

UN HUMAN RIGHTS DISABILITY RIGHTS POLICY


1. PURPOSE

1.1 This policy provides the foundation for sustainable and transformative progress on disability inclusion and rights within OHCHR. It seeks to operationalize the principles and objectives set out by United Nations Disability Inclusion Strategy (UNDIS) by reaffirming OHCHR's commitment to ensuring that the full and complete realization of the human rights of all persons with disabilities is an inalienable, integral and indivisible part of all human rights and fundamental freedoms.

2. RATIONALE

2.1 OHCHR recognizes that human rights, peace and security and sustainable development for all can be enjoyed only if persons with disabilities in all their diversity are included in society on an equal basis with others, and as both agents of change and beneficiaries of the outcomes of the work of the Office. The protection of human rights, including the rights of persons with disabilities, is also central to humanitarian action. It is therefore imperative that disability inclusion and rights be mainstreamed systematically into all areas of work.

2.2 Mainstreaming, in combination with targeted measures and affirmative action, is the strategy for achieving the inclusion and empowerment of persons with disabilities and their human rights. Mainstreaming a human rights-based approach to disability is the process of ensuring that the rights of persons with disabilities are embedded into OHCHR's work, ensuring their meaningful participation,

Policy on disability rights	
Scope	<ul style="list-style-type: none"> All parts of OHCHR, covering both programmatic and operational work and functions; All persons with disabilities engaging with OHCHR in any capacity
Entry into force	<p>01 January 2021</p>  <p>Signature of HC and date of signature</p>
Review date	<ul style="list-style-type: none"> Alongside CEB review of UN Disability Inclusion Strategy in 2024
References, sources and link	<ul style="list-style-type: none"> The Convention on the Rights of Persons with Disabilities The United Nations Charter The UN Secretary-General's bulletin ST/SGB/2019/8 The UN Secretary-General's bulletin ST/SGB/2014/3 on Employment and accessibility for staff members with disabilities in the UN Secretariat The United Nations Disability Inclusion Strategy UN Human Rights Reasonable Accommodation Policy UN Human Rights Dignity@Work Policy and Action Plan OHCHR Organizational Effectiveness Action Plan 2018-2021: 1) Diversity and Gender; and 2) Managing our Talent Enabling Environment Guidelines for the United Nations System & Supplementary Guidance (2019) ST/SGB/2019/3 on Flexible Working Arrangements Staff Regulation 1.2 IASC Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action, 2019
Annex	<ul style="list-style-type: none"> Reasonable Accommodation Annex Do No Harm guidelines on communications
History	Original

and assessing the implications for persons with disabilities of any policies or programmes. It is also a way to make the concerns and experiences of persons with disabilities an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that persons with disabilities benefit equally and inequality is not perpetuated. The ultimate goal is to achieve equality of outcomes and foster an inclusive culture within the Office.

2.3 In this regard, persons with disabilities should be included in programmatic work, paying specific attention to human rights mainstreaming in climate change, peace and security, humanitarian action, and development. To deliver on programmatic work, OHCHR should include the human rights-based approach to disability in its operations to be an employer that attracts, recruits, retains and promotes the career development of employees with disabilities.

3. TERMS AND DEFINITIONS

3.1 **Persons with disabilities** include those who have long-term impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

3.2 **Disability inclusion** is the meaningful participation of persons with disabilities in all their diversity, the promotion of their rights and the consideration of disability-related perspectives, in compliance with the Convention on the Rights of Persons with Disabilities.

3.3 **Discrimination on the basis of disability** means any distinction, exclusion or restriction on the basis of disability, which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.

3.4 **Reasonable accommodation** means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure persons with disabilities enjoy and exercise on an equal basis with others all human rights and fundamental freedoms. The present policy applies the principles and provisions of the Convention on the Rights of Persons with Disabilities and the interpretation thereof adopted by the Committee on the Rights of Persons with Disabilities.

3.5 **Twin-track approach:** Integrating disability-sensitive measures into the design, implementation, monitoring and evaluation of all policies and programmes and providing disability-specific initiatives to support the empowerment of persons with disabilities. The balance between mainstreaming strategies and targeted support should be tailored to address the requirements of specific communities, but the overall goal should always be to include persons with disabilities in all aspects of society, including human rights, climate change, peace and security, humanitarian action, and development.

3.6 **Mainstreaming disability inclusion:** A consistent and systematic approach to disability inclusion in all areas of operations and programming.

3.7 **Accessibility:** Ensuring that persons with disabilities have access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and

services open or provided to the public, both in urban and in rural areas.

3.8 Universal Design: The design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

3.9 Organizations of persons with disabilities (OPDs) are those that comprise a majority of persons with disabilities in their membership – at least half – and are governed, led and directed by persons with disabilities. Such organizations should be rooted in, committed to and fully respectful of the principles and rights recognized in the Convention on the Rights of Persons with Disabilities.

3.10 Staff members with disabilities include those who have long-term impairments which, in interaction with various barriers, may hinder their full and effective participation in the work of OHCHR on an equal basis with other staff members. Staff members with disabilities include, to the extent of the obligations applicable to OHCHR, staff reporting to OHCHR, including Human Rights Advisors.

3.11 Staff members who have dependents with disabilities are staff with the dependency status and dependency benefits included under the special provisions to support staff members with dependents with disabilities in accordance with the UN Staff Regulations and Rules.

3.12 Other persons with disabilities linked to OHCHR include non-UN staff such as interns, fellows, UN Volunteers, consultants, contractors, and candidates applying for OHCHR posts or any type of employment or service provision contract, as well as UN experts, or any other person who requires OHCHR’s financial, administrative, logistic or technical support to participate in meetings, events, seminars, conferences, congresses or any other instance, in their official capacity.

4. SCOPE

4.1 All parts of OHCHR are responsible for implementing this policy, covering both operational and programmatic functions, both at headquarters and in field presences, to ensure inclusion of staff with disabilities, staff with dependents with disabilities and other persons with disabilities linked to OHCHR, and staff who may acquire a physical, sensory or psychosocial impairment on a temporary basis, to the extent of the obligations applicable to OHCHR.

5. POLICY

Overarching commitments

5.1 OHCHR commits, through this policy, to accelerating efforts to support the achievement of the inclusion of persons with disabilities and their human rights through the practical implementation of the globally agreed commitments contained in the United Nations human rights treaties, in particular the Convention on the Rights of Persons with Disabilities, conferences and summits and their follow-up, in particular the 2030 Agenda for Sustainable Development; the Sendai Framework for Disaster Risk Reduction 2015-2030; the Addis Ababa Action Agenda of the Third International Conference on Financing for Development; the United Nations Conference on Housing and Sustainable Urban Development (Habitat III); the Paris Agreement under the United Nations Framework Convention on Climate Change; the multiple resolutions adopted by the General Assembly and the Human Rights Council; and the World Humanitarian Summit; as well as

other agreements that may be adopted in the future.

5.2 OHCHR states its intention of and commitment to continuing to pursue the goals of inclusion and empowerment of persons with disabilities and their human rights, well-being and perspectives. The Office will systematically embed the rights of persons with disabilities in its work both externally, through programming, and internally, and will build trust and confidence among persons with disabilities to ensure that they are valued and their dignity and rights are respected. It also commits to make OHCHR a workplace of choice for persons with disabilities and an enabling environment to pursue a career.

5.3 OHCHR will take an intersectional approach to addressing the structural and dynamic consequences of the interaction between multiple and intersecting forms of discrimination, including by taking into consideration all conditions that can create a substantively distinct life experience for persons with disabilities, based on factors such as sex, age, gender identity, religion, race, ethnicity, class and other grounds.

Leadership, strategic planning and management

5.4 OHCHR commits to providing strong leadership at all levels, especially by the High Commissioner, Deputy High Commissioner and senior management, in order to ensure that the human rights-based approach to disability is reflected in all organizational policies, programmes, practices and results.

5.5 Strategic and operational planning processes and outcomes will employ a twin-track approach to ensuring disability rights are mainstreamed in all areas of work of OHCHR, including collection, disaggregation and reporting of reliable and comparable disability data.

5.6 OHCHR commits to providing adequate resourcing toward disability rights mainstreaming and disability-specific efforts, and prioritising persons with disabilities in planning.

5.7 OHCHR will establish and operate an active and robust network of personnel focused on awareness-raising, promoting within and building capacity of the Office to mainstream disability rights.

Inclusiveness

5.8 OHCHR commits to ensuring that systematic consultation and participation of persons with disabilities and their representative organizations is integrated in the OHCHR Performance Monitoring System comprising planning, implementation and review components of its programming and operations, and that consultation is conducted in inclusive and accessible formats that recognize the diversity of persons with disabilities and intersectionality.

5.9 OHCHR commits to enhancing accessibility of its facilities, information and communications and technologies, and services, with a view to breaking down barriers and ensuring full and active participation of persons with disabilities.

5.10 OHCHR commits to providing reasonable accommodation to staff with disabilities, staff members with dependents with disabilities and other persons with disabilities linked to OHCHR (as

defined in 3.12), under administrative, financial or operational responsibility and control of OHCHR. The exact criteria and terms are outlined in Annex 1.

5.11 OHCHR will keep confidential all medical and personal information of staff with disabilities, staff members with dependents with disabilities and other persons with disabilities linked to OHCHR with whom it engages and/or supports, and will only share such information in compliance with international standards on personal data protection, which includes the free and informed consent of the person concerned.

Programming

5.12 OHCHR commits to enhancing disability inclusion and rights in line with the twin-track approach across all of its programming, including but not limited to human rights, climate change, peace and security, humanitarian action, and development.

5.13 OHCHR commits to ensuring that its programming cycle, projects and activities consider disability inclusion and rights throughout all stages, including planning, development, appraisal, implementation, dissemination, monitoring, review and evaluation.

5.14 OHCHR commits to enhancing its collection of reliable and comparable disability data in line with international best practices, as well as disaggregating data by disability.

5.15 OHCHR commits to evaluating its efforts on disability inclusion and rights, including through monitoring of this policy and associated implementation tools, through disability-specific evaluations of programming and operations, and by ensuring disability inclusion and rights promotion are evaluation criteria of mainstream evaluations.

Organizational culture

5.16 OHCHR commits to ensuring equality and non-discrimination for all persons in the workplace or in any other context linked to OHCHR, respecting the diversity of all individuals and their multiple and intersecting identities, fostering an organizational culture characterized by inclusivity, well-being and respect for human rights, reinforcing the United Nations' zero tolerance policy on prohibited conduct, to include discrimination; and creating and maintaining a working environment in which all people are treated with dignity and respect.

5.17 OHCHR will advocate for disability-specific policy instruments to better reflect the rights of persons with disabilities and to ensure their full and effective participation on an equal basis with others throughout all stages of the staff member's career development.

5.18 OHCHR will accelerate efforts to progressively increase representation of persons with disabilities in all their diversity among all categories of staff, interns, fellows, UN Volunteers, consultants and contractors, in particular at the decision-making levels.

5.19 OHCHR will build capacity and raise awareness among its staff on disability inclusion and rights, collaborating with experts and partnering with other United Nations entities to leverage knowledge and best practices with a view to both enhancing existing resources and developing new tools for staff working on both operations and substantive aspects including human rights, climate change, peace and security, humanitarian action, and development.

5.20 OHCHR commits to progressively improving accessibility of its communications, both internally and externally, and ensuring they are reflective and respectful of persons with disabilities and their human rights, and promote the importance of inclusiveness and meaningful participation, and the dignity of persons with disabilities.

6. IMPLEMENTATION

6.1 This policy will be accompanied by a Disability Rights Strategy that charts the course for the Office's work on disability inclusion and rights over the coming five years, comprising a Strategic Document and Action Plan. The Strategic Document will put the principles and commitments of the Policy into practice across the Office, in line with the requirements of the UNDIS and the gaps and opportunities for enhanced effort on disability inclusion and rights across programming and operations. The Action Plan will identify key actions to progressively improve OHCHR's performance on disability inclusion and rights. The Strategic Document will be evaluated and renewed at the end of each four-year strategic framework. The Action Plan will be evaluated before the end of every calendar year, at which point remedial actions will be proposed for the following year.

6.2 OHCHR will leverage the complementary and comparative advantages of partner United Nations offices, agencies, funds and programmes, including through appropriate coordination mechanisms and joint programmes, to ensure effective implementation and monitoring of this policy and the accompanying strategy.

6.3 Section chiefs and heads of field presences will be required to monitor and support the implementation of this policy by exploring with their teams ways of improving disability inclusion and rights, and encouraging the inclusion of disability rights activities in the work plans and performance evaluation tools of their team members.

7. CROSS-REFERENCES

7.1 **The UN Convention on the Rights of Persons with Disabilities (A/RES/61/106) and the jurisprudence of the Committee on the Rights of Persons with Disabilities** *reaffirm that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms.*

7.2 **The United Nations Charter** reaffirms in its preamble "...faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women of nations large and small...". Article 101 (3) then affirms: "*The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity.*"

7.3 **The UN Secretary-General's bulletin on Addressing discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2019/8)** prohibits discrimination on the basis of disability.

7.4 **The UN Secretary-General's Bulletin on Employment and accessibility for staff members with disabilities in the UN Secretariat (ST/SGB/2014/3)** prohibits discrimination on the basis of disability, including the denial of reasonable accommodation, and promotes inclusive working environments for staff with disabilities in the UN Secretariat.

7.5 **The United Nations Disability Inclusion Strategy (UNDIS)** “reaffirm[s] that the full and complete realization of the human rights of all persons with disabilities is an inalienable, integral and indivisible part of all human rights and fundamental freedoms”, and puts the UN system on a course to “systematically embed the rights of persons with disabilities into its work, both externally, through programming, and internally, and will build trust and confidence among persons with disabilities to ensure that they are valued and their dignity and rights are respected and that, in the workplace, they find an enabling environment in which to fully and effectively participate on an equal basis with others.”

7.6 **UN Human Rights Reasonable Accommodation Policy.**

7.7 **OHCHR’s Dignity@Work Policy and Action Plan** aims to strengthen the meeting of UN Human Rights Office’s commitments and obligations to provide and enact a workplace in which all OHCHR staff at all levels may enjoy and actively promote dignity at work for all.

7.8 **OHCHR Organizational Effectiveness Action Plan 2018-2021: Diversity and Gender** places the respect for diversity, gender equality and inclusion at the centre of the Office’s organizational culture; **Managing our Talent** promotes a more diverse, flexible and mobile workforce operating in a stimulating and healthy work environment.

7.9 **Enabling Environment Guidelines for the United Nations System & Supplementary Guidance (2019).**

7.10 **ST/SGB/2019/3 on Flexible Working Arrangements.**

7.11 **Staff Regulation 1.2** on General rights and obligations (forthcoming): “(j) *Staff members with disabilities shall enjoy an accessible, non-discriminatory and inclusive workplace, as well as the right to reasonable accommodation under conditions established by the Secretary-General;*”

7.12 **IASC Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action, 2019.**

8. MONITORING AND COMPLIANCE

Knowledge management

8.1 OHCHR will perform a knowledge management exercise to reflect on lessons learned, areas to improve, and actions to be implemented towards the implementation of the policy one (1) month in advance of the annual Senior Management Team meeting, described in 8.3.

8.2 Knowledge and good practices will be collected and disseminated in accessible formats, to create an enabling environment, empower persons with disabilities and address exclusion and discrimination on the basis of disability in any form, including multiple and intersecting forms of discrimination and discrimination by association, including against staff who have dependants with disabilities.

Accountability

8.3 The implementation of this policy, through the Strategic Document, will be discussed by the

Senior Management Team or body that may replace it in the future at the end of each four-year strategic framework. The Action Plan accompanying this policy will be evaluated by the Senior Management Team before the end of the UNDIS reporting term by the end of every calendar year.

9. CONTACT

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10. DATES

The present policy is issued in January 2021. It will be reviewed in January 2030.

11. ANNEXES

Annexes are an integral part of this policy and can be updated and modified with the approval of the Senior Management Team without further process. Annexes will be consulted with staff with disabilities and staff with dependants with disabilities before being submitted for approval.

Annex 1: Reasonable Accommodation

- A. UN Human Rights Reasonable Accommodation Policy
- B. SOP: Facilitating field mission travels for people staff members with disabilities
- C. OHCHR Process for providing reasonable accommodation (and Guiding questions to justify denial of an accommodation)
- D. OHCHR Reasonable accommodation requests: Form for reporting

Annex 2: Do No Harm guidelines on communications