to community living’ is not correct because the heading says ‘the right to be included’ which entails a duty from a third part to act in that direction. This difference is substantive. Proposed amendment:

The article covers […] whereas the right to independent living refers to an individual dimension, ~~i.e., the place of residence, lifestyle and most importantly, the living arrangements of a person~~ as negative right to emancipate oneself without denials of access and opportunities, the right to be included in the community ~~living~~ entails a social dimension, ~~i.e., social interrelations with others in the community~~ as positive right to develop inclusive environments […].

20. It is not people that are unable to be included[[12]](#footnote-12) but the community that is unable to include. Proposed amendment:

In some States Parties […] live independently and ~~be included in the community~~ that the community is unable to include them […].

21. The meaning of ‘young’ is unclear. Is it non-adult persons? There should be required consistency with Article 1 of the Convention on the Rights of the Child (CRC).

22. (i) Young.[[13]](#footnote-13) (ii) Dichotomy.[[14]](#footnote-14) Proposed amendment:

All persons […] with disabilities ~~have the same choices that other people have~~ are free to choose in their communities […].

26. (i) It is unclear the reason why this point refers to ‘adults’ only. Everyone should be equally recognised before the law[[15]](#footnote-15) and have legal capacity.[[16]](#footnote-16) Legal capacity could be expressed directly or through supported decision making, in case of adults with certain kinds of needs, or with substitute decision making, under the ‘best interest’[[17]](#footnote-17) principle in case of non-adults.[[18]](#footnote-18) Even in case of non-adults the concept of ‘best-interest’ should take into account will and preferences of the individual[[19]](#footnote-19) (DGC paragraph 73). The word ‘capable’ in Art 12 CRC should be interpreted in relation to Art 12 CRPD and detached from a status of disability. This question may cause debates. However, the introduction of the notion of ‘legal personality’[[20]](#footnote-20) would definitely include everyone, avoiding questions of definitions. (ii) In addition to this, all persons are equal before the law so again the dichotomy ‘they/we and the others’[[21]](#footnote-21) is out of place and this PC shows how the use of a universal terminology is always the best solution. This personal remark is also consistent with DGC paragraph 19. Proposed amendment:

Legal personality, legal capacity and equal recognition before the law […] living for ~~adults~~ persons with disabilities […] exercise of legal personality and legal capacity […] at the same time, decisions, will, ~~and~~ preferences and the exercise of legal personality and legal capacity, are always bound to social interactions~~, to others within the respective community~~. Communities where one lives ~~and can~~ should give inclusive opportunities to freely pursue one’s personal development and fulfilment.

32. Dichotomy.[[22]](#footnote-22) Proposed amendment:

Services and facilities […] these must be universally accessible ~~on an equal basis with others~~, available […].

33. Coherently with this PC,[[23]](#footnote-23) but also with Art 19, the term ‘residential institution’ is an oxymoron and it should be avoided. Proposed amendment:

Accessibility […] ~~residential~~ institutions […].

35. (i) Dichotomy.[[24]](#footnote-24) (ii) In addition to this, the last sentence speaks about individualised support but then it suggests a general negative label. The focus on individuals represents a means to overcome categorised stigmas, therefore it would be better to avoid to mix general statistics with individualised matters. Furthermore, a positive stance should be always preferred to a negative one. Proposed amendment:

In terms of […] in the community just like ~~persons without disabilities~~ one is […] which ~~often~~ means individually subsidised, ~~as persons with disabilities tend to have less income compared to others~~ when required.

36. (i) Dichotomy.[[25]](#footnote-25) (ii) Poverty label.[[26]](#footnote-26) Proposed amendment:

Community services ~~also~~ must be available~~, i.e.,~~ within safe and geographical reach […] into account ~~that persons with disabilities often have~~ low income people […] they must ~~be of the same~~ respect standard levels of quality ~~as services provided to the general public~~ and be gender, age and culturally sensitive.

37. The ‘logic link’ mentioned in this paragraph appears unclear. It seems to confound ‘community services and facilities’ with ‘universal design’[[27]](#footnote-27) and ‘individualised services and support’ with ‘reasonable accommodation’.[[28]](#footnote-28) First, there are two kinds of community services: (i) specific for persons with disabilities; and (ii) mainstream. It is unclear to which of them this paragraph refers. Second, access to community services is finalised to obtain individualized services and support, and not to overcome them. This means that the question is not only the accessibility of community services. In fact, these have to expand their range of services and products in order to cover the necessities of all persons with disabilities. Personally, I would be unsurprised if the opposite occurred: the accessibility of community services could improve the requests of individualised services and support. This should both answer the needs of persons and represent the economic benefit after the investment on de-institutionalisation. Comprehensibly, what is now seen as a support to overcome barriers that neglect rights, should be a simple item to choose where would have been guaranteed. Personalisation of services and support is a general characteristic of the contemporary market. If community services diminished individualised services, they would not satisfy consumers’ demand. If this remained unsatisfied persons would opt for products that would not represent their primary choices, diminishing the freedom to choose. Otherwise, consumers’ demand would require governments to fill the lack of the market, with the result of exclusion from the community because this has not been able to satisfy individualized requests. Indeed, DGC paragraph 38 says that ‘packages of individualised services […] do not allow choice and control’. As a consequence, individualised services cannot diminish. A different reasoning raises from DGC paragraph 40.e when speaking about mainstream community-based services because within a mainstream environment there may be minor necessity for disable-targeted services and support. This could be true but in this case, as suggested above, rights to live in mainstream environments should be a pre-condition. These mainstream environments would in any case offer individualised services and support to all consumers, avoiding differences between them. Proposed amendment: withdraw this paragraph or clarify its meaning and scope.

40.e. Dichotomy.[[29]](#footnote-29) Proposed amendment:

To have access to basic mainstream community-based services and support ~~on an equal basis with others~~ that have to be projected and developed on universal design basis;

45. Dichotomy.[[30]](#footnote-30) Proposed amendment:

States Parties […] because the effects affect~~s them harder than the general population~~ their independence.

46. (i) Dichotomy.[[31]](#footnote-31) (ii) In addition to this, the notion of ‘de facto equality’ is unclear and it would need either an explanation, or a reference (as for ‘de facto guardianship’ in DGC paragraph 53), or to be substituted with the concept of ‘substantive equality’[[32]](#footnote-32) that has a consolidated meaning and it is already used in DGC paragraph 94.c. Proposed amendment:

The obligation […] to achieve ~~de facto~~ substantive equality of persons with disabilities ~~also~~ is ~~also~~ exempt […] facilities and services ~~on an equal basis with others~~ as their independence would require […].

47. (i) Institutional settings should not exist, rather residential ones.[[33]](#footnote-33) (ii) In addition to this, positive statements should be preferred to negative ones. (iii) Furthermore, I may agree that States Parties do not have to guarantee residential services, but only because with ‘direct payments’ policies the market would provide residential services if there would be demand for them. However, States Parties must monitor that those residential services do not have any characteristic of institutional settings. Proposed amendment:

The right […] ~~institutional~~ residential care settings, because ~~there is no obligation to live under a particular living arrangement~~ this is a legitimate choice when taken independently among other options […] the right to choose a residential~~, institutional~~ setting does not correspond with a States’ Party duty to maintain institutions or to ensure the availability of residential support services.

48. Proposed amendment:

The obligation […] autonomy and options of persons with disabilities ~~autonomy and options~~ […].

52. It should be better to maintain the perspective of mainstream environments that include all people. Proposed amendment:

The duty to […] cinemas must either be ~~accessible and responsive to the requirements of~~ projected and constructed with universal design criteria, or provide reasonable accommodation for persons with disabilities with regard to already existing settings, as […].

56. (i) The first sentence is not consistent with DGC paragraphs 42 and 65. (ii) In addition to this, the question of resources allocation in this paragraph is not in line with the ‘direct payments’ notion contained in GC paragraph 15.d. Proposed amendment:

States Parties ~~should~~ must adopt […] resources are allocated preferably to persons in need who will choose their community support services […].

57. (i) Medical oriented.[[34]](#footnote-34) (ii) Dichotomy.[[35]](#footnote-35) (iii) In addition, the last sentence should be reformulated: buildings and spaces must be designed with universal design criteria (DGC paragraph 76) and only for those already built there is the obligation to accommodate. Proposed amendment:

Programs […] must cover ~~disability~~ socio-physical-related costs […] must be designed with universal design criteria ~~in a way to~~ and accommodate ~~the~~ further requirements of all persons with disabilities.

58. (i) The idea of ‘adaptability’ introduced in DGC paragraph 32 should be maintained. (ii) In addition to this, the difference between ‘living’ and ‘identity’ circumstances is unclear because examples are provided only for the latter concept. Usually, ‘living’ circumstances relates to the economic situation but with this meaning in mind persons with the same disability should receive different treatments due their income. Indeed, income is mentioned in the second part of the paragraph. This may be acceptable, but if the Committee has this position it should clarify it better. (iii) Furthermore, the sentence before the last is unclear. Proposed amendment:

Disability support services must be available, accessible, adaptable and acceptable […] to different living conditions, as familiar income, and identity […] furthermore, support should ~~not~~ neither be limited to a number of pre-established activities, ~~should not~~ nor be tied to specific living arrangements, but it must both be provided irrespective of persons with disabilities having a family ~~or the~~ with an income ~~of the individual or family~~ and ~~should~~ be delivered […].

61. ‘Conditionality regime’ and ‘distribution criteria’ are too generic terms that could lead to interpretations contrary to the interest of persons with disabilities. May the condition be a +3% GDP? May the distribution be regional-based? Questions like these are in line neither with Art 19 nor with the whole CRPD. Furthermore, these ideas do not respect the individualisation of services and support, and they are inconsistent with both DGC paragraph 59, which states that ‘eligibility criteria […] focus on the requirements of the person’, and DGC paragraph 62, which states that ‘support […] should be tailored to the specific situation’ of persons. ‘Conditionality regime’ and ‘distribution criteria’ may represent a barrier that should be avoided. Proposed amendment: withdraw this point or its first sentence at least. Otherwise, rewrite it clarifying meaning and scope.

62. The idea of ‘personal budgets’ is unclear because not defined.[[36]](#footnote-36) Is it synonym of ‘direct payments’?[[37]](#footnote-37) Does the adjective ‘personal’ stand for ‘personalised’ or ‘individualised’?[[38]](#footnote-38) The point is that a budget may be personalised but not directly controlled by the user. In this case the right to independent living would not be fulfilled. The personalisation of budgets is consistent with Article 19 but its allocation is fundamental. What does it mean that ‘persons with disabilities are entitled to access personal budgets’? Do they either receive a monthly amount to manage or have to request and justify any penny they need? The terminology should be clarified, unified and inserted also in DGC paragraph 15.d where the idea of resources’ allocation to persons with disabilities has been introduced. Proposed amendment: integrate the concept of ‘personal budgets’ with that of ‘direct payments’. Short definition for ‘direct payments’: policy that allocates public funds to the individual with disabilities, on the basis of personalised criteria, instead of allocating them to service and support providers.

77. Disaster risk management activities start with their planning, they have not to wait for the emergency time. Proposed amendment:

States Parties must take into account in advance the need […].

78. Speaking about equal recognition before the law, it should be imperative not to refer to categories like ‘they/we and the others’.[[39]](#footnote-39) Proposed amendment:

Equal recognition […] legal capacity ~~on an equal basis with others~~ […].

86. (i) Dichotomy.[[40]](#footnote-40) (ii) The formula stated in DGC paragraph 58 could be used here as well. Proposed amendment:

General health facilities and services (art. 25) ~~should~~ must be available, accessible, adaptable and acceptable for persons with disabilities in their respective chosen communities ~~on an equal basis with others~~ […] obligation under article 19 but under article 25.

88. Proposed amendment:

The existence […] disabilities ~~can~~ should also become […].

89. Medical oriented.[[41]](#footnote-41) Proposed amendment:

To ensure that […] and other assistance ~~for impairment-related requirements~~ to guarantee substantive equality and inclusion, especially […] is required. ~~Disability~~ Socio-physical-related costs […] paying for ~~disability~~ socio-physical-related expenses […].

90. Dichotomy.[[42]](#footnote-42) Proposed amendment:

In order to […] (art. 29) ~~on an equal basis with others~~ personally or through their associations […].

94.b. Proposed amendment:

~~Promote~~ Insert the principle of universal design in law and policy […].

94.e. Avoiding ‘negative attitudes and stereotypes’ starts from avoiding both the classification ‘they/we and the others’, as this PC suggests, and the stigma that persons with disabilities can participate only through their representative organisations (DGC paragraphs 94.f and 94.l).

94.f. Proposed amendment:[[43]](#footnote-43)

Ensuring participation of persons with disabilities, personally and through […].

94.h. This point could be included in DGC paragraph 94.b.

94.i. Proposed amendment:

Invest a […] or tactile interpreters; offer persons with disabilities the possibility to choose between either welfare services and support or direct payments[[44]](#footnote-44).

94.l. Proposed amendment:[[45]](#footnote-45)

Monitoring and […] with disabilities, personally and through their representative organisations.

**General issues**

In order to conclude, the only general remark is that the CRPD and the other UN human rights treaties refer to State(s) Party(ies) with capital initial letters.

Hoping that the Committee will find the suggestions included in this personal comment pertinent and useful, I would like to thank you for both your time reading this personal contribution and for your work to strengthen the human rights of persons with disabilities.

Kind regards,

Mr Marcello Sacco.

1. Sarah Woodin, Mark Priestley and Simon Prideaux, *ANED country report on the implementation of policies supporting independent living for disabled people - United Kingdom* (Report) [2009] 19-20

   <http://www.disability-europe.net/downloads/624-uk-8-request-07-aned-2009-task-5-request-template-uk-to-publish-to-ec> accessed 1 June 2017 [↑](#footnote-ref-1)
2. Theresia Degener, 'Disability discrimination law: a global comparative approach' in Anna Lawson and Caroline Gooding (eds), *Disability rights in Europe: from theory to practice* (Hart 2005) 87 [↑](#footnote-ref-2)
3. Dan Goodley, *Dis/ability studies: Theorising disablism and ableism* (Routledge 2014) [↑](#footnote-ref-3)
4. Gerard Quinn, 'A short guide to the United Nations Convention on the Rights of Persons with Disabilities' in Waddington Lisa and Quinn Gerard (eds), *European Yearbook of Disability Law*, vol 1 (Intersentia 2009) 92 [↑](#footnote-ref-4)
5. PC paragraph 1 [↑](#footnote-ref-5)
6. PC paragraph 1 [↑](#footnote-ref-6)
7. PC paragraph 1 [↑](#footnote-ref-7)
8. Supra 1 [↑](#footnote-ref-8)
9. Supra 1 [↑](#footnote-ref-9)
10. PC paragraph 58 [↑](#footnote-ref-10)
11. PC Introduction [↑](#footnote-ref-11)
12. PC paragraph 18 [↑](#footnote-ref-12)
13. PC paragraph 21 [↑](#footnote-ref-13)
14. PC paragraph 1 [↑](#footnote-ref-14)
15. CRPD, General Comment No 1. Article 12: Equal recognition before the law [2014] CRPD/C/GC/1, paragraphs 1;11

    https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/031/20/PDF/G1403120.pdf?OpenElement [↑](#footnote-ref-15)
16. CRPD GC No 1 paras 12;14 [↑](#footnote-ref-16)
17. United Nations General Assembly Resolution 44/25 Convention on the Rights of the Child [1989], Art 3 [↑](#footnote-ref-17)
18. CRPD GC No 1 paragraph 36 [↑](#footnote-ref-18)
19. UN CRC Art 12 [↑](#footnote-ref-19)
20. CRPD GC No 1 paragraph 11 [↑](#footnote-ref-20)
21. PC paragraph 1 [↑](#footnote-ref-21)
22. PC paragraph 1 [↑](#footnote-ref-22)
23. PC paragraph 16 [↑](#footnote-ref-23)
24. PC paragraph 1 [↑](#footnote-ref-24)
25. PC paragraph 1 [↑](#footnote-ref-25)
26. PC paragraph 35 [↑](#footnote-ref-26)
27. United Nations General Assembly Resolution A/61/611 Convention on the Rights of Persons with Disabilities and Optional Protocol [2006], Article 2 [↑](#footnote-ref-27)
28. ivi [↑](#footnote-ref-28)
29. PC paragraph 1 [↑](#footnote-ref-29)
30. PC paragraph 1 [↑](#footnote-ref-30)
31. PC paragraph 1 [↑](#footnote-ref-31)
32. Sandra Fredman, *Discrimination law* (2nd edn, Oxford University Press 2011) 19-33 [↑](#footnote-ref-32)
33. PC paragraph 16 [↑](#footnote-ref-33)
34. PC paragraph 15.d [↑](#footnote-ref-34)
35. PC paragraph 1 [↑](#footnote-ref-35)
36. PC Introduction [↑](#footnote-ref-36)
37. Supra 1 [↑](#footnote-ref-37)
38. OHCHR, *Getting a Life - Living Independently and being included in the Community* (Legal study) [2012] 28-29

    <www.europe.ohchr.org/documents/Publications/getting\_a\_life.pdf> accessed 1 June 2017 [↑](#footnote-ref-38)
39. PC paragraph 1 [↑](#footnote-ref-39)
40. PC paragraph 1 [↑](#footnote-ref-40)
41. PC paragraph 15.d [↑](#footnote-ref-41)
42. PC paragraph 1 [↑](#footnote-ref-42)
43. PC paragraph 94.e [↑](#footnote-ref-43)
44. Supra 1 [↑](#footnote-ref-44)
45. PC paragraph 94.e [↑](#footnote-ref-45)