



OHCHR
CRPD committee
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IOK/44/2021

03.12.2021

Re: CRPD Draft General Comment on art. 27

Submission to the CRPD Committee

The Finnish National Human Rights Institution (NHRI) is comprised of the Human Rights Centre, the Human Rights Delegation and the Office of the Parliamentary Ombudsman. The institution operates in compliance with the Paris Principles and the Global Alliance of National Human Rights Institutions (GANHRI) accredited it with A-status in 2014 and 2019. The role of the National CRPD Monitoring Mechanism (Article 33 (2) of the CRPD) was assigned to the Finnish National Human Rights Institution in 2016.

The Finnish Human Rights Centre thanks the Committee on the Rights of Persons with Disabilities (the Committee) for the opportunity to comment the Draft General Comment on art. 27 of the CRPD.

The Finnish Human Rights Centre focuses on three general themes in its comments, namely:

- Promotion of the right to work and employment of persons with disabilities and their inclusion into the labour market requires an active role from the public employment services. The General Comment on art. 27 should include and expand on this issue in more detail.
- The duty to provide reasonable accommodation is a key feature of the CRPD and general comments should provide practical guidance as how it operates rather than to use abstract or simplified examples. The General Comment on art. 27 should provide for a broad and practical elaboration on reasonable accommodation.
- It is of paramount importance to stress to the States Parties that successful inclusion into the labour market of persons with disabilities cannot take place without a flexible and well-functioning system of support services such as personal assistance and personal mobility. The General Comment on art. 27 should highlight *inter alia* the interconnectivity of articles 19 and 20 with article 27 in a more elaborate manner.

Public employment services

Public employment services play a significant role in many countries regarding the inclusion of persons with disabilities into the labour market. Public employment services implement the labour market activation measures (such as guidance, training and placement services) aiming at increasing labour market participation and often act as the only link between employers and persons with disabilities searching for work and employment. Accordingly, it is of paramount importance that all activities of the public employment services reflect the human rights model of disability and respect and promote the right to work and employment of persons with disabilities.

It is the view of the Finnish Human Rights Centre that there is a need to mainstream the human rights model of disability within public employment services and in all labour market activation measures aimed at facilitating access to the labour market. More specifically, there is a need for raising awareness about the rights of persons with disabilities and about the right to employment and work of persons with disabilities among the authorities at the public employment services, as well as about the duty to provide reasonable accommodation within the public employment services.

Reasonable accommodation

Finnish Human Rights Centre recommends that the Committee provides more concrete and practical examples of reasonable accommodation in a variety of situations relating to the broad spectrum of working life. Abstract references to the duty to provide reasonable accommodation do not serve to guide States Parties nor those advocating for the promotion of the right to work and employment of persons with disabilities.

The General Comment on art. 27 should elaborate on – by way of concrete examples – what types of situations the States Parties need to provide reasonable accommodation *inter alia* in processes and activities of public employment services, including but not restricted to the access to customer services to persons with disabilities, facilitating inclusion into labour market training and placement services, supported work, and other measures that aim at promoting better inclusion of persons with disabilities into the labour market.

Services in support of labour market inclusion

Chapter V of the Draft GC on art. 27 contains paragraphs highlighting the relation of the right to work and employment to other specific articles of the CRPD.

Finnish Human Rights Centre is of the view that the GC on art. 27 should emphasise more forcefully the crucial importance of a well-functioning personal assistance service and a personal mobility service to successful inclusion into the labour market for persons with disabilities.

Successful inclusion into the labour market of persons with disabilities cannot take place without a well-functioning and flexible system of individualised support services. With regards to personal mobility equipment, it is important to stress that States Parties must implement such measures that ensure that work life of persons

with disabilities is not disrupted in any significant manner due to repair needs of the equipment. Regarding personal assistance service, States Parties must implement such measures that ensure flexibility to the needs of modern working life and guarantee well-functioning substitute arrangements.

Miscellaneous remarks

Finnish Human Rights Centre commends the Committee for noting that States Parties should establish accessible and effective redress mechanisms and ensure access to justice, on an equal basis with others, for victims of discrimination on the ground of disability. The Committee further notes that effective redress mechanisms encompass access by all persons with disabilities to effective judicial and/or administrative procedures, including effective and accessible complaint mechanisms, and to appropriate and affordable quality legal aid. Finnish Human Rights Centre recommends that the Committee should make direct reference to equality bodies / NHRIs and note that States Parties – where applicable – should ensure sufficient resources to provide effective access to justice for persons with disabilities experiencing discrimination in the working life.

Finnish Human Rights Centre stresses that the lack of accurate data continues to be a serious problem for assessing the situation of persons with disabilities in the labour market. For instance, many States Parties are not able to provide accurate data on disability-pay gap, the unemployment rate of persons with disabilities or the gender-pay gap among persons with disabilities. It is imperative that the General Comment on art. 27 stresses on the importance of rectifying this state of affair.

Finally, Finnish Human Rights Centre would like to see a clarification from the Committee about the role independent monitoring mechanisms and National Human Rights Institutions should play in the implementation of article 27 on the national level.

On behalf of the Finnish Human Rights Centre (Finnish NHRI),

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Expert

This document is signed electronically and bears no signature.