

Oral statement for the general discussion on the right of persons with disabilities to work and employment, held by the Committee on the Rights of Persons with Disabilities.

Thank you, Madame Chair.

The Sexual Rights Initiative welcomes the opportunity to engage in the drafting process of this General Comment.

It is common practice of treaty bodies and UN agencies to elaborate a conceptual analysis of an article and then, in different sections and in one or a few paragraphs, address its relationship with other articles. The concept note put forward by the CRPD Committee for this General Comment follows the same logic and it does a thorough first pass on the main barriers faced by persons with disabilities when accessing work. The concept note also includes important observations and recommendations made by the Committee when identifying critical violations to human rights related to work. However, it still does not present an analysis that acknowledges power structures, imbalances and asymmetries that links them to individual, societal and institutional levels. For States to be held accountable for structural change, structural analysis is necessary.

We suggest the Committee develops an intersectional analysis that recognizes the ableist, racist, classist, sexist and patriarchal systems, structures and institutions that define “productivity” and “dependency”, gateways to the world of work. The Committee must not fall into the trap of reinforcing patriarchal, racist, ableist and classist social and moral values into the concept of work by relying on the traditional views of labour, productivity and dependency. Instead, the Committee should directly debunk them by recognizing that work is not necessary or equivalent to dignity and worth. These “values” are tied to the idea of normalcy and must be challenged, including by opening paths for dignity outside of the right to work; this is the right not to work and still have material conditions to live and enjoy life.

States use ableist, racist, and patriarchal standards of normality that materialize in programs and policies that have historically scrutinized the bodies of persons with disabilities, openly labeling them as unproductive, unfit, and not normal. The same standards have been used to police and stigmatize the bodies of women, adolescents, sex workers, people living with HIV,

lesbian, gay, bisexual, transgender, gender non-conforming and intersex persons and restrict the enjoyment of their rights.

Full enjoyment of sexual and reproductive rights enables the conditions to exercise bodily autonomy, where persons with disabilities, and especially women with disabilities, have the ability to make and exercise choices not limited by oppression, discrimination, stigma, coercion, violence, lack of opportunities or possible consequences. Only when choice is no longer an illusion we can meaningfully engage in work “freely chosen or accepted,” as phrased in article 27 of the CRPD Convention.