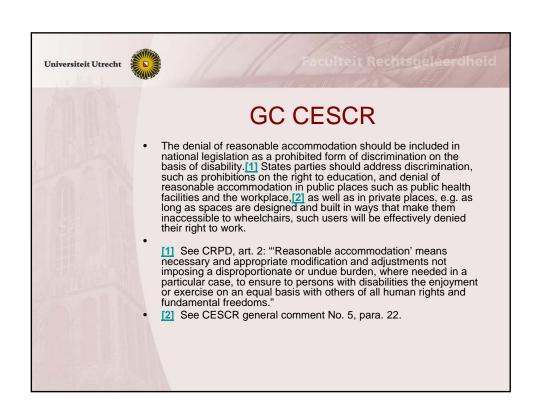




International law: some important provisions

- article 26 ICCPR
- CESCR GC No 20→ see next slide
- ECHR art 14 (accessory nature)
- 12th Protocol ECHR
- UN Convention on the Rights of persons with Disabilities (incl. optional Protocol)





Concept of disability

- No definition in texts
- Diverse
- Including: 'assumed' disabilities Scope:
- EUCoJ 11 July 2006, Sonia Chacón Navas:
 - Sickness as such is not covered by ground disability
 - 17 July 2008: Coleman: protection of employees associated with persons with disabilities.



raduren kechtsgeleerdneid

Disability Rights

- In essence two elements:
- a. impairment of person
- b. Environmental barriers

See:

Preamble of Draft Convention sub (c)

 Development from 'hand in cap' to participation.



Framework directive 2000/78/EC:

Article 2.2.(b) (ii):

(in relation to indirect discrimination)

 as regards persons with a particular disability, the employer or any person or organization to whom this directive applies, is obliged, under national legislation, to take appropriate measures in line with the principles contained in article 5 in order to eliminate disadvantages entailed by such provision, criterion or practice.

Article 5:

 In order to guarantee compliance with the principle of equal treatment in relation to persons with disabilities, reasonable accommodation shall be provided.

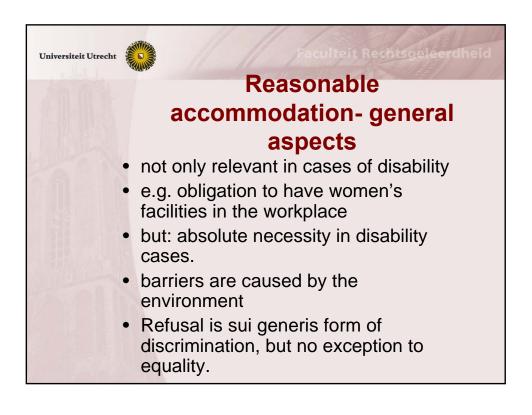


Faculteit Rechtsgeleerdheid

Positive obligations

- Respect, fulfill and protect as Human Rights obligations
- Fits into non-discrimination framework to take difference into account.
- → Different forms of positive obligations defined by international and national courts and commissions.

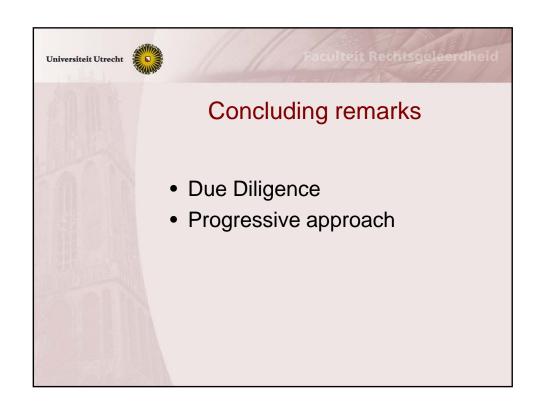














- SIM data base Relevant websites :http://sim.law.uu.nl/SIM/Dochome.nsf?Open
- Equal Treatment Commission of the Netherlands: www.cgb.nl
- EU and disability: http://ec.europa.eu/employment_social/disability/index _en.html
- UN and disability: http://www.un.org/esa/socdev/enable/
- UNHCOR and disability: http://www.ohchr.org/english/issues/disability/index.ht
- Case law:
- http://cmiskp.echr.coe.int/
- http://curia.europa.eu/