

**Forum:** The Human Rights Council

**Issue:** Measures to Protect the Right of People with Disabilities to Work

**Student Officer:** Sapphire Amara Faruque

**Position:** Deputy President

---

## Introduction

An estimated 15 percent of the world's population are living with disabilities, of whom around 470 million are of working age. At the International Labor Conference in 1994, the declaration of Philadelphia stated, "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity."

In recent years, addressing issues regarding maintaining the basic human rights of disabled persons has vastly increased, with the [Convention on the Rights of Persons with Disabilities](#) (CRPD) adopted in 2006, the International Labor Organization (ILO) creating a [Disability Inclusion Strategy and Action Plan](#) for 2014 through to 2017, and the [2030 Agenda for Sustainable Development](#) stating that disability simply cannot be a reason for a lack of access to the realization of basic human rights and inclusion in development. Nonetheless, it is the implementation of such conventions, and the continued efforts of further development in ensuring basic human rights and rights to work for persons with disabilities that will result in the promotion of dignity, self respect, and the satisfying life for disabled persons.

Discriminatory barriers and assumptions strongly discourage those with disabilities who are willing to work. Correlations between people with disabilities and poverty have proven strong; according to the United Nations around 82 percent of disabled people living in developing nations are below the poverty line, and disabled people are estimated to make up between 15 and 20 percent of the poor populations in these countries. Proper information regarding employment rates is difficult to monitor and verify, and oftentimes people with disabilities become frustrated when trying and failing to find employment, even though they are qualified and have received appropriate training.

## Definition of Key Terms

### Disability

A physical or mental condition that limits a person's movements, senses, or activities.

## **Human Right**

A moral or legal entitlement to have or obtain something or to act in a certain way, that is believed to belong justifiably to every person.

## **Convention**

An agreement between countries covering particular matters, especially one less formal than a treaty.

## **Agenda 2030: The Sustainable Development Goals**

Goals and targets set out by the UN in September of 2015 which address the most important social, environmental, economic and governance challenges.

## **Universal Declaration of Human Rights**

A declaration adopted by the United Nations General Assembly as a common standard of achievements for all peoples and all nations, setting out, for the first time, fundamental human rights to be universally protected.

## **Background Information**

### **Poverty and Disabled Persons**

Research has shown that poverty and disability are two factors that go hand in hand. The rate of poverty for working age persons with disabilities is almost 2.3 times higher than those without (28.4 percent as compared to 12.4), half of all working age adults who have been in poverty for at least one or more years suffer from some form of a disability, and 2/3 of those under more long-term poverty are persons with disabilities.

### ***Socioeconomic Status (SES)***

SES, commonly measured through a combination of education, income and occupation, is generally used to describe one's class, or social standing of an individual as compared to a group. Persons with disabilities are overrepresented in lower socioeconomic statuses, having not been able to work and improve their living conditions, and oftentimes burdened with high medical bills to pay as well. Unfortunately, their lack of income causes difficulties with affordability. For example, in the United States alone, in spite of the assurances made by the Americans with Disabilities Act for equal educational and employment opportunities for those with and without disabilities, and the prohibition of discrimination based on disability, barriers faced early on mark

severe differences in terms of the wealth, SES, and opportunity for disabled people and their families.

### ***Income and Insurance***

As not all people are born with their disabilities, considerations are taken to try to ensure the continued support of those affected by a disability. In the form of disability insurance, governments such as that of the United States provide Supplemental Security Disability Insurance (SSDI). However, this program is only available to workers who pay Social Security taxes for years before their disability, and their previous income directly correlates to what they receive as their SSDI. There is also the Supplemental Security Income (SSI), a welfare program for those with fewer resources, typically due to a lower income, however, people with disabilities are still much more likely to remain unemployed and living in poverty. Although the majority of people with disabilities are willing work, the high rates of poverty among them only increase doubt in their abilities and public assistance benefitting them.

## **Importance of Protection of Rights**

### ***Social Importance***

Not only is the social importance of ensuring the rights of those with disabilities a moral obligation, but as a fundamental human right is socially unjust to allow the continued abuse and blatant disregard for the right to work of people with disabilities. Under Article 23 of the Universal Declaration of Human Rights (UDHR), subsection one reads, “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment,” and for those faced with a disability Article 25 reads “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” Without the protection of the right to work, the right to necessary housing, medical and social services, people with disabilities do not have the luxury of the assurance of their basic, universal human rights.

### ***Economic Importance***

Mentioned previously, the majority of adult persons with disabilities are willing and able to work, with sufficient training and qualifications, but remain unable to find work due to discriminatory social barriers. In terms of the development of a country, if over a quarter of disabled persons are unemployed but willing to work, there is a major untapped force that can raise labor and reduce poverty levels. When disabled persons are granted their rights to work, they have been shown as capable and beneficial towards the businesses through their jobs.

## Key Issues

### Human Rights Violations

Although the UDHR clearly states the rights to work, as well as several other conventions that have been adopted, there are still reigning key issues that counteract the attempts of those with disabilities to maintain their right to work. These violations not only impact the ability to work, but also the standard of their day-to-day lives.

#### *Limited Financial Support*

Although people with disabilities may be applicable for aid, these funds are often limited and do not encourage financial growth. When compared to people without disabilities, if asked whether or not they had the ability to procure \$2000 for an unexpected expense, 70 percent of individuals with disabilities said they probably wouldn't be able to get the money, as opposed to only 37 percent of those without disabilities. Additionally, in the United States, those receiving aid from the SSI are not allowed to have over \$2000 in assets, which remains largely unchanged from the limit set in 1972, even though when adjusting for inflation the value would come much closer to \$8500. These kinds of regulations limit the ability of disabled persons to save for when they need money in an unexpected case, and prevent their ability for sustained economic stability and growth.

#### *Discrimination Based on Disability*

Disability is commonly associated with the inability or unwillingness to work, even though the case is very different. A common misconception is that disabled persons lack the motivation to work, simply because many people with disabilities face the struggles of living in poverty. Social barriers put in place restrict people with disabilities from growing and improving their own conditions, as they are automatically categorized into a stereotype. Persons with disabilities who try, oftentimes find themselves getting rejected even with necessary qualifications, and this dissuades them from continuing to pursue work, eventually leading to them giving up and living based on what they receive for their disability. Without this instantaneous discrimination, not only will employers not be in violation of Article 14 of the UDHR but those with disabilities will be more encouraged to try again and continue searching for the right work for them to continue their lives.

#### *Lack of Access to Education, Transport, Housing, Cultural Life and Public Places*

With a limited access to education, rehabilitation efforts for those trying to regain normal lives are hindered, as they are being denied their basic right to learn. When people with disabilities are able to secure jobs, transport can be an issue, especially in regards to extreme

physical disabilities. Without adequate funds to purchase their own mode of transportation, the use of public transport that has not been adapted to cater to those with disabilities and can cause major struggles for people who are trying to keep their jobs and continue to succeed. Also strongly associated with living in poverty, the effects of a lack of these key parts of the people's lives, especially on children, can be long lasting and mentally harmful, causing them to suffer from negative health and developmental effects.

## Major Parties Involved and Their Views

### Human Rights Council (HRC)

The issue of a basic right to work, leading to the right of a standard of living, as well as education, are all addressed with the UDHR, naturally concerning the HRC. By its [resolution 26/20](#), the HRC created the Special Rapporteur on the rights of persons with disabilities. This Special Rapporteur is allowed to “research and gather information on violations of the rights of persons with disabilities, recommend on how to better promote and protect their rights, and to provide technical assistance to that purpose.” However this was only adopted in 2006 only came into force in 2008, rendering it in effect for only a short time so far. Notably, the HRC has held 5 interactive debates about rights of persons with disabilities, and published a thematic study of the effect of international cooperation in support of the CRPD so far.

### International Labor Organization (ILO)

As the creator of the Disability Inclusion Strategy and Action Plan for 2014-17, the ILO promoted the protection and promotion of the rights of those with disabilities, especially concerning work as the organization is directly affiliated with labor related issues. A specialized agency of the UN, the ILO says it works towards “promoting jobs” and “protecting people”, thus demonstrating its dedication towards improving the rights to work of persons with disabilities. The ILO, since its inception, has been a constant advocate for decent work all people, with their work for disabled people dating back to 1925. Since adopting their first document relating to vocational rehabilitation of disabled workers, discussions and concerns about disabled workers have been a constant in ILO Conferences as well as Recommendations. In 1983, the Convention on Vocational Rehabilitation and Employment (Disabled Persons) and Recommendation 168 were implemented to continue encouraging governments to take action for equality and employment promotion for persons with disabilities. The ILO also has a Disability Team within the Conditions of Work and Equality Department that actively works to ensure that the perspective of disabled workers is taken into account in all of their work.

### The World Bank

The World Bank fully supports the protection of the rights to work of persons with disabilities. They are involved in projects including the [Integration of Children with Disabilities into Mainstream Schools](#), the [Jamaica Social and Economic Inclusion of Persons with Disabilities](#), appointed a Disability Advisor in 2014, and are a member of UN Inter Agency Support Group (IASG) on the implementation of the Convention on the Rights of Persons with Disabilities (CRPD).

### Committee on the Rights of Persons with Disabilities (CRPD)

The Committee includes 18 independent experts, most of whom are persons with disabilities, with the responsibility of promoting and implementing the CRPD. These experts are nominated by nations who have signed and adopted the convention, and the Committee receives regular updates on how the convention is being implemented in each nation, in return giving feedback on how to improve. The CRPD meets bi-annually in Geneva, to consider reports submitted by the 153 member states of the UN, and examine individual petitions from the 85 States Parties to the Optional Protocol. Although the committee has yet to take any major action, they are currently undergoing a private investigation concerning the government of the United Kingdom.

In accordance with Article 6 of the CRPD, the UN Committee on the Rights of Persons with Disabilities is currently undergoing a confidential investigation concerning the effects of coalition's welfare cuts of the United Kingdom's government. This is the first such investigation to occur since it's formation, and the report of the investigation will be published in 2017. As the first investigation, it plays a significant part in the role of the Committee on the Rights of Persons with Disabilities and how they will address these types of issues in the future.

## Timeline of Relevant Resolutions, Treaties and Events

Date	Description of event
	<b>The UDHR is Published</b>
December 10, 1948	The UDHR is published, and Article 23 plays a key role in refining the definition of who has the right to free work, which includes disabled persons

### **Declaration of Philadelphia**

1944 Declaration of Philadelphia at International Labor Conference says that all humans have the right to pursue both their material well-being and their spiritual development

### **Disabled Persons (Employment) Act**

Disabled Persons (Employment) Act 1944 is described as the foundation stones for the rights of disabled workers in the United Kingdom

### **The ILO Publishes a Paper**

October, 2003 The ILO publishes a paper (which they will revise in 2007) solely surrounding the right to decent work of people with disabilities

### **CRPD**

December 13, 2006 CRPD, a treaty adopted by the UN General Assembly, details the international framework for protecting the rights of disabled persons, including the creation of the committee of experts, the optional protocol and the special rapporteur

### **CRPD Opens to Signatures**

March 30, 2007 CRPD opens to signatures on this date, officially declaring which nations would abide by the rules and procedures detailed in the convention

### **The International Labor Office in Geneva**

2015 The International Labor Office in Geneva details a Disability Inclusion Strategy and Action Plan for the years 2014-17

### **Committee on the Rights of Disabled Persons with Disabilities**

October 20, 2015 The Committee on the Rights of Persons with Disabilities privately investigates the effects of coalition's welfare cuts in the United Kingdom, it is the first time this has happened, under Article 6 of the CRPD, and the report will be published in 2017

## **Relevant UN Treaties and Events**

- Declaration on the Rights of Disabled Persons, 9 December 1975, ([A/RES/30/3447](#))
- Convention on the Rights of Persons with Disabilities, 13 December 2006, ([A/RES/61/601](#))
- Realizing the Millennium Development Goals for persons with disabilities towards 2015 and beyond, 4 February 2011, ([A/RES/65/186](#))
- Special Rapporteur on the rights of persons with disabilities, 14 July 2014, ([A/HRC/RES/26/20](#))
- Transforming our world: the 2030 Agenda for Sustainable Development, 21 October 2015, ([A/RES/70/1](#))

## Evaluation of Previous Attempts to Resolve the Issue

Although there have been numerous attempts to maintain the rights to work of disabled persons, it remains an issue to this day. The key focus in order to accomplish the goal of preserving the basic right to work of those with disabilities should be breaking down social barriers and raising awareness of the truth about disabled persons. So long as the mindset of the majority of the population is based on negative, discriminatory thoughts, it will be impossible to ensure the rights of persons with disabilities to adequate work. In recent years, the development in this area has considerably grown, especially regarding the implementation of the CRPD, which has insofar been effective considering the investigation into the United Kingdom.

## Possible Solutions

To create a solution towards protecting the rights of disabled persons to work, the first and most important aspect will be to break social barriers and educate those who believe in discriminatory misconceptions. Unless the misinterpretation of the situations of persons with disabilities is rectified, it will be impossible to ensure their rights to work.

The solutions begin through raising awareness of the issue, include increasing asset allowance when living off disability, allowing for proper educational systems to be put in place, introducing easier disabled access to public transport and places, and once the right to work has been established, ensuring that discrimination doesn't occur, that work is fair and for fair pay. Public education, public transport, and the assurance of basic human rights should be accessible to disabled persons and funded by governmental bodies.

Regulations to ensure that rights are protected and ensured can include a specific set of laws that apply only to disabled persons when applying for jobs (if not already in existence). Persons with



disabilities should be granted the opportunity to take legal action in the face of arbitrary discrimination based on disability, with separate committee's overseeing the implementation of rights on a case by case basis. Rules as such would be made public information, and punishments for breaking them could result in fines, or whatever is deemed appropriate by each judge. Through governmental regulation and implementation of the CRPD, the world can better protect the rights of disabled persons to work.

## Bibliography

"Human Rights of Persons with Disabilities." *Human Rights of Persons with Disabilities*. United Nations Human Rights Office of the High Commissioner, 2014. Web. 28 Aug. 2016. <<http://www.ohchr.org/EN/Issues/Disability/Pages/DisabilityIndex.aspx>>

"Committee on the Rights of Persons with Disabilities." United Nations Human Rights Office of the High Commissioner, 2014. Web. 28 Aug. 2016. <<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/QuestionsAnswers.aspx>>.

*Disability Inclusion Strategy and Action Plan 2014–17*. Geneva: International Labor Organization, 2015. PDF. <[http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---ifp\\_skills/documents/genericdocument/wcms\\_370772.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/genericdocument/wcms_370772.pdf)>.

O'Reilly, Arthur. *The Right to Decent Work of Persons with Disabilities*. Geneva: International Labor Organization, 2007. PDF. <[http://www.businessanddisability.org/images/pdf/right\\_decent\\_work.pdf](http://www.businessanddisability.org/images/pdf/right_decent_work.pdf)>.

"Strategy Overview." *Disability Overview*. The World Bank, 04 Apr. 2016. Web. 28 Aug. 2016. <<http://www.worldbank.org/en/topic/disability/overview#2>>.

"Disability & Socioeconomic Status." *Public Interest Directorate*. American Psychological Association, 2006. Web. 28 Aug. 2016. <<http://www.apa.org/pi/ses/resources/publications/disability.aspx>>.

Vallas, Rebecca, and Shawn Fremstad. "Disability Is a Cause and Consequence of Poverty." *Talk Poverty*. Center for American Progress, 19 Sept. 2014. Web. 28 Aug. 2016. <<https://talkpoverty.org/2014/09/19/disability-cause-consequence-poverty/>>.

Butler, Patrick. "UN Inquiry Considers Alleged UK Disability Rights Violations." *The Guardian*. Guardian News and Media, 20 Oct. 2015. Web. 28 Aug. 2016. <<https://www.theguardian.com/society/2015/oct/20/un-inquiry-uk-disability-rights-violations-cprd-welfare-cuts>>.

"Disability and Work." *Disability and Work*. International Labor Organization, 2016. Web. 28 Aug. 2016.  
<<http://www.ilo.org/global/topics/disability-and-work/lang--en/index.htm>>.