**Written submission on the draft General Comment:**

**Article 5 of the Convention on the Rights of Persons with Disabilities**

Prepared by: The International Labour Office, International Labour Organization

## The International Labour Office (ILO) welcomes the opportunity to submit observations on the “Draft General Comment on the right of persons with disabilities to equality and non-discrimination (article 5)”, prepared by the Committee on the Rights of Persons with Disabilities. The ILO likewise appreciates having been able to have made a presentation on this topic before the Committee during the “Day of General Discussion on the Right to Equality and Non-Discrimination” on August 25, 2017.

As requested, we shall make comments/observations to specific paragraphs of the Draft General Comment, as below:

Section II. Equality and non-discrimination for persons with disabilities in international Law:

# In this section related to equality and non-discrimination, we suggest it is important to add in paragraph 6 a reference to the ILO’s Discrimination (Employment and Occupation) Convention, 1958 (No. 111), one of the fundamental ILO Conventions.

V. Normative Content - Section v. Art. 5 (4) Specific measures (page 12):

# We agree with the notion expressed in this section that specific measures aimed at promoting the equality of workers with disabilities should not be regarded as discrimination - as this is in alignment with the ILO’s Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the ILO’s Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) - when these measures are compliant with the CRPD.

VII. Relationship with other specific articles of the Convention - Section xi. Article 27 – Work and Employment, Paragraph 73 page (21-22):

Overall, this section reflects our position that a mainstream approach to employment of persons with disabilities should be taken, that support and training on what constitutes reasonable accommodation should be provided to workers and employers and that it is important to take into account multiple grounds of discrimination (including, among others, disability, gender, gender identity, sexual orientation, HIV status and migrant status).

In sub-section (b) we think that the focus should be to protect persons with disabilities from all types of discrimination in all stages and forms of emplovment. This is what is reflected in paragraph 1.a) of article 27. We don’t oppose the reference to supported employment, as this is a methodology used to promote the employment of persons with intellectual disabilities in the inclusive labour market. A reference to this would however be better placed in a sub-section that deals with different affirmative action measures.

We are unclear about the meaning of sub-section d) and would suggest deleting it.

We suggest to add a sub-section that protects persons with disabilities from discrimination in all mainstream services that promote the training and employment of persons with disabilities. Possible wording could be: “Promote the full inclusion of mainstream employment and vocational training services, including those that promote entrepreneurship and support to the establishment of co-operatives and other forms of social economy.”.

In sub-section “e”, we suggest that the phrase “also including the informal economy” is added, to better reflect the reality of developing countries, where the majority of the overall population works outside the formal economy.

In sub-section “f”, we suggest that the sentence be rephrased as follows, “Ensure reasonable accommodation throughout the employment cycle, including relating to the recruitment process, training, promotion, job retention and return to work, and that, to facilitate this, training on reasonable accommodation and the development of model policies, should be provided to workers and employers, as well as to their relevant organizations.”

We would like to suggest the addition of a new sub-section focusing on violence and harassment. Possible wording could be: Implement measures against violence and harassment, for all workers regardless of disability.”