



Faculteit Rechtsgeleerdheid

### CPRD as part of UN system

- 1948: Charter
- 1966 ICCPR
- 1966 ICESCR
- 1965 CERD
- 1979 CEDAW
- 1989 CRC
- 2006 CRPD
- → Part of larger body
- → No new rights created but elaborated obligations



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## CRPD as part of International anti-discrimination law: some important instruments

- → CRPD art 1 EQUAL ENJOYMENT OF ALL Human rights
- → Equality framework to be incorporated, e.g.
- article 26 ICCPR
- Art 2 CESCR: GC No 20→ see next slides
- ECHR art 14 (accessory nature)
- 12<sup>th</sup> Protocol ECHR
- EU Charter art 21 (non discrimination) and 26 (integration of persons with disabilities)
- EU Framework Directive 2000/78/EC



#### GC CESCR (2009) no 20

#### \* Disability

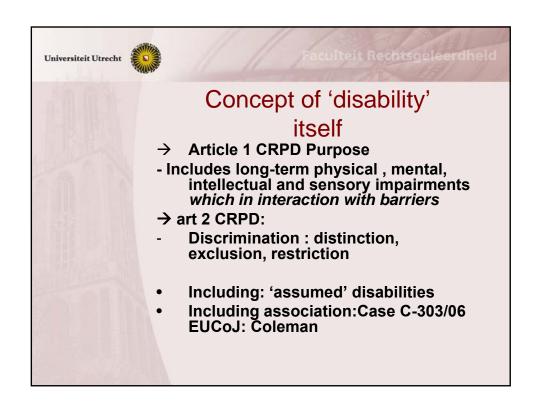
• 28. In its general comment No. 5, the Committee defined discrimination against persons with disabilities 11 as "any distinction, exclusion, restriction or preference, or denial of reasonable accommodation based on disability which has the effect of nullifying or impairing the recognition, enjoyment or exercise of economic, social or cultural rights". 11 The denial of reasonable accommodation should be included in national legislation as a prohibited form of discrimination on the basis of disability. 21 States parties should address discrimination, such as prohibitions on the right to education, and denial of reasonable accommodation in public places such as public health facilities and the workplace. 31 as well as in private places, e.g. as long as spaces are designed and built in ways that make them inaccessible to wheelchairs, such users will be effectively denied their right to work.

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### GC CESCR no 20 (Ctd)

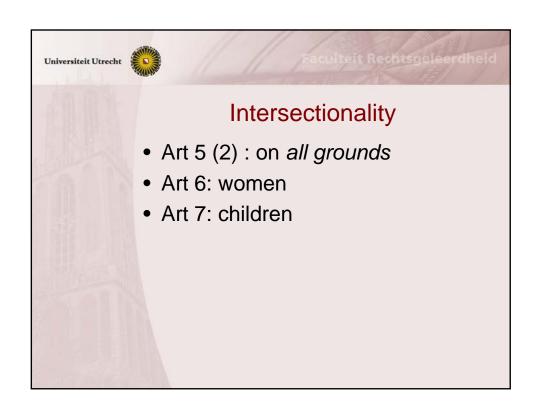
- I1For a definition, see CRPD, art. 1: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."
- effective participation in society on an equal basis with others."
  The denial of reasonable accommodation should be included in national legislation as a prohibited form of discrimination on the basis of disability. [1] States parties should address discrimination, such as prohibitions on the right to education, and denial of reasonable accommodation in public places such as public health facilities and the workplace, [2] as well as in private places, e.g. as long as spaces are designed and built in ways that make them inaccessible to wheelchairs, such users will be effectively denied their right to work.
- [1] See CRPD, art. 2: "Reasonable accommodation' means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms."
- [2] See CESCR general comment No. 5, para. 22.



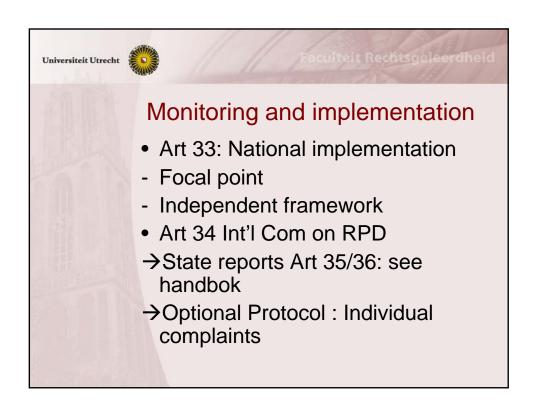








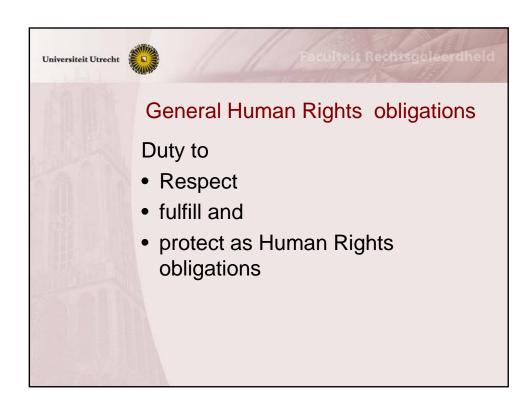


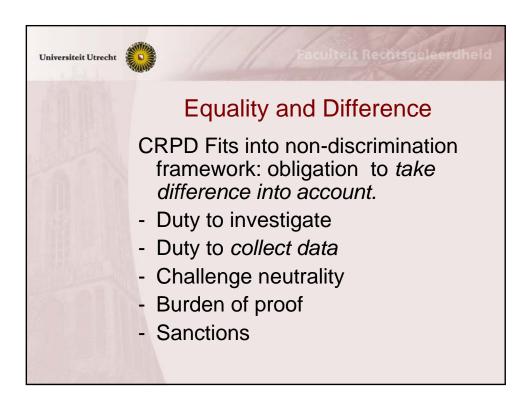


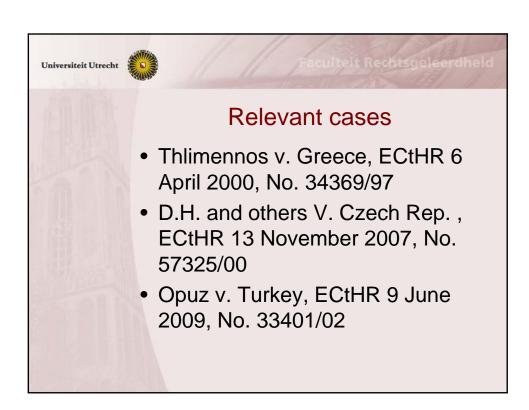
















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# Reasonable accommodation- general aspects

- not only relevant in cases of disability
- e.g. obligation to have women's facilities in the workplace
- but: absolute necessity in disability cases.
- barriers are caused by the environment
- Refusal is sui generis form of discrimination, but no exception to equality.







