

Launch of Finland's National Action Plan on the CRPD, 13 March 2018

***The Global Perspective on implementation of
the UN CRPD & Agenda 2030:
Enhancing the agenda for inclusion***

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“Where, after all, do universal human rights begin?

In **small places, close to home**

- so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. **Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action, to uphold them close to home, we shall look in vain for progress in the larger world.**”

- Eleanor Roosevelt



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Challenges to inclusion

- Developing **vs** developed countries
- Development **vs** human rights
- Economic, social, cultural rights **vs** civil & political rights
- Development **vs** human rights **vs** humanitarian
- Mainstream **vs** marginalised groups

The Convention on the Rights of Persons with Disabilities (CRPD) : a human rights instrument & development tool

All rights for all persons with disabilities everywhere on an equal basis with others

- Embraces diversity & inclusion (art 3 – general principles)
- Women with disabilities (art 6); children with disabilities (art 7)
- Participation of persons with disabilities (art 4(3))
- **Equal recognition before the law (art 12)**
- Living independently and being included in the community (art 19)
- Situations of risk and humanitarian emergencies (art 11)

- International cooperation (art 32)
- Data collection (art 31)
- National monitoring & implementation (art 33)
- Awareness-raising (art 8)
- Accessibility (art 9)



CRPD 10 YEARS
disability rights are human rights



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UN World Conference on
Disaster Risk Reduction
2015 Sendai Japan

Sendai Framework for Disaster Risk Reduction



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13-16 JULY 2015 • ADDIS ABABA • ETHIOPIA
TIME FOR GLOBAL ACTION

Financing for Development



**WORLD
HUMANITARIAN
SUMMIT**
ISTANBUL, TURKEY
23-24 May 2016

CHARTER ON INCLUSION OF PERSONS WITH DISABILITIES IN HUMANITARIAN ACTION

Key principles to make humanitarian action more
inclusive of persons with disabilities



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SUSTAINABLE DEVELOPMENT GOALS



Leave no one behind
Reach the furthest behind first

References to persons with disabilities:

Sustainable Development Goals

- Goal 4: Education – 2 references
- Goal 8: Employment
- Goal 10: Reduce inequality
- Goal 11: Inclusive cities – 2 references
- Goal 17: Means of implementation, data

Follow-up and review

- Data disaggregation (paragraph 74,g)



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Human Rights in the 2030 Agenda (see-form 5m)

Preamb	The SDGs seek “seek to realize the human rights of all”
Para 8	We envisage a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity
Para 10	The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights, international human rights treaties.....
Para 19	We emphasize the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all ...
Para 18	We...emphasize that the Agenda is to be implemented in a manner that is consistent with the rights and obligations of states under international law.



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References to persons with disabilities:

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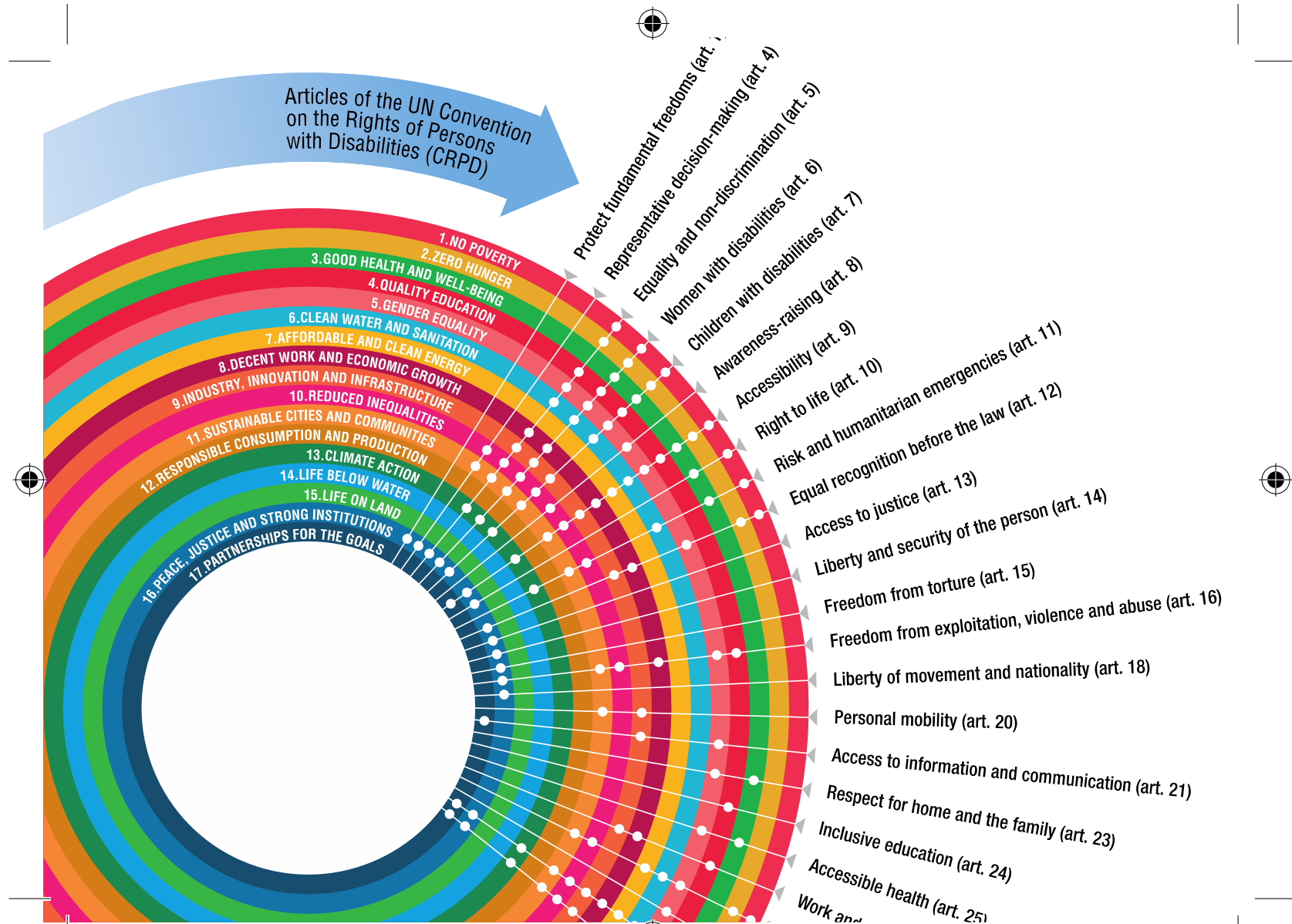
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Example of linkage



Poverty and disability

- Poverty affects persons with disabilities in a disproportionate manner
 - **overrepresented** among the poorest worldwide
 - low employment rates and salaries
 - less likely to attend school or to complete schooling
 - **excluded** from basic social services
 - facing multiple forms of discrimination
- **Data** on poverty and disability is scarce

Cost of exclusion

- The exclusion of persons with disabilities from the labour market in low and middle-income countries cost from 3% to 7% of the GDP (ILO, 2009)
- Foregone benefits or opportunity costs
 - e.g. lost income of individuals with disabilities or of family members who cannot work or work less

Importance of employment & social protection



Goal 8.5, SDGs

By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value

Article 27 – work and employment

Examples of CRPD Committee recommendations:

- Adopt a policy on the employment of persons with disabilities, including indigenous persons with disabilities, **that guarantees access to employment, promotes work in open, inclusive and accessible markets and environments**, equal opportunities and **gender equality** and provides for **reasonable accommodation** for persons with disabilities at work;
- Develop strategies aimed at providing decent **job opportunities for women and young persons with disabilities**, including the **provision of reasonable accommodation, flexible time arrangements, appropriate training for work and measures to prevent harassment and other forms of discrimination at the workplace**;
- Implement binding **affirmative action measures**, including the allocation of targeted funding to promote the employment of persons with disabilities in the public and private sectors;
- Bear in mind **article 27 of the Convention in its efforts to achieve target 8.5 of the Sustainable Development Goals**.

Goal 1- no poverty

1.2 By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions

1.3

Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable

1.4

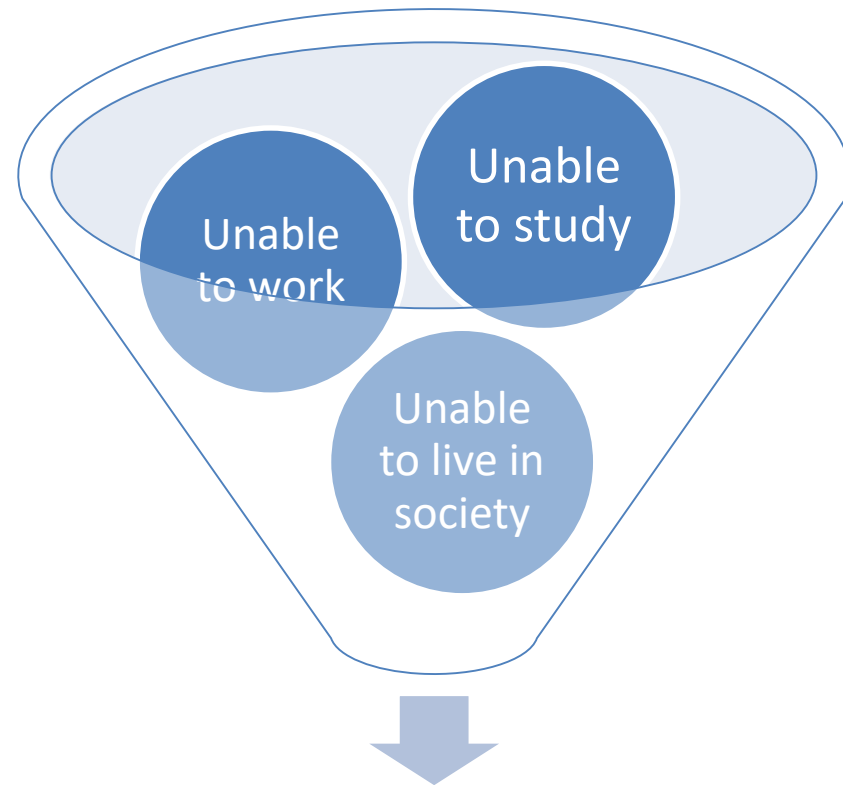
By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance

Article 28 – Adequate standard of living and social protection

Examples of treaty body recommendations:

- CRPD Committee: Take measures to **guarantee an adequate standard of living for persons with disabilities and their families, especially those living in poverty, those who are unemployed or who do not have a fixed income, those in rural and remote areas, those belonging to indigenous communities, women and older persons.** The State party should **cover the added cost of living caused by disability by, inter alia, reviewing social security measures with a view to extending their coverage to all persons with disabilities;**
- (b) Ensure that the Poverty Reduction Strategy addresses multiple discrimination and poverty among women with disabilities, indigenous persons with disabilities and families with children with disabilities;
- (c) **Bear in mind article 28 of the Convention while implementing targets 1.3 and 1.4 of the Sustainable Development Goals.**
- CESCR Committee: The Committee recommends that a disability perspective is integrated in all housing plans and policies at all levels. To that end, the Committee recommends that the State party **increase the availability of affordable and social housing units for persons with psychosocial and intellectual disabilities, as well as community-based services.**
- CMW Committee: **extend non-contributory social benefits to migrant workers** and members of their families, **including children with disabilities** in an irregular situation

A medical model approach



Segregation, institutionalization
and loss of self-determination

When in doubt, return to the principles!!

- Respect for dignity and individual autonomy
- Non-discrimination
- Participation and inclusion
- Respect for difference and diversity
- Accessibility
- Equality of opportunity
- Equality between men and women
- Respect for the evolving capacities of children with disabilities

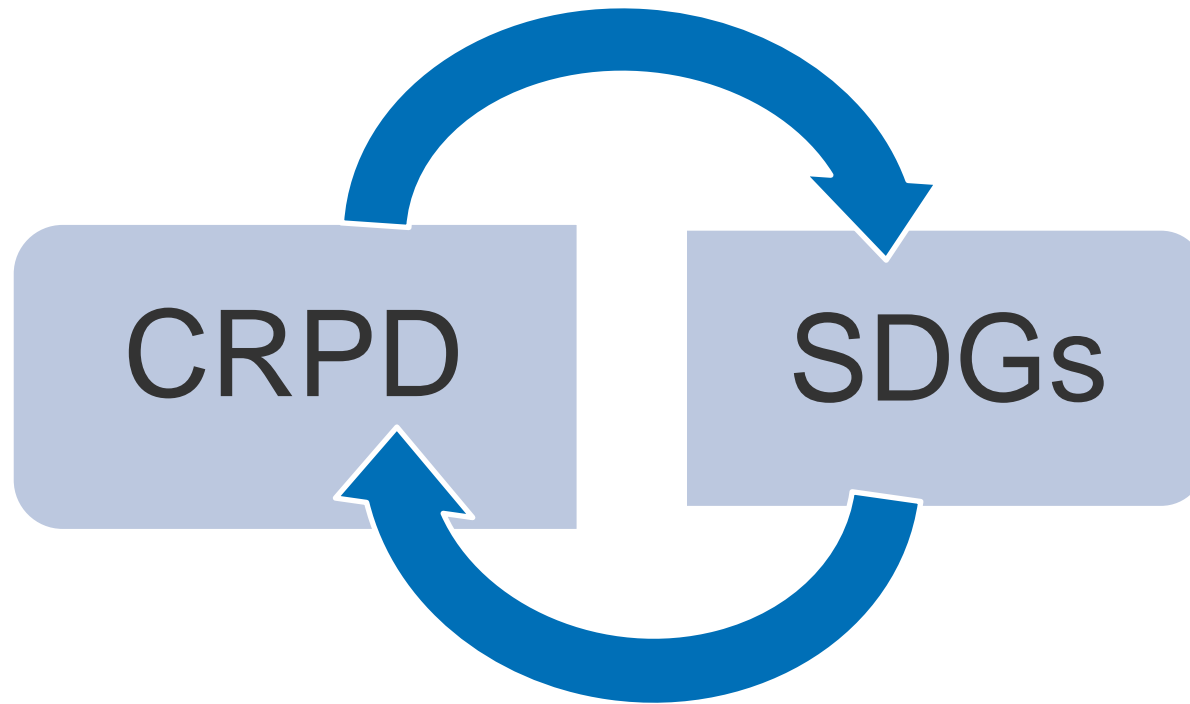
Rights- universal, indivisible, interdependent, interrelated

- **Impact of restrictions or denial of legal capacity (Article 12) on right to:**
 - Employment; social protection; housing; health; social inclusion; right to live independently & be included in the community; access to justice; political participation, etc
- **Impact of institutionalisation -forced treatment/detention (Articles 19, 14, 17) on right to:**
 - Health; liberty; political participation; social inclusion
- **Impact of gender based violence (Articles 6, 16, 17, 23) on right to:**
 - Health, family and home, gender equality, social inclusion, employment, education, political participation, etc



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The SDGs should have a human rights based approach, but how to ensure that the SDGs are informed and guided by the CRPD?





This project is funded
by the European Union

Bridging  the
GAP

**Bridging the Gap:
Human rights indicators for the CRPD
in support of a disability inclusive 2030
Agenda for Sustainable Development**



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Human rights indicators on employment

Structure- examples

- Legislation enacted that prohibits discrimination, harassment and violence against persons with disabilities, including the denial of reasonable accommodation, in all forms of employment (including conditions of recruitment and hiring, continuance, career advancement), training and employment services, with enforcement mechanisms
- No provisions in legislation which:
 - limit access to employment or vocational training related to any type of impairment;
 - limit access to employment or vocational training related to status of legal capacity;
 - establish exceptions to minimum wage based on impairment;
 - include impairment-based assessments such as capacity or fitness to work;
 - reserve or limit categories of employment or vocational training for persons with disabilities
 - Reserve or limit workplace(s) for persons with disabilities, such as segregated working environments (e.g. sheltered workshops)



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Human rights indicators on employment

Process - examples

- Existence of **comprehensive national employment strategy and/or plan** (mainstream or disability-specific) to promote the employment of persons with disabilities in public and private employment, which contains:
 - particular measures relating to youth and women with disabilities, persons with specific support needs, etc
 - Clear lines of responsibility, targets and timetable for implementation
 - Monitoring and enforceability mechanism
 - Allocated budget
- Technical and financial assistance for employers, employees, trade unions on:
 - provision of **reasonable accommodation** in the workplace
 - **making work environments and communications accessible**
- Social protection schemes providing benefits for people with disabilities to cover their extra costs that are compatible with employment
- **Systematic and meaningful consultation process** with representative organizations of persons with disabilities on any national employment-related initiative



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Human rights indicators on employment

Outcome- examples

- Percentage of persons with disabilities relative to persons without disabilities, disaggregated by sex, age,
 - Employed disaggregated by type of employment (public, private, self-employed)
 - Unemployed
 - Inactive
 - Employed in the informal sector
 - In part time and temporary employment
- Relative earnings of employed persons with disabilities to persons without disabilities
- Percentage of persons with disabilities in sheltered workshops
- Percentage of persons in forced or compulsory labour with a disability



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Article 31: Statistics & Data collection

Examples of CRPD Committee recommendations:

- The Committee recommends that the State party fully apply the disability-related indicators for monitoring the implementation of the Sustainable Development Goals, and pay attention to the **links between article 31 of the Convention and target 17.18 of the Goals, with a view to increasing significantly the availability of high-quality, timely and reliable data disaggregated** by income, gender, age, race, ethnicity, migratory status (including asylum-seeking and refugee status), disability, geographic location and other characteristics relevant in its national context. It further **recommends that the State party use the full set of questions issued by the Washington Group on Disability Statistics for its census and household surveys.**

Goal 17

17.18

By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, **disability**, geographic location and other characteristics relevant in national contexts



**Washington Group short set of questions on disability
for data disaggregation**

Past and recent use of the WG Short Set (SS): Countries indicating that the WG SS or some variant was used in the previous or most recent census, national surveys, disability modules or pre-tests (n=78)

Afghanistan	Italy	Paraguay
Argentina	Ivory Coast	Peru
Armenia	Jamaica	Philippines
Aruba	Japan	Poland
Bangladesh	Jordan	Qatar
Bermuda	Kazakhstan	Romania
Brazil	Kenya	Rwanda
Burundi	Kosovo	Samoa
Cambodia	Latvia	St. Maarten
Canada	Malawi	South Africa
Chad	Malta	South Sudan
Croatia	Mexico	Spain
China	Mongolia	Sri Lanka
Denmark	Montenegro	Tanzania
Dominican Republic	Montserrat	Thailand
Egypt	Mozambique	Togo
Estonia	Myanmar	Trinidad & Tobago
El Salvador	Nepal	Tunisia
Fiji	Netherlands Antilles	Turkey
France	Netherlands	Uganda
Georgia	New Zealand	United Arab Emirates
Honduras	Norway	United States
Hong Kong SAR	Oman	Vietnam
Iran	Pakistan	Yemen
Ireland	Palestine	Zambia
Israel	Panama	Zimbabwe

Use of WG tools (SS/ES/CFM) on survey that collects information on employment status

Afghanistan	Jordan	South Sudan
Austria	Ireland	Spain
Belgium	Israel	Sri Lanka
Bermuda	Latvia	Tanzania
Cambodia	Mexico	Thailand
Canada	New Zealand	Togo
Chad	Palestine	Tunisia
Dominican Republic	Panama	Turkey
Egypt	Peru	Uganda
El Salvador	Poland	United States
Honduras	Samoa	Vietnam
Hong Kong SAR	Sierra Leone	Yemen
Japan	South Africa	



Cooperation amongst all stakeholders

- Government
- DPOs
- National Human Rights Institutions
- National Statistics Offices

Human rights based approach to data:

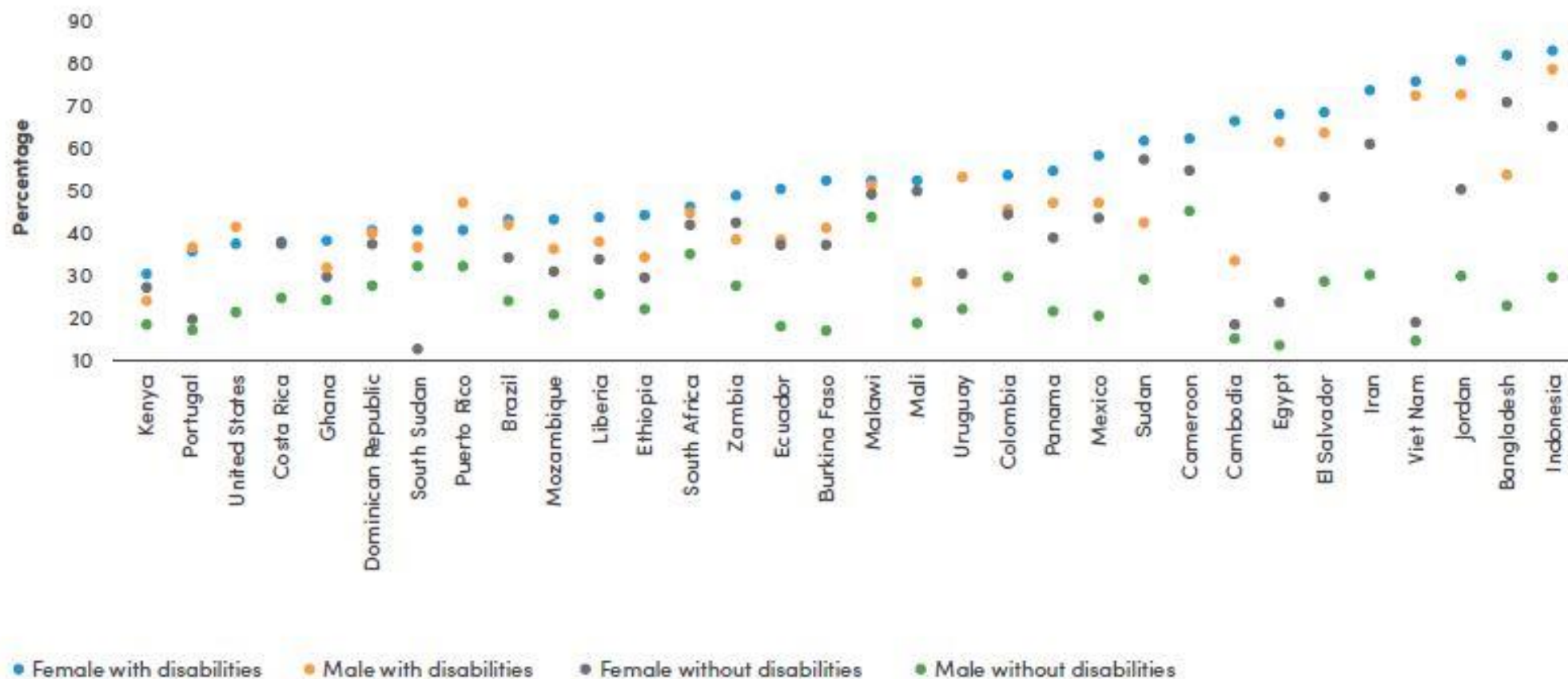
- participation,
- disaggregation by different groups,
- self-identification,
- transparency,
- privacy
- accountability

**IF YOU ARE NOT COUNTED,
YOU DO NOT COUNT!!**

**2020 Census round –
Seize the day!**

FIGURE 4.29

PROPORTION OF POPULATION AGED 15–24 NOT IN EDUCATION OR EMPLOYMENT, 2005–2015



Source: UN Women calculations based on census data from IPUMS 2017.

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Imagine a world where we embrace human diversity.

We remove the barriers in society and institutions that create discrimination and inequality.

We go past the fear and preconceptions that have historically resulted in so much social exclusion.

We see disability as part of human diversity, like any other difference.

And we see the contributions that persons with disabilities can make in all areas of society.

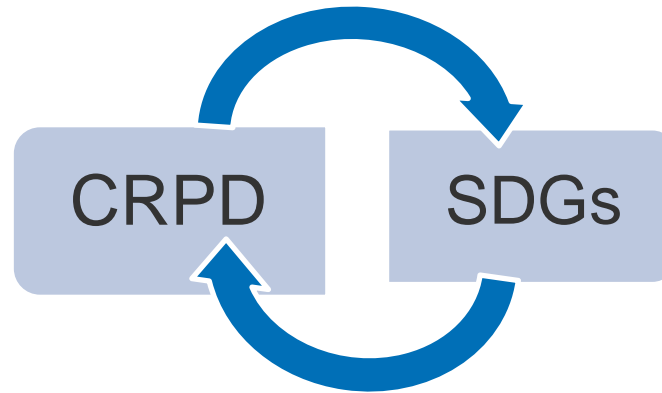
- Catalina Devandas, UN Special Rapporteur on the rights of persons with disabilities



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Thank you for your attention!

Questions / comments?



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Commissioner for Human Rights

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