

Forum: United Nations Human Rights Council

Issue #26-01: Measures to address discriminatory practices against disabled people.

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Guiding Questions as you Read

How does disability discrimination specifically affect your nation?

How has disability discrimination been embedded into your nation's culture and traditions?

What role does your nation play in the prevention of disability discrimination?

What are different instances or types of disability discrimination and what can be done to stop them?

Introduction

Key Terms

Disability
Discrimination
Culture
Traditions
Misconception
Stereotype
Accommodations
Terminology

Disabled people have been treated as less, put into disadvantage and victimized just because of their conditions. This pressing issue has grown in importance given that **discrimination** in minorities has caught society's eye. Disabled people are being rejected from jobs and are unable to maintain themselves even though they are completely capable of doing so. Many employers believe that the disabled do not have the abilities to be part of the workforce, and some also believe they are a liability. This causes an issue because the disabled are not hired and their probabilities of advancing in the job and getting a promotion are slim, this is one of many cases where people with natural **disabilities** are being **discriminated** against. Many countries around the world have taken notice of this problem and have started working towards solving this issue. Policies and acts have been created to try to address this issue, one being the Equality Act. This issue is crucial because the rights of the disabled are being threatened. We should protect them and make sure they are treated fairly.

Comprehension Question(s): Other than their physical drawbacks, how are disabled people at a disadvantage in today's society?

Definition of Key Terms

Disability: A condition that, whether mental or physical, limits a person to a certain degree. This could be in their movements, senses, activities, or the way in which their brain functions.

Discrimination: The unjust treatment of people based on outward characteristics or other such as race, gender, sexual orientation, or disabilities.

Misconception: A sense of understanding that is inaccurate based on a lack of information or context on the topic of interest.

Stereotype: A widely spread idea or simplified image of a particular type of person or thing.

Accommodations: A compromise set forth in order to adapt the conditions of something based on someone's needs.

Culture: The social institutions, customs, traditions and daily norms of a particular group or population.

Terminology: A specific group of words or vocabulary that are used in regard to a certain subject of study.

Current Situation



In the present day, disabled people make up the world's largest disadvantaged minority, with over 1 billion constituents around the world. Oftentimes they are deprived of an education, a professional career, owning a home, having a family, voting, and even socializing.

General Statistics

According to the United Nations, around 20% of the world's population under the poverty line have some sort of disability and, in developing countries, around 98% of children do not go to school. In these same nations, around 33% of the homeless children possess a disability, and their literacy rates can be as low as 3% in men, and 1% in women. The discrimination faced against this large minority comes from a natural instinct of survival that all humans possess, as well as the culture and traditions that may be present in a nation. In many languages, for example, the words used to describe a disabled individual are often offensive, and may reinforce the oppression that they face. This derogatory terminology often makes its way into official laws and policies which further stereotype and misrepresent disabled individuals.

Workforce Discrimination

Employers, specifically in developing nations, are fed misconceptions that those with disabilities are not productive members of the workforce, leading them not to hire them even if the individual in question is highly qualified. Many barriers of participation also arise from the derogatory attitudes of development programmers as a result of misinformation, which impacts the design of services offered to underdeveloped communities. Many times this aid is inaccessible to disabled people, meaning they may struggle whilst their oppressed counterparts benefit from these amenities.

Accommodations

However, there are other causes of disability discrimination. One of the main ones is a lack of accommodation, in which public services do not provide safe methods of entering or interacting with these facilities. Inclusion, or lack thereof, can also be a source of disability discrimination. Employers or educators who are uninformed on this issue tend to exclude those with disabilities or isolate them from the rest of their peers, whether consciously or unconsciously. Thus, because many employers are unwilling or do not have the resources to provide these accommodations, they often refrain from

hiring disabled people in the first place.

In short, despite the sheer size of the disabled community as a minority, much of the world's population is misinformed or misunderstands the conditions of these individuals, and is subsequently unequipped to provide the accommodations necessary to promote equity within their localities.

Comprehension Question(s): What are the causes of discrimination against those with disabilities? Where in the world are they most vulnerable?

Major Parties Involved and Their Views

The United States

The United States is one of the most powerful and developed countries in the world, and yet discrimination against the disabled still occurs. They have started to create a conscience about this issue. Although the Americans with Disabilities Act (1990) and Rehabilitation Act of 1973 – As Amended Through P.L. 114–95, enacted on the 10th of December 2015 have been created there is still a long way to go. The United States is working towards the protection of this minority group in several aspects such as the workplace and education.

Portugal

Portugal is a very disabled friendly country given that it is very accessible and they have a Framework Act 38/2004 of 18 August – General Basis of the Legal System for Prevention, Habilitation, Rehabilitation and Participation of Persons with Disabilities. They also adopted the disability act which prohibits discrimination against the disabled and promotes their full participation in society and the work place.

France

In France the disabled community is treated very fairly. The average income of an employee over a 10-year period is used to measure disability benefits. If they are able to work, the monthly rate is based on 30% of their average income over the

previous decade and can range from €282 to €951. A higher limit of 50% is applied to those who are no longer able to work, up to a monthly ceiling of €1,585. Those that are unable to work and need treatment earn the same benefits as the second category, plus an additional €1,104 a month to cover the cost of a caregiver. Disabled people who have never worked will receive a monthly payment of €403 (for a single person) to €666 (for a couple), as long as they do not have more than €800 (for a single person) or €1,600 (for a couple) in financial capital (for couples). Disability benefits also apply for parents with disabled children under the age of 20 living at home. These benefits cover education, and employment of a career, but they depend on the severity of the child's disability.

Ghana

Disabled people are one of Ghana's most oppressed groups making up 3% of the population. Many disabled people in Ghana continue to experience social discrimination and exclusion. This occurs despite the fact that laws against discriminatory practices towards the disabled exist. These laws are meant to protect the disabled and facilitate their participation in social, economical and political activities. The laws exist, but there is still discrimination against this minority.

Iran

In Iran children with disabilities are being discriminated against and unable to get their education. There are medical tests being done that can exclude them from getting an education altogether. Another barrier is the inaccessibility due to lack of ramps or infrastructure, discriminatory attitude from school staff and lack of training for inclusive education. In Iran many suffer verbal discrimination not only children but adults too. They use disabilities as insults and mistreat the disabled. The International Convention on the Rights of Persons with Disabilities, which Iran ratified in 2009, prohibits discrimination and guarantees the right of people with disabilities to live independently and be included in the community on an equal basis with others, yet they still do not abide by this convention.

UN Involvement

The United Nations has actively taken action in order to try and combat the discrimination against the disabled community. The OHCHR, of the United Nations Human Rights Office of the High Commissioner, has taken part in several organizational events in order to, as they put it, provide “guidance on the human rights-based approach to disability.” The Human Rights Council receives an annual report of activities from the OHCHR after the yearly panel on the rights of persons with disabilities. As stated by the Convention on the Rights of Persons with Disabilities, the committee is charged with raising awareness through promotional campaigns and regular meetings to discuss the status of this underprivileged community. The implementation of the UN Disability Inclusion Strategy (UNDIS) also provides a plan for the foreseeable future, which helps implement persons with disabilities into the United Nations and fix the disproportionate ratio currently present. Also, in collaboration with representative organizations aligned with the United Nations like the International Paralympic



Committee, the OHCHR strives to provide opportunities of inclusion and participation within the United Nations many offices of work, both in the accommodations provided and in their engagement in the making of important decisions.

Another stride the United Nations has taken in search for equality for disabled individuals was with the organization of the UN Convention on the Rights of Persons with Disabilities. The 112 nations that have ratified its use as of May 3, 2008, established that the purpose of this convention is “to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” according to its first article. In order to do so, the committee targeted governments and sought to establish in their legislations that all individuals, regardless of their physical or psychological state, deserve equal human rights and freedoms. The third article established that, to accomplish equality for those with disabilities, there were eight principles to be followed by all member states: “respect for inherent dignity and

individual autonomy, non-discrimination, full and effective participation and inclusion in society, respect for difference, equality of opportunity, accessibility, equality between men and women, and respect for the evolving capacities of children.” Any discrimination towards minorities with disabilities is completely prohibited, and helps nations recognize that, whilst some receive equal treatment despite the disability, it is sometimes done without the accommodations necessary for them to fully enjoy their fundamental freedoms and rights. Subsequently, all employers were called upon to provide reasonable accommodations for their employees in order to promote their efficacy in the workforce.

One of the most important themes in the convention was accessibility, as individuals with disabilities often find themselves deprived of proper transport, information, and access to certain buildings due to their lack of accommodation. Thus, the committee urged member states to provide access to people with disabilities by changing the needed requirements in the construction of a building, therefore promoting more accessible structures that are at the disposal of anyone wanting to enter. This same principle of accessibility was applied regarding sports and cultural rights, as all nations were required to give access to people with disabilities to partake in athletic activity and in the pleasures of art and knowledge (meaning providing access to libraries, art galleries, museums, and other places of entertainment). In short, the United Nations has taken much action in order to ensure discrimination against the disabled is mitigated and that equality is established instead through accessibility and accommodation.

Timeline of Events

Date	Description of event	Effects:
1939	Murder of the disabled in Nazi Germany	About 275 000 deaths
1950	First international movements	Institutionalization and community care
1960	First paralympic games held	A series of games and sport for people with different disabilities

1970	England passes the Chronically Sick and Disabled Persons Act	First in the world to recognize the rights of people with disabilities
1971	UN convention on the rights of the mentally retarded	First convention held on this matter
1975	UN convention on the rights of disabled people	First convention held about the disabled rights
1981	International year of disabled persons	Theme of the year was the disabled
1982	UN world programme of action concerning disabled people	Strategy to enhance disability prevention, rehabilitation and equalization of opportunities
1991	UN adoption of the Principles for the Protection of Persons with Mental Illness	Protects people with mental illness and improve mental health care
1992	UN proclamation of international day of people with disabilities	May 3rd officially became the international day of people with disabilities
1995	World summit for social development recognized the need to address the disabled rights	Pressing need for equality and full participation of the disabled particularly women with disabilities
2000	Significant case law reflecting the empowerment of people with disabilities	Employment, education, facilities, transport and healthcare were discussed.
2001	The International Classification of Functioning, Disability and Health	This was endorsed by the world health organization.
2006	Adoption of UN Convention on the	Ratified by 163 countries, guaranteed

	Rights of Persons with Disabilities (CRPD)	human rights for the disabled and launched a UN global initiative for inclusive information and communication technologies.
2013	UN and World Health Organisation's releases joint international statement	It talks about Eliminating forced, coercive and otherwise involuntary sterilization'.

Past International Action

Numerous programs, research initiatives, legislative developments, and guidelines were held to commemorate the 1981 International Year of Disabled Persons. During the year, numerous conferences and conventions were held, including the First Founding Congress of Disabled People International, which took place in Singapore from November 30 to December 6. The International Year Trust Fund, which was founded in 1977, raised funds for the International Year.

The General Assembly took a significant step toward ensuring successful follow-up to the International Year in 1982 when it adopted the World Programme of Action for Disabled Persons on December 3, 1982. The Program reorganized disability policy into three separate areas: prevention, recovery, and opportunity equalization.

Implementation of the Programme of Action, the usage of multisectoral and multidisciplinary approaches, was addressed by means of the General Assembly on three December 1982 and 22 November 1983. In a vast sense, implementation could entail long-time period techniques incorporated into countrywide rules for socio-economic improvement, preventive activities that could consist of improvement and use of technology for the prevention of disabilities, and law removing discrimination concerning get entry to to facilities, social security, education and employment. At the international level, Governments were requested to cooperate with each other, the United Nations and non-governmental organizations.

Together, the Program and the International Year had established a new phase, one in which disability will be described as the relationship between people with disabilities and their surroundings. The importance of removing social obstacles that

prevent people with disabilities from fully participating in society has become increasingly apparent.

Possible Solutions

The discrimination with those with disabilities is a wide topic with many variables affecting its occurrence. However, what is for sure is that mandatory reform would promote inclusion in workspaces and educational facilities. Therefore, another event similar to the United Nations Convention on the Rights of Persons with Disabilities could be held once more. Nevertheless, this case would focus mainly on the ways to implement equality of all people, whether disabled or not, into workplaces. This could also include obligated accommodations in buildings for them to get approved by state governments. If not followed, employers may be fined. Therefore, they will pay the costs necessary to provide these accommodations (which was one of the reasons many employers discouraged the hiring of disabled individuals) out of a greater fear of breaking the law and being fined even more money.

Other laws could also be implemented in regard to educational services, in order to ensure a brighter future for disabled children. The same convention can be utilized in order to severely encourage legislation regarding admissions, exclusions, access to school trips, administrative support, and attendance as well as other topics. This could include changing late policy, schedule adjustments, uniform rules, and other accommodations that serve to include those with disabilities. The building itself could also be provided with financial aid in order to provide structural amenities to disabled individuals like ramps or even elevators. Discriminations from staff and students should also be reprimanded through the explicit implementation of consequences, which also serves as a way to teach students the importance of equality in all communities. Finally, if the demographic of those with learning disabilities calls for it, special programs for those with certain educational needs can be accessible in order to promote successful school careers even in those who require certain accommodations. This program could also be in the form of a teacher if there are not enough individuals who require these services for a school to invest in this resource. Ultimately, it is clear that a lot can be done to impede the discrimination of disabled individuals whilst also encouraging

equity in both employable and educative facilities.

Sustainable Development Goal (SDG)

This issue connects to the sustainable development goal of reduced inequalities. This is because this issue is directly connected to the inequalities minorities, such as disabled people, have to go through in their daily lives. This SDG has ten targets, of which several align with the issue being addressed here. For example "empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status" and "Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard" are two targets that this SGD has which go with the issue portrayed in this committee.

Appendix

- I. General information about specific delegations for the creation of country profiles:
<https://www.cia.gov/library/publications/the-world-factbook/>
- II. Article with complete general context on disability discrimination for statistics and data:
www.equalityhumanrights.com/en/advice-and-guidance/disability-discrimination#wha.
- III. Information on current and past solutions have been executed to try and mitigate disability discrimination internationally:
www.ohchr.org/en/issues/discrimination/pages/discrimination_disabilities.aspx.
- IV. Information on past and current action on the United Nation's part to combat disability discrimination:
humanrights.gov.au/our-work/disability-rights/united-nations-convention-rights-persons-disabilities-uncrpd.

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