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Human Rights Council

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Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council*

22/3.

The work and employment of persons with disabilities

The Human Rights Council,

Recalling the Convention on the Rights of Persons with Disabilities,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming also all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 19/11 of 22 March 2012, and welcoming the efforts of all stakeholders to implement those resolutions,

Reaffirming further the right to work, as set out in article 23 of the Universal Declaration of Human Rights, which states that everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, as well as, inter alia, States parties' obligations under articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights, article 11 of the Convention on the Elimination of All Forms of Discrimination against Women and, most recently and with regard to persons with disabilities, in article 27 of the Convention on the Rights of Persons with Disabilities,

Recalling that the above-mentioned article 27 of the Convention reaffirms the right of persons with disabilities to work, including their right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible, and that States parties to the Convention are required to take appropriate steps, including through legislation, to ensure that persons with disabilities enjoy this right on an equal basis with others,

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twenty-second session (A/HRC/22/2), chap.I.

Recalling also relevant conventions, declarations, recommendations and codes of practice of the International Labour Organization,

Recognizing that progress has been made, yet deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in exercising their right to work on an equal basis with others,

Emphasizing that the right to work is a key factor in ensuring the full and effective participation and inclusion, as well as equality of opportunity, of persons with disabilities in society,

Recognizing the need to build awareness among persons with disabilities, their families, communities and all those working in education systems of the right of persons with disabilities to work and to enjoy equal employment opportunities,

Recognizing also that women and girls with disabilities are subject to multiple, aggravated or intersecting forms of discrimination, including in the context of realizing their right to work on an equal basis with others,

Recognizing further the important role of the public and private sectors in employing persons with disabilities and the need to raise awareness of all employers of the valuable contribution that persons with disabilities can make in a diverse workplace,

Welcoming the decision of the General Assembly to hold a high-level meeting, on 23 September 2013, with the overarching theme “The way forward: a disability inclusive development agenda towards 2015 and beyond”, in order to strengthen efforts to ensure accessibility for and inclusion of persons with disabilities in all aspects of development, and looking forward to the contribution that the outcome document thereon could make in mainstreaming the rights of persons with disabilities in the post-2015 development agenda,

1. *Welcomes* the fact that, to date, one hundred and fifty five States have signed and one hundred and twenty eight States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that ninety one States have signed and seventy six States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on the work and employment of persons with disabilities prepared by the Office of the United Nations High Commissioner for Human Rights,¹ and calls upon all stakeholders to consider the findings and recommendations of the study;

4. *Calls upon* States parties to ensure that persons with disabilities can effectively and fully enjoy the right to work on an equal basis with others, including the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities;

¹ A/HRC/22/25.

5. *Also calls upon* States parties to adopt and implement appropriate measures, including legislative measures, to ensure that persons with disabilities enjoy the right to work on an equal basis with others, including by, inter alia:

(a) Prohibiting by law discrimination on the basis of disability in the area of work and at all phases of employment, including the denial of reasonable accommodation;

(b) Promoting equal access for persons with disabilities to the open labour market, in particular by promoting alternative approaches to sheltered employment schemes where such schemes are inconsistent with the Convention;

(c) Adopting positive measures, as appropriate, to increase employment of persons with disabilities in the public and private sectors, in particular for women and youth with disabilities, persons with intellectual or psychosocial disabilities, and ensuring that such positive measures are designed and promoted in a way that recognizes the value of diversity in the workplace and of equal career development for all;

(d) Employing persons with disabilities in the public sector and considering setting targets for such employment;

(e) Promoting inclusive and non-discriminatory opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business, including through microfinance schemes;

(f) Establishing accessibility requirements for all employers to eliminate barriers that hinder job seekers and employees with disabilities from access to the workplace on an equal basis with others;

(g) Ensuring reasonable accommodation is provided in both public and private sector employment;

(h) Ensuring also that persons with disabilities have equal access to education and vocational training that is non-discriminatory, accessible to and inclusive of persons with disabilities, including by providing reasonable accommodation, and by promoting continuous learning;

(i) Ensuring further that habilitation and rehabilitation programmes are non-discriminatory and adequately take into account the needs of persons with disabilities;

(j) Establishing and maintaining access to social protection programmes, including those created pursuant to recommendation No. 202 of the International Labour Organization concerning national floors for social protection, that support persons with disabilities in seeking, transitioning to and maintaining work, and that recognize the additional costs that persons with disabilities face in their access to the open labour market;

(k) Promoting public awareness campaigns to address negative attitudes, stigma and stereotypes of persons with disabilities, including women with disabilities, that hinder their opportunity to participate in work and employment on an equal basis with others;

6. *Reaffirms* the obligation of States parties to 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 labour;

7. *Calls upon* States parties, and urges private sector employers and workers' organizations to ensure that measures to assist persons with disabilities in their access to and maintaining employment are consistent with the Convention, including the general principles of inclusion in society, individual autonomy, including the freedom to make one's own choices, and independence of persons;

8. *Calls upon* States, in realizing the right to work for persons with disabilities, to engage the private sector and, in this regard, urges the private sector to employ persons with disabilities, to create a welcoming working environment and to identify and eliminate barriers that hinder their access to the workplace on an equal basis with others;

9. *Urges* States to consult closely with and actively involve persons with disabilities and their representative organizations in designing, implementing, evaluating and monitoring policies and programmes relating to the employment of persons with disabilities;

10. *Encourages* States and invites other relevant stakeholders, including national monitoring mechanisms, to collect appropriate information, including disability-specific and gender-specific statistical and research data, to enable the formulation and implementation of policies to improve the employment situation of persons with disabilities;

11. *Encourages* States to create or strengthen relevant monitoring or complaint mechanisms that, inter alia, promote, protect and monitor the implementation of the right to work for persons with disabilities;

12. *Encourages* all relevant actors in the design of products, environments, programmes and services relating to work and employment to pay due attention to universal design, which requires the consideration of the needs of all members of society in order to avoid the need for any subsequent adaptation or specialized design;

13. *Acknowledges* the importance of international cooperation at all levels and, in this regard, encourages all relevant actors in taking measures of international cooperation to consider appropriate and effective measures in support of national efforts to promote employment opportunities for persons with disabilities on an equal basis with others;

14. *Decides* to continue to integrate the rights of persons with disabilities into its work, in accordance with Human Rights Council resolution 7/9 of 27 March 2008;

15. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its twenty-fifth session, and that it will focus on the right of persons with disabilities to education;

16. *Requests* the Office of the High Commissioner to prepare a study on the right of persons with disabilities to education, in consultation with States and other relevant stakeholders, including the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, regional organizations, the Special Rapporteur on Disabilities of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the twenty-fifth session of the Human Rights Council;

17. *Encourages* organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the debate referred to in paragraph 15 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

18. *Requests* the Secretary-General to continue to ensure that the mandate of the Office of the High Commissioner on the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

19. *Requests* the Secretary-General and the High Commissioner to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities.

*47th meeting
21 March 2013*

[Adopted without a vote.]
