



THESSISMUN

THESSALONIKI INTERNATIONAL STUDENT
MODEL UNITED NATIONS

Committee on the Rights of Persons With Disabilities

*Topic area B: "General Comment on Article
27: Promoting and protecting the right of
persons with disabilities to work and
employment combating any discrimination
against them within the workplace"*



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Topic Area B: General Comment on Article 27: Promoting and protecting the right of persons with disabilities to work and employment combating any discrimination against them within the workplace

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1. Welcoming letter

Dear Distinguished Delegates,

Welcome to the 2019 Model United Nations of Thessaloniki and to the Committee on the Rights of People with Disabilities. We are looking forward to meet you and hear your ideas on solutions of international problems that affect people with a disability on a global scale.

The Model United Nations within its nature depends on the cooperation and goodwill of its representatives. With each state having unique interests and concerns, it is definitely challenging to write, negotiate, and pass resolutions. Every stage of the process demands creativity, respect for one another and diplomatic courtesy.

Being a diplomat stands in need for respect for other diplomats, even with representatives who may have a different point of view. Representing a country requires that you have a strong rapport on finding common ground with other diplomats while still protecting your country's best interest.

Therefore, we expect each delegate to come to the conference with an understanding of his or her country's positions and a willingness to forge agreements. Both topics that are going to be discussed during our long meetings are matters that still affect millions of people on a personal and social level. Therefore, your ideas and opinions count as it proves that you have developed an understanding of the topic and gained further knowledge through your research.

As your committee chairs, we will work to make the 2019 ThessISMUN successful and enjoyable. We will do our best to make your experience productive ensuring that the views of all delegates will be truly heard and respected.

“Tact is the knack of making a point without making an enemy.”
— *Isaac Newton*

Sincerely,

The Board of CRPD 2019

2. The Committee on the Rights of Persons with Disabilities

The Committee is responsible for overseeing the implementation of a particular international human rights treaty and is one of the ten UN human rights treaty bodies¹. States that have signed or ratified (formally confirmed) the Optional Protocol (GA resolution A/RES/61/106) to the Convention on the Rights of Persons with Disabilities have agreed to allow persons within their jurisdiction to submit complaints to the Committee requesting measures to be taken in case terms of the

¹ United Nations Human Rights Treaty Bodies. [Online]. [Accessed 19 January 2019]. Available at: <https://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>.

Convention have been violated². The Committee initially amounted to 12 members but when the aforementioned Convention achieved 80 ratifications the Committee increased to 18 independent legal experts whose duty is to guide and monitor the application of the Convention on the Rights of Persons with Disabilities³. It is noteworthy to mention that most of the Committee's members have a disability; one member is blind, another has a hearing impairment, and one was born with a condition which left her armless, making them even more knowledgeable on the needs of persons with disabilities. With regards to their election, the members of the Committee are elected from a list of persons nominated by the States at the Conference of the State Parties, and do not serve as government representatives⁴. They are elected for a four-year term with a possibility of being re-elected once. In the CRPD committee, all states parties are obliged to submit regular reports underlining the legislative, judicial, policy and other measures they have taken for the effective implementation of the rights declared in the Convention⁵. After the submission, the Committee's job is to examine each report and address its concerns and suggestions to the state party.

3. Introduction to the topic

The topic under discussion is Article 27 of the Convention on the Rights of Persons with Disabilities⁶ for the promotion of the right of individuals with a disability to employment and their protection against discrimination within the workplace. To begin with, in many developing countries around the world “*about 80-90% of persons of a working age with a disability are unemployed, whereas in industrialized*

² Committee on the Rights of Persons with Disabilities. [Online]. [Accessed 24 November 2018]. Available at: <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/QuestionsAnswers.aspx>.

³ Committee on the Rights of Persons with Disabilities. [Online]. [Accessed 24 November 2018]. Available at: <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/QuestionsAnswers.aspx>.

⁴ Ibid

⁵ Convention on the Rights of Persons with Disabilities. (2008). [Online]. [Accessed 24 November 2018]. Available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

⁶ Convention on the Rights of Persons with Disabilities. [Online]. 2007, 2515 UNTS 3, opened for signature 30 March 2007, entered into force 3 May 2008. [Accessed 24 November 2018]. Available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

*countries the figure is between 50% and 70%”.*⁷ Persons with disabilities in many countries globally encounter discrimination and obstacles that restrict them from engaging in their society commons on an equal basis with others. According to the United Nations Human Rights Office of the High Commissioner: *“They are denied their rights to be included in the general school system, to be employed, to live independently in the community, to move freely, to vote, to participate in sport and cultural activities, to enjoy social protection, to access justice, to choose medical treatment and to enter freely into legal commitments such as buying and selling property”.*⁸ Article 27 requires from States Parties to recognize the right of persons with disabilities to work and become employed, on an equal basis with persons who have no impairments, including the right to a job environment that is open, inclusive and accessible to persons with disabilities. For this reason, article 27 stresses out the importance for states to create legislation that protects all the rights of persons with disabilities⁹. More specifically, the article refers to their legal protection against any type of discrimination in terms of employment opportunities, wages, working conditions, promotions, job training, entrepreneurship, job rehabilitation and the exercise of their labor and trade union rights¹⁰. With regards to the discrimination of prohibition against persons with disabilities, at the first part of the convention there is an article, article 5 in particular, which states that countries that are parties to the Convention should prohibit any kind of discrimination on the basis of disability, guaranteeing equality and legal protection against prejudice and inequity ensuring that suitable measures are being taken against such actions¹¹. The convention itself in other words, along with its related articles, aims to urge all countries’ governments to provide justice and equal treatment for persons with disabilities actively integrating them in our societies.

⁷ Disability and Employment | United Nations. [Online]. Available at: <https://www.un.org/development/desa/disabilities/resources/factsheet-on-persons-with-disabilities/disability-and-employment.html>.

⁸ Human Rights of Persons with Disabilities. [Online]. Available at: <https://www.ohchr.org/en/issues/disability/pages/disabilityindex.aspx>.

⁹ Convention on the Rights of Persons with Disabilities – Article 27-Work and Employment. (2006). [Online]. Available at: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

¹⁰ Ibid

¹¹ Convention on the Rights of Persons with Disabilities – Article 5-Equality and non-discrimination. (2006). [Online]. Available at: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

Article 27: Work and employment

First and foremost, before we guide you towards the various legal documents that currently exist internationally, with regards to the promotion of the right to work for persons with disabilities; we should primarily focus on article 27 of the Convention which is the main topic under analysis. Although all the Convention's articles should be taken into consideration (as they are immensely important), our topic focuses on one specific article, which is the right of disabled persons to work opportunities and employment. More particularly:

“1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labor market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia: (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions; (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy – 20 – working conditions, including protection from harassment, and the redress of grievances; (c) Ensure that persons with disabilities are able to exercise their labor and trade union rights on an equal basis with others; (d) Enable persons with disabilities to have effective access to general technical and vocational guidance programs, placement services and vocational and continuing training; (e) Promote employment opportunities and career advancement for persons with disabilities in the labor market, as well as assistance in finding, obtaining, maintaining and returning to employment; (f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business; (g) Employ persons with disabilities in the public sector; (h)

Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programs, incentives and other measures; (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace; (j) Promote the acquisition by persons with disabilities of work experience in the open labor market; (k) Promote vocational and professional rehabilitation, job retention and return-to-work programs for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labor”¹².

All in all, the above article makes it clear and specific that persons with disabilities should be able to obtain adequate training, a job position, equal pay and further job development, legal protection within the workplace against any type of discriminatory action, adequate working conditions, opportunities for self-employment and even more.

4. Discrimination in the labor market

What is having a disability in the job environment?

To begin with, it is important to mention that disability in relation to work has not been found to have a standard global definition. However, the Code on Good Practice on the Employment of Persons with Disabilities constituted by the Republic of South Africa gives a more concrete definition. More specifically, people with a disability in relation to the job environment according to the Employment Equity Act of the Republic of South Africa describes “people who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into, or advancement in, employment.”¹³

Having provided a definition of disability in the job environment, examples will be

¹²Convention on the Rights of Persons with Disabilities – Article 27-Work and Employment. [Online]. Available at: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

¹³ Republic of South Africa’s Employment Equity Act. (no. 55 of 1998). [Online]. [Accessed 7 January 2019]. Available at: <http://www.labour.gov.za/DOL/legislation/acts/employment-equity/employment-equity-act>.

provided to comprehend the topic under discussion eloquently. To start with, many people view disability as a condition that is inherent in the person, for instance, a medical condition that requires the person to be in a wheelchair or to take medication. Yet, the modern concept of disability perceives disability as an interaction between an individual's personal condition (such as being in a wheelchair or having a visual impairment) and environmental factors, for example, not getting effective access to their workplace because of the lack of road bars, elevators and so on. To illustrate, working with a disability in the contemporary competitive labor market certainly requires more energy and effort in tasks that for most people are deemed easy. For instance, a person with a hearing impairment working in a clothing store, cannot communicate effectively with the client, as the employee cannot hear the customers' orders and the customer most probably does not know sign language. In this case, only if stores for deaf people existed then many persons with a hearing impairment could work easily. Another example, relating to the environment factor; a person with a visual impairment (blind) cannot find a job that does not require his ability to see, as the majority of the professions existing nowadays, count tremendously on the ability to see and hear perfectly well.

Additionally, in many countries across the globe it is commonly known that in most job facilities access for persons with disabilities is difficult or even impossible. Having mentioned earlier, lack of road bars, elevators and proper roads for persons on wheelchairs is still a problem for many people with a disability nowadays. It is not only a matter of offering job opportunities for persons with disabilities, but also a matter of making their lives easier and not the opposite. Even worse, people with mobility impairments need either a special car or an excellent public transfer system within the city in order to reach place X which in this case is their job facility. In most countries not only, buses do not have a ramp for people who are physically disabled, but also the buildings do not have enough space in their elevators for a wheelchair to fit in. Even more, employed persons in jobs where they deal with customer service, are required to have fast correspondence with the client or with the machine they are working with. In this case, working with a disability makes it even more stressful and demanding for the person with the disability. Therefore, educating and empowering

employers to be open to flexible working arrangements, implementing reasonable workplace modifications and adjustments can bring out the best results. Examples of adjustments can include workload management, flexible working arrangements and technological assistance that not only will create a more suitable working environment for persons with a disability, but also, an ideal job environment.

What is discrimination against a person with a disability in the workplace?

Discrimination on the basis of disability according to the Convention on the Rights of Persons with Disabilities is: *“any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation”*¹⁴. To put it more simply, discrimination is treating, or proposing to treat, someone unfavorably because of a different characteristic they possess¹⁵. According to the Article 2 of the UN Convention on the rights of Persons with Disabilities: *“Discrimination on the basis of disability means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation”*¹⁶. Additionally, discriminatory actions or comments can also derive from co-workers or clients who can as result, cause, extra tension and discomfort to the person with the disability, making their job even more difficult or even unbarring. Also, discrimination is also found during interviews, where the employer might not think of employing a person due to their disability. Nevertheless, in all cases, all forms of discriminatory behaviour deriving

¹⁴ Convention on the Rights of Persons with Disabilities – Article 2 Definitions. (2006). [Online]. Available at: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

¹⁵ Human Rights Commission. Direct and Indirect Discrimination in the workplace. [Online]. Available at: <https://www.humanrightscommission.vic.gov.au/the-workplace/workplace-discrimination>.

¹⁶ Convention on the Rights of Persons with Disabilities-Article 2, 2006. Available at: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

from an employer, a co-worker or a client are both an unethical and an illegal course of action.

5. Past actions of the international community

The United Nations

The United Nations is an international organization which officially came into existence on October 24, 1945, following the disastrous Second World War, which caused millions of casualties and disasters¹⁷. World War II was the main reason that motivated the creation of this prestigious organization with the aim of preventing catastrophic wars (like the aforementioned) from happening again in the world. Prior to the UN creation, there was the League of Nations. The League of Nations was an intergovernmental organization with the main objective of maintaining global peace founded in 1920¹⁸. However, it proved inadequate to pursue collective security as it could not prevent World War II from happening, therefore, lead itself to its dissolution.

With regards to the United Nations, one of its main notion and goal is to promote peace and security among member states of the organization and fruitful cooperation with one another. Furthermore, the United Nations is a powerful organization best known for peacekeeping, peace-building, conflict prevention, and humanitarian assistance. Additionally, in a worldwide spectrum, 193 countries have become members of the UN all sharing equal rights and obligations, respecting the UN Charter which is the constituting instrument of the UN. The Charter states the rights and obligations of member states establishing the United Nations organs and procedures¹⁹. With regards to UN actions, the UN's specialized agencies like the Committee on the Rights for Persons with Disabilities (CRPD), the Human Rights

¹⁷ History of the United Nations. [Online]. [Accessed 7 January 2019]. Available at: <http://www.un.org/en/sections/history/history-united-nations/>

¹⁸ History of the League of Nations. [Online]. [Accessed 7 January 2019]. Available at: [https://www.unog.ch/80256EDD006B8954/\(httpAssets\)/36BC4F83BD9E4443C1257AF3004FC0AE/%24file/Historical_overview_of_the_League_of_Nations.pdf](https://www.unog.ch/80256EDD006B8954/(httpAssets)/36BC4F83BD9E4443C1257AF3004FC0AE/%24file/Historical_overview_of_the_League_of_Nations.pdf)

¹⁹ United Nations-Member States. [Online]. [Accessed 7 January 2019]. Available at: <http://www.un.org/en/member-states/>.

Committee (HRC), the International Labor organization (ILO), the World Health Organization (WHO) and more, have created several projects and policy innovations based on the UN Universal Declaration of Human Rights for the respect of human rights and the prohibition of discrimination against people with disabilities and not only²⁰. More particularly, the World Program of Action (WPA) adopted in 1982, by the UN General Assembly, aimed to effectively remove societal barriers that restrain the full participation of persons with disabilities, by stressing the importance of the improvement and equalization of opportunities which affect the full participation of persons with disabilities in social life and national development”²¹. Several years later, in 1993, the UN General Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities which consisted of 22 rules outlining the message of the World Program of Action²². Recently, in 2015, the UN Committee on Economic, Social and Cultural Rights, created a handbook aiming to help practitioners of human rights understand the International Covenant on Economic, Social and Cultural Rights which was entered into force in 1976, analyzing the historical progress of human rights and even more²³. Similarly, in 2007 a handbook was also created and translated in various languages for Parliamentarians on the Convention on the Rights of Persons with Disabilities making more clear the aims and purposes of the convention providing support to governments²⁴.

The Convention on the Rights of Persons with Disabilities:

The Convention on the Rights of Persons with Disabilities and its Optional Protocol (A/RES/61/106) has served as the leading catalyst in the global movement for viewing persons with disabilities as full and equal members of society with human rights, urging all states to promote, protect and ensure that the rights of all people with

²⁰ United Nations Specialized Agencies. [Online]. Available at: <http://www.un.org/en/sections/about-un/funds-programmes-specialized-agencies-and-others/index.html>.

²¹ UN World Programme of Action Concerning Disabled Persons. (1982). [Online]. Available at: <https://www.un.org/development/desa/disabilities/resources/world-programme-of-action-concerning-disabled-persons.html>.

²² Ibid

²³ International Covenant on Economic, Social and Cultural Rights. (2015). [Online]. [Accessed 15 December 2018]. Available at: http://www.pwescr.org/PWESCR_Handbook_on_ESCR.pdf.

²⁴ Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities (2007). [Online]. [Accessed 17 December 2018]. Available at: <https://www.un.org/development/desa/disabilities/resources/handbook-for-parliamentarians-on-the-convention-on-the-rights-of-persons-with-disabilities.html>.

disabilities in all areas of life are being respected²⁵. Furthermore, our committees' Convention was initially approved in the UN on 13 December 2006, but entered into force two years later, on 3 May 2008²⁶. 162 countries signed it and 177 member states ratified it²⁷. Showcasing that the above Convention has managed not only to gain significant power carrying the force of binding law, but also, raise awareness for the importance of the involvement of persons with disabilities in decisions affecting their lives and rights. Nevertheless, it is important to mention that from the moment that a state signs a treaty, in this case, the Convention on the Rights of Persons with Disabilities, it is obliged to respect the object and purpose of it, but, is not bound to uphold the specific obligations of the Convention until it ratifies (formally approves) it.

With respect to the convention, the convention focuses on six fundamental principles. The first one is equality and non-discrimination against people with disabilities, the second principle refers to vulnerable groups i.e. women and children with disabilities, the third principle of the convention is the independence, accessibility, and participation in all aspects of life, the fourth is the right to life, security and prohibition from inhuman and degrading treatment, the fifth principle refers to the right to education, health and employment and lastly, the sixth principle focuses on the right of participation in political, public, and cultural life like recreation and sport²⁸.

ILO (International Labor Organization)

One of the initial international acknowledgements of the right of people with disabilities to be accepted in the labor market was made by the ILO (International Labor Organization) in 1944 declaring that persons with disabilities should, wherever possible, be equally suitable for employment opportunities, be trained with other workers under the same circumstances and of course be paid equally the same. With

²⁵ Convention on the Rights of Persons with Disabilities. (2007). [Online]. [Accessed 24 November 2018]. Available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

²⁶ Ibid

²⁷ United Nations Treaty Collection. (2006). [Online]. [Accessed 10 November 2018]. Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4&clang=_en.

²⁸ Convention on the Rights of Persons with Disabilities, 2007. [Online]. [Accessed 24 November 2018]. Available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

this regard ILO managed to promote back in the 1940s the employment of workers with serious disabilities in various jobs through the specific programs the organization had initiated. More specifically, in 1955, the ILO adopted the Vocational Rehabilitation (Disabled) Recommendation with respect to persons with disabilities²⁹. This adoption focused on practices of vocational guidance, training and job placement of disabled persons. To define vocational guidance in simple terms as stated by the National Vocational Guidance Association: “it is the process of assisting the individual to choose an occupation, prepare for it, enter up on and progress in it”

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According to the ILO’s Vocational Guidance Recommendation (No. 87 art. 17) significant consideration should be provided to the progress of the general vocational guidance services in collaboration with the appropriate rehabilitation services for the adequate and relevant arrangements of the vocational guidance of young individuals with a physical or mental impediment³¹. Therefore, ILO’s role and responsibilities included also the organization and administration of technological advising and assistance to employees with disabilities and the special training of rehabilitation staff.

Having discussed one of the ILO’s programs of growing employment opportunities for workers with disabilities, ILO in 2002, introduced the *Code of Practice*, a guide of 40 pages implemented in accordance with the national law of a country, in order to help employers support and plan a positive approach in order to better regulate disability-related issues in the workplace. In this guide, the ILO refers to actions that employers should take for effective management, communication, training and assessment of employees with a disability³². Additionally, ILO in 2007 initiated a

29 ILO-Vocational Rehabilitation (Disabled) Recommendation (1955) (No. 99). [Online]. [Accessed 7 January 2019]. Available at:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R099
30. National Vocational Guidance Association (1954). [Online]. [Accessed 21 January 2019]. Available at: <https://onlinelibrary.wiley.com/doi/abs/10.1002/j.2164-4918.1954.tb01568.x>

31. LO Vocational Guidance Recommendation, 1949 (No.87 art.17). [Online]. [Accessed 21 January 2019]. Available at:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::55:P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NO:DE:REC,en,R087,/Document.

32 ILO Code of practice. [Online]. [Accessed 7 January 2019]. Available at: https://www.ilo.org/skills/pubs/WCMS_103324/lang-en/index.htm

project for policy-makers and legislators of States Parties to our Committee, called *Promoting Rights and Opportunities for People with Disabilities in Employment through Legislation*³³ in order to persuade and guide legislators for the revision of existing laws and the creation of new regulations and policies with regards to women and men with disabilities. This project focused on equality of opportunity, non-discrimination, equal treatment of men and women, providing examples of law and practice in countries around the world. Lastly, besides ILO's strategies and proposals, employers' and workers' organizations are also found to promote reserved job occupations, job allocations, and the establishment of sheltered workshops for persons with disabilities in various countries around the world. According to the *UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities* it is stated that even though it is essential to provide persons with disabilities the opportunity of employment in the open labor market, if individuals with disabilities whose needs cannot be satisfied in open employment, "*it is recommended that small units of sheltered employment may be an alternative choice*".³⁴ In other words, if a person has a disability not allowing him/her from working in a company, then the creation of a special (protected and safe) environment called *sheltered employment* can offer services and training that can develop their work-related skills and behaviors.³⁵ Overall, ILO through its various actions proves to be an organization that plays a vital role in the international community, as it has not only managed to create programs and improve legislation over the employment of persons with disabilities, but also, assist through its various programs, both employers and employees, affiliating them with the notion of disability-related problems of persons with a disability in the workplace.

Universal Declaration of Human Rights

³³ Promoting Rights and Opportunities for People with Disabilities in Employment through Legislation. [Online]. [Accessed 7 January 2019]. Available at: https://www.ilo.org/jakarta/whatwedo/projects/WCMS_183300/lang-en/index.htm.

³⁴ Vocational Rehabilitation and Employment (Disabled Persons) Recommendation (No. 168), (1983). [Online]. Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_93_en.pdf

³⁵ Encyclopedia of Clinical Neuropsychology. Definition of Sheltered Employment. (2011). [Online]. Available at: https://link.springer.com/referenceworkentry/10.1007%2F978-0-387-79948-3_427

It is well known that the international community has committed itself towards the full integration and effective participation of persons with disabilities in the society as it has been proven through the United Nations' Charter and the good will of the states themselves. To begin with, article 23 of the Universal Declaration of Human Rights (adopted by the General Assembly on 10 December 1948 making it binding by the UN) stated that *everyone including persons with disabilities have the right to work-employment opportunities*³⁶. Meaning that everyone has the right to work, to choose their employment opportunities, to work in a fair job environment with good conditions and to be protected against unemployment. *“Everyone, without discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests*³⁷.” Likewise, the same declaration makes a reference to the right to life, liberty, and security of all persons in a society, including persons with disabilities.

Vienna Declaration

The Vienna Declaration and Program of Action, adopted by the World Conference on Human Rights on 25 June 1993, emphasized that all human rights are universal, indivisible, interdependent and interrelated³⁸. More importantly, article 22 of the Declaration underlined the importance of ensuring non-discrimination acts and the equal enjoyment of all human rights and fundamental freedoms by disabled persons, including their active participation in all aspects of society³⁹. Furthermore, article 64 of the Declaration highlighted that persons with disabilities should be guaranteed equal opportunity “through the elimination of all socially determined International

³⁶ Universal Declaration of Human Rights. Article 23. (1948). [Online]. Available at: <http://www.un.org/en/universal-declaration-human-rights/>

³⁷ Universal Declaration of Human Rights.(1948). [Online]. Available at: <http://www.un.org/en/universal-declaration-human-rights/>

³⁸ Vienna Declaration and Programme of Action. (1993). [Online]. [Accessed 7 January 2019]. Available at: <https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>.

³⁹ Vienna Declaration and Programme of Action. Article 22. (1993). [Online]. [Accessed 7 January 2019]. Available at: <https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>.

legal instruments and policy initiatives barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society” 40.

6. Current actions on the topic under discussion

Great Britain’s Equality Act 2010

At a national level, the number of disability discrimination laws and constitutional provisions has increased significantly. Some countries have created their own legislation with regards to combating any kind of discrimination against persons with disabilities and one of them is the Equality Act 2010 which was introduced in 2010 by the Parliament of the United Kingdom⁴¹. Prior to the Equality Act the UK parliament had introduced the Disability Discrimination Act making obligatory the elimination of discrimination by the public and private enterprises against persons with disabilities, which came into effect in 1995⁴². The Act aimed to cover key areas of such as employment and training, education, goods, facilities, services, premises and transport⁴³. The Equality Act refers to the equal treatment in access to employment as well as private and public services, regardless of the protected characteristics of disability. Thence, the above legislation underlines the importance and the obligation of both the employers and the service providers for the establishment and the making of reasonable adjustments within their workplaces for the accommodation of the needs of workers with a disability.

UN Sustainable Goals 2030- Goal 8

Many actions have been taken proving the goodwill of various international organizations including the UN, with the sole purpose to tackle the discrimination of persons with disabilities to job employment opportunities. In the annual UN

40 Vienna Declaration and Programme of Action. Article 64. (1993). [Online]. [Accessed 7 January 2019]. Available at: <https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>.

41 Equality Act 2010. [Online]. [Accessed 10 November 2018]. Available at: <http://www.legislation.gov.uk/ukpga/2010/15/section/6>.

42 Disability Discrimination Act (DDA). (1995) [Online]. [Accessed 17 December 2018]. Available at: <https://www.rnib.org.uk/information-everyday-living-your-rights/disability-discrimination-act-dda>

43 Disability Discrimination Act (1995). Available at: <https://www.rnib.org.uk/information-everyday-living-your-rights/disability-discrimination-act-dda>.

conference meeting, world leaders gathered and agreed over the Sustainable Goals Agenda for 2030⁴⁴. One of the goals important to focus on is goal 8 as it aims to promote a sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, reaffirming the importance of the Universal Declaration of Human Rights, as well as other international instruments relating to human rights and international law⁴⁵. During the leaders' meeting in the UN quarters it was put an emphasis on how vital is the responsibility of States to comply with the Charter of the United Nations aspirations which is respect, protection and promotion of all fundamental human rights without distinction to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status⁴⁶.

Council of Europe Disability Action Plan

Furthermore, having referred to International Organizations, the Council of Europe along with the knowledge, experience and expertise of national experts from public administrations and academia, civil society organizations working with and for persons with disabilities, persons with disabilities themselves as well as service providers adopted on 2016 a Strategy on the Rights of Persons with Disabilities 2017-2023⁴⁷. The Strategy document intends to advise and reinforce the work and activities which are being implemented by the UNCRPD and carried out by the Council of Europe⁴⁸. The Disability Action Plan has as its foundation the promotion and protection of human rights of all persons upholding democracy and the respect of the rule of law. The overall goal of the Disability Strategy 2017-2023 is to achieve equality, dignity and equal opportunities for persons with disabilities ensuring their independence, freedom of choice and their full participation in the society.

44 UN Transforming our world: the 2030 Agenda for Sustainable Development (2015). [Online]. Available at: <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

45 UN Transforming our world: the 2030 Agenda for Sustainable Development (2015). [Online]. Available at: <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

46 Ibid

47 Council of Europe (2017). *Council of Europe Disability Strategy 2017-2023*. Rights of Persons with Disabilities.[Online]. [Accessed 25 November 2018]. Available at: <https://www.coe.int/en/web/disability/strategy-2017-2023>.

48 Council of Europe (2017). *Council of Europe Disability Strategy 2017-2023*. Rights of Persons with Disabilities. [Online]. [Accessed 25 November 2018]. Available at: <https://www.coe.int/en/web/disability/strategy-2017-2023>.

7. Conclusion

Having discussed article 27 of the UN Convention on the Rights of Persons with Disabilities⁴⁹, referring to various organizations and the national and international actions that have been taken worldwide, it is problematic that in 2019, we still see people with disabilities in many countries being widely excluded and marginalized from the society. Their social exclusion from the labor force is a matter that should be tackled more effectively through the cooperation of all the aforementioned organizations like the UN, the European Union, the Council of Europe along with the NGOs and the government states. Even though actions towards the solution of this matter have been taken, not enough progress has been made globally. Therefore, more drastic measures should be introduced with regards to the right for employment and social integration of persons with disabilities. Indeed, we have made a long progress since our grand-parents' days with regards to human rights but it does not mean that we should stop striving for the protection of our human rights. Therefore, the currently existing legal framework introduced by the UN and its supporting organs with regards to the rights of persons with a disability for their immersion in the labor market, should be implemented and carried out by the member states more effectively.

8. Points to be addressed by the CRPD

At this point, eleven questions are presented to you to address within our committee sessions following that respectful debates will take place with the higher aim of providing feasible solutions to these global concerns.

- Why do you believe there is a lack of integration for persons with disabilities in the labor market although there is an established framework of international conventions?

⁴⁹ Convention on the Rights of Persons with Disabilities – Article 27-Work and Employment. [Online]. Available at: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

- How can the CRPD improve the overview and guarantee an effective implementation of article 27 concerning this issue?
- How can member-states motivate persons with disabilities to seize job opportunities which will further integrate them into the labor market?
- What kind of adjustments should member-states make in order to change the physical and social barriers of people with disabilities?
- How can employers take into consideration the needs of people with disabilities within the work environment?
- What kind of actions should be taken to combat discriminatory attitudes against persons with disabilities within the work environment?
- How can equal employment access be ensured to persons with disabilities?
- How can we guarantee that people with disabilities will be able to attain full vocational training and education?
- What are some indicative measures of preventing and discouraging welfare dependency of persons with disabilities?

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