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Employment of People with Disabilities A Human Rights Approach (Asia)

Report of a Tripartite Technical Consultation
Bangkok, 18 to 20 January 2006

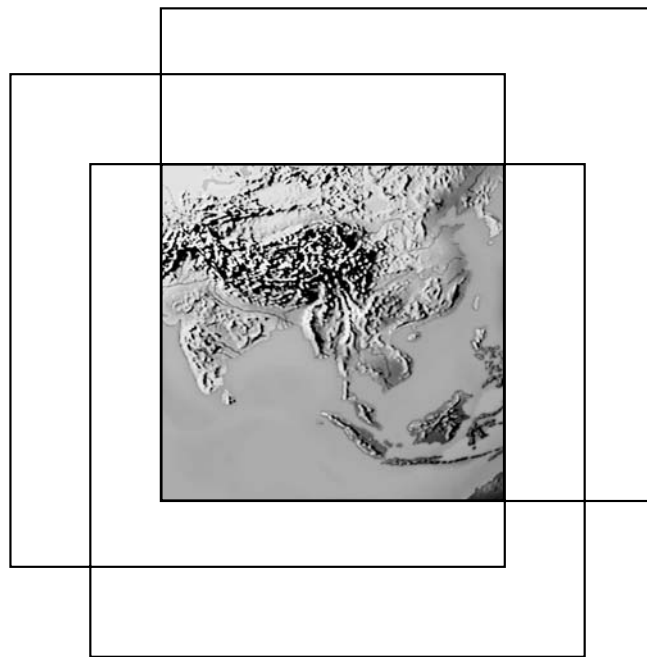




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United Nations' Conference Centre in Bangkok
From 18 to 20 January 2006

Organized by the ILO Skills and Employability Department
in the framework of a project funded by Irish Aid

 **Irish Aid**
Department of Foreign Affairs
An Roinn Gnóthaí Eachtracha

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Employment of People with Disabilities: A Human Rights Approach, Report of a Tripartite Technical Consultation (Asia), Bangkok, International Labour Office, 2006

ISBN 92-2-118788-8 & 978-92-2-118788-2
ISBN 92-2-118789-6 & 978-92-2-118789-9 (web pdf)

First published 2006

Forthcoming in Chinese (ISBN 92-2-518788-2 & 978-92-2-518788-8), Beijing, 2006; Mongolian: (ISBN 92-2-819074-4 & 978-92-2-819074-8), Ulaanbaatar, 2006; Thai: (ISBN 92-2-818788-3 & 978-92-2-818788-5), Bangkok, 2006; and in Vietnamese: (ISBN 92-2-819076-0 & 978-92-2-819076-2), Hanoi, 2006.

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Printed in Thailand.

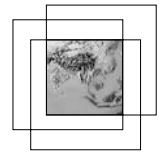


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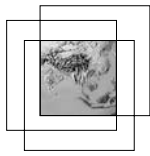
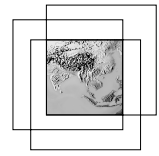


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I. Introduction

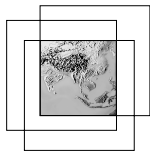
Since the 1970s, the disadvantages faced by disabled persons, their social exclusion and discrimination against them have been increasingly perceived to constitute human rights issues, rather than matters to be dealt with exclusively through social welfare measures. The shift from a social welfare approach to one based on human rights is reflected in the legislation on the statute books in a growing number of countries around the world, and in international and national human rights instruments. There is no doubt that progress has been made. Much remains to be done, however, to ensure that national legislation concerning the training and employment of persons with disabilities and other relevant legislation is amended to guarantee their rights as citizens, and that this legislation is effectively implemented.

The ILO technical consultation “Employment of People with Disabilities: A Human Rights Approach” was held from 18 to 20 January 2006 in Bangkok, Thailand, as part of an ILO project “Promoting the Employability and Employment of People with Disabilities through Effective Legislation.” This project, funded by the Government of Ireland through Irish Aid, is being implemented by the ILO in four countries of Asia - China, Mongolia, Viet Nam and Thailand; and several countries of Africa -Ethiopia, Kenya, Lesotho, Malawi, South Africa, Tanzania, Uganda and Zambia. The project aims at enhancing the capacity of national governments in these countries to implement effective legislation concerning the employment and training of people with disabilities.

The technical consultation brought together representatives of governments, employers, workers and disabled persons from the four participating countries, as well as observers from Pakistan, Sri Lanka and Thailand.

The meeting, which marked the start of phase two of the project, examined the training and employment of persons with disabilities from a human rights perspective, drawing on ILO Conventions and other international human rights instruments, as well as exemplary legislation at national level. Key elements of a rights-based approach are contained in ILO Conventions concerning employment in general and persons with disabilities in particular. Of particular relevance are the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) that are based on the principles of equal opportunity, equal treatment and non-discrimination.

Through a combination of formal presentations and working group sessions, participants had the opportunity to learn from other members of their own delegations, as well as those

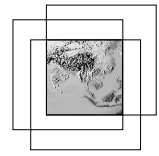


Employment of People with Disabilities – A Human Rights Approach

from other countries, and to become familiar with the main elements of rights-based disability laws and policies.

The consultation was a contribution to the objectives and activities of the Asian and Pacific Decade of Disabled Persons from 2003 to 2012 and the Biwako Millennium Framework for Action towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific. In relation to legislation, the Biwako Millennium Framework for Action calls upon member States of Asia and the Pacific region to review and amend all legislation that impacts negatively on the lives of people with disabilities, to pass and promulgate enabling disability-related legislation aiming to promote equal opportunity, and to amend bills of rights to include a non-discriminatory clause on the basis of disability. The Plan of Action also calls on member States to protect and promote the human rights of people with disabilities.

Following the consultation, project support will be provided to participant countries, in the form of national-level technical guidance upon request, a training programme on disability-related laws and policies, and support to a media campaign to challenge negative images of disabled persons at work.



II. Overview

The technical consultation examined the training and employment of persons with disabilities from a human rights perspective as a contribution to the ILO project “Promoting the Employability and Employment of People with Disabilities through Effective Legislation” (PEPDEL), that aims at strengthen the capacity of national governments, in cooperation with employers’, workers’ and disabled persons’ representatives, to effectively implement relevant laws, policies and programmes.

During the technical consultation, participants were sensitised to a rights-based approach to disability and informed about what is being done in other parts of the world or at the international level to give effect to this approach. They were invited to identify and propose actions that might be taken by governments, the social partners and disabled persons’ organisations in their countries to advance a human rights approach to training and employment of people with disabilities, and to improve the quality and impact of laws and policies. Participants also had the opportunity to discuss with their counterparts from other countries and with other stakeholders in their own country.

2.1 Themes

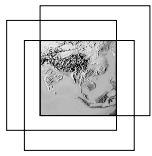
The technical consultation involved a combination of formal presentations in plenary sessions and working group sessions, along with a panel session on promoting employment opportunities for people with disabilities during which a selection of initiatives were presented by representatives from the participating countries.

Three thematic sessions were held:

- Employment of People with Disabilities – Moving towards a Human Rights Approach
- What have governments been doing nationally and regionally to promote a human rights approach to the employment of persons with disabilities?
- Media and communication strategies for promoting the rights of people with disabilities

In all, seven presentations were made (see section IV). Each thematic session was followed by a general discussion.

The panel session on the second day ‘Promoting employment opportunities for people with disabilities: What is the way forward?’ featured presentations by five participants followed by a short plenary discussion (see section V). The themes of the presentations were:



Employment of People with Disabilities – A Human Rights Approach

- Promoting the rights of disabled people in society - Viet Nam
- Trade union support to disabled workers - China
- Lobbying to improve disability-related laws - Mongolia
- Motivating employers to recruit disabled people - Thailand
- Assisting disabled people to employment - Thailand

Three working group sessions focused on the following questions:

- Moving towards a human rights approach to training and employment of people with disabilities: What action is required of governments?
- What initiatives can the social partners and disabled persons' organisations undertake, separately or collaboratively, to promote the training and employment of people with disabilities taking into account the human rights approach?
- What actions can be taken at country level by governments, social partners and disabled persons' organisations, separately or collaboratively, to improve the practical impact of laws and policies concerning the training and employment of people with disabilities?

The conclusions of each working group were presented to the plenary and these presentations were followed by a discussion among all participants (see section VI).

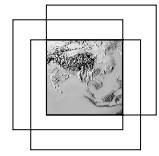
2.2 Participants

The technical consultation was attended by 36 participants from four countries of Asia: China, Mongolia, Viet Nam and Thailand, including ten government representatives, eight employer representatives, nine worker representatives, eight representatives of disabled persons' organisations and one parliamentarian. In addition, there were 16 observers from Sri Lanka (two), Pakistan (two) and Thailand (12). There was almost even gender balance among participants, with 24 women and 28 men attending. There was some representation of persons with disabilities – four disabled persons took part.

2.3 ILO Participants

The consultation was organised and conducted by ILO officials, project staff and associates from Bangkok and Geneva:

- Ms Barbara Murray, Senior Disability Specialist, Skills and Employability Department (EMP/SKILLS), ILO Geneva



- Ms Debra Perry, Senior Vocational Rehabilitation Specialist, Asia/Pacific Region, ILO Sub-Regional Office for East Asia (ILO Bangkok)
- Ms Anne Holopainen, Associate Expert in Vocational Rehabilitation, ILO Bangkok
- Ms Berit Mortensen, PEPDEL - Project Coordinator/Asia, ILO Bangkok
- Ms Prayoonsri Likhitdechakdi, Head of Meeting Unit, ILO Regional Office for Asia and the Pacific, (ROAP)
- Mr Isra Suriphan, Administrative Assistant/Meeting Unit, ROAP
- Ms Nitchakarn Ratanawijarn, Secretarial Assistant, ILO Bangkok
- Mr Magnus Ingvarsson, Intern, ILO Bangkok
- Mr Michael Clyne, Intern, ILO Bangkok

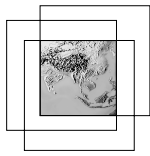
The following ILO officials also took part:

- Mr Lee Swepston, Senior Advisor on Human Rights, Standards and Fundamental Principles and Rights at Work Sector, ILO Geneva
- Mr Tim de Meyer, Specialist on International Labour Standards and Labour Law, ILO Bangkok
- Ms Anne Richmond, Skills Development Specialist, ILO Bangkok
- Ms Anne Knowles, Senior Employers' Specialist, ILO Bangkok

2.4 Resource Materials

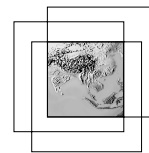
The following documents were provided to participants in hard copy or electronic format:

- Country Profiles on Legislation, Policies and Programmes concerning the Employment of People with Disabilities in China, Mongolia, Viet Nam (draft 2005), Thailand and Sri Lanka
- Draft Regional Overview on Legislation, Policies and Programmes concerning the Employment of People with Disabilities in selected countries of Asia (2006)
- ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159), and a list of ratifications by country
- ILO Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (No. 111) and a list of ratifications by country
- ILO Recommendation Concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 168)
- ILO Recommendation concerning Vocational Rehabilitation of the Disabled, 1955 (No. 99)



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- ILO Code of Practice on Managing Disability in the Workplace, 2001, (including copies of Chinese and Mongolian translations) .
- Arthur O'Reilly, *The Right to Decent Work of Persons with Disabilities*, ILO Working Paper, Geneva, 2003 (Summary)
- UN Draft Convention on the Rights of Persons with Disabilities, October 2005, and Chair's Explanatory Letter on the UN Draft Convention text, October 2005
- ILO Technical Advisory Note on the Draft UN Convention on the Rights of Persons with Disabilities, January 2006.



III. Official Opening

The technical consultation was officially opened by

- Ms Lin Lean Lim, Deputy Director, ILO Regional Office for Asia and the Pacific, Thailand
- Mr Thapabutr Jamasevi, Deputy Permanent Secretary, Ministry of Labour, Thailand
- Prof Vitit Muntarbhorn, Professor of Law, Chulalongkorn University, Bangkok, Thailand
- Mr Suporntum Mongkolsawadi, Principal, Redemptorist Vocational School for the Handicapped, Thailand

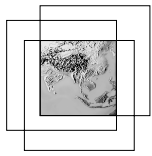
Ms Lin Lean Lim, Deputy Director, ILO Regional Office for Asia and the Pacific

Ms. Lim noted that the meeting represented another milestone in the ILO's efforts to promote equality of opportunity for people with disabilities. The ILO has been working on disability issues since 1925 when it encouraged workers' compensation and social-security based programmes for workers injured on the job. More recent developments are ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159), and the ILO Code of Practice on Managing Disability in the Workplace, 2001.

Ms. Lim said that the ILO addresses disability issues with a human rights-based approach. Special workplace measures aimed at creating equal opportunity and equal treatment between disabled workers and non-disabled workers are not regarded as discriminatory, but as positive measures that are particularly important to women with disabilities, who often face additional disadvantages because of gender discrimination.

As part of the shift towards a rights-based approach, many countries have sought ILO assistance in reviewing and revising legislation and promoting effective implementation. A conducive legal framework is a key factor in ensuring that a country's disabled men and women are afforded the opportunities and necessary supports to gain employment and lead fulfilling lives while contributing to their community. On the other hand, inappropriate or unimplemented legislation can reinforce the barriers disabled people face in training and employment.

All of the consultation's participants were brought together by a common goal of promoting effective legislation to support decent employment for people with disabilities. Ms Lim acknowledged the contribution of the Government of Ireland in funding the technical consultation through the project "Promoting the Employability and Employment of Persons



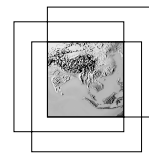
with Disabilities through Effective Legislation” that aims to support national government, social partners and disability advocates to improve the effectiveness of disability-related laws and policies so that disabled people have access to more and better employment opportunities. The project will build the national capacity of stakeholders to promote a rights-based approach in policy-making in the disability field and will also support the development of media campaigns to send out the message that disabled people have the right to decent work and highlight the valuable contributions they make in diverse work environments. In doing so, the project contributes to the objectives of the Biwako Millennium Framework of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), which sets targets for the Second Asian and Pacific Decade for Persons with Disabilities and to the ILO’s Decent Work Agenda, which aims to promote opportunities for women and men, including those with disabilities, to obtain decent and productive work. Ms Lim ended her remarks by wishing all the participants a fruitful and constructive consultation and said she looked forward to continued collaboration over the next two years.

Mr Thapabutr Jamasevi, Deputy Permanent Secretary of Ministry of Labour

Mr Thapabutr welcomed the participants to Thailand on behalf of the Royal Thai Government and thanked the ILO for choosing Bangkok as the venue location.

Mr Thapabutr said that there is currently a movement away from the charity and welfare approaches to disability and towards a rights-based approach that recognizes disabled citizens as having the same rights as non-disabled citizens. It has become clear that people with disabilities can earn a good living and make an important contribution to their family and communities through work. This new understanding has led many countries, including Thailand, to change their laws and policies regarding disabled people in the workplace.

Thai legislation reflects this understanding of disability-related issues. Section 30 of Thailand’s 1997 constitution makes specific mention of the right of disabled persons to be protected against discrimination and contains provisions concerning access, welfare and education for people with disabilities. The Declaration of the Rights of Thai Persons with Disabilities was approved in 1998 on International Day of Disabled Persons. Prime Minister Thaksin Shinawatra established a Disability Advisory Group to provide him with advice and guidance on disability issues. A new bill due to be discussed in parliament in the course of 2006 will serve as a new basis for legislation concerning disabled people. Mr Thapabutr acknowledged the support provided by the ILO in developing the bill, and thanked both ILO and the Government of Ireland for their assistance and funding.



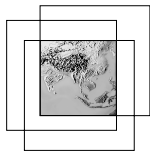
Prof Vitit Muntarbhorn, Professor, Faculty of Law, Chulalongkorn University, Bangkok¹

Prof. Vitit said the issue of the rights and participation of those with disabilities in regard to employment has poignantly come to the fore in recent years, as the international community gears itself towards finalizing and adopting a comprehensive international agreement on the rights of those with disabilities. This is intrinsically intertwined with the increasing advocacy of a rights-based approach in development programming and the potential and actual role of all UN and related agencies in helping to mainstream such approach at the national and other levels.

The ILO is in a good position to raise and address the issue of employment of people with disabilities given the comparative advantage of its partnership with governments, employers and employees. In terms of standard-setting, the ILO has helped evolve several international instruments that invite States and other actors to take concrete measures in formulating policies and programmes to counter discrimination and include those with disabilities into the employment sector, particularly from the angle of equal opportunities. He included the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1952 (No. 100), the Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (No. 111), and the Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security, 1962 (No. 118). These are reinforced by the Convention concerning Employment Promotion and Protection against Unemployment, 1988 (No. 168), the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and the ILO Code of Practice on Managing Disability in the Workplace, 2001. From a human rights perspective, there is also a myriad of other international instruments, such as the International Covenant on Economic, Social and Cultural Rights, 1966, which advocates non-discrimination as a key principle for all.

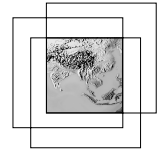
At the outset, it is tempting to ask what the rights-based approach means in real, practical terms. In effect, it moves away from the former social welfare approach of charitable action, towards an approach based on an entitlement on the part of individuals and groups - advocated to the State and related actors. A key implication is that the rights at stake are not to be realized as merely part of the State's discretion; rather, the State is obliged to effectively and expeditiously implement the rights concerned. From the angle of non-discrimination, there is the issue of equal opportunity. For instance, a job advertisement that bars a person with a disability from applying, even though that person could objectively perform the same tasks as a person without such disability would be able to is not permissible and the State is under a duty to regulate and act against it.

¹ Vitit Muntarbhorn is also UN Special Rapporteur on the Situation of Human Rights in Democratic People's Republic of Korea. He is a former UN Special Rapporteur on the Sale of Children.

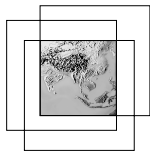


A rights-based approach also implies that there are international standards such as international conventions and treaties that help to set basic minimum benchmarks for actions. It is linked with the call to protect groups with special needs, such as those with disabilities, coupled with target-sensitive laws, policies, programmes, mechanisms, personnel, resources, information, education and capacity-building. These are shaped by the need to promote cooperation with key partners, such as the private sector, and genuine participation by the affected groups, including those with disabilities. There are various key messages inviting effective response, as follows:

- There is a need to adopt disability-sensitive laws and policies, while not underestimating the need to effectively implement those instruments. Constitutions, labour laws and other laws and policies should respond to the rights of those with disabilities explicitly, while paying great attention to the issue of enforcement. The latter is inevitably linked to the quality of the law enforcement system and its personnel. If law enforcement is generally weak, often plagued by disinterest and corruption, this is likely to affect laws on disability.
- There is a need to understand that disabilities are to be seen as not merely due to physical or psychological impairment but also due to societal attitudes, acts and omissions which create the environment undermining those with disabilities. A lead advocate in this field has suggested that we need to follow a positive philosophy on the subject. This implies avoiding negative, cultural stereotypes that classify those with disabilities as bearing the consequences of so-called fate, Karma, divine sanctions and/or pre-destination.
- There is a need for ways and means to include those with disabilities in the employment and other environments more proactively. Some countries have adopted various affirmative action programmes, such as quotas, to ensure some access of those with disabilities to job placements. This is a method of providing temporary preferential treatment to raise the status of those who are less able to access employment opportunities. There is also a need to provide more self-employment opportunities, coupled with access to credit, know-how, marketing skills and support networks. In this context, there are different scales of industry which may have to be covered, ranging from large to small and medium scale enterprises.
- There is a need for incentives to enable employers to ensure more access to those with disabilities. As an example, employers might have access to tax deductions as part of the process of engaging a person with a disability. There could also be various capacity-building facilities, such as training programmes, which help both sides to adjust to each other. Employers can be assisted by rewards and prizes for exemplary conduct, and assistance with appropriate technology such as Braille-programmed computer facilities.



- There is a need for adequate sanctions against those in breach. This does not necessarily imply punitive measures, but may also mean compromise arrangements such as enabling an employer to choose to pay a levy which is then channelled to help those with disabilities.
- There is a need for transparent monitoring and accessible channels of redress in the case of violations. This may mean a government-based mechanism, such as an ombudsperson or national human rights commission, a civil society body such as a Council on Disabilities, or mixed government-civil society mechanism, to help monitor the process. This could be coupled with judicial institutions that are accessible and affordable. While ordinary courts may help, the spread of administrative courts and labour courts is also welcomed to provide less costly and quicker means of redress.
- There is a need for positive imaging of people with disabilities to nurture an understanding mindset. This invites close cooperation with the media, educational authorities and other communication channels to convey constructive profiles of those with disabilities, and to spread the message of non-discrimination. Role models from those with disabilities can help to highlight the contributions they make to society (e.g., the Para-Olympics). Learning by doing and working together with those with disabilities is particularly useful, especially including those with disabilities into the media, schools and communications environments and events.
- There is a need for direct access, involvement and participation of those with disabilities in shaping programmes of concern to them. This invites representatives of those with disabilities to be their own advocates and mobilizers. As an example, those with disabilities have been directly involved with the drafting of the new comprehensive international treaty on the rights of those with disabilities.
- There is a need to reflect the fact that those with disabilities are not necessarily a homogeneous group and that multiple forms of discrimination may affect them in different ways. This is particularly attested to by the fact that there is often additional gender-based discrimination which may create further obstacles for persons with disabilities. A member of a minority group or migrant person with a disability may be affected more severely than a local resident or national with a disability is affected.
- There is a need to promote broad-based cooperation locally, nationally, regionally and internationally. Constructive examples from one level of operation can help to catalyse other actors through peer interaction, while international and regional support can assist neighbours and partners to adopt more effective measures to raise national practices to international standards, while capitalizing upon local wisdom. Thus an enabling atmosphere, which responds to disability humanely, can be nurtured through a pervasive spirit of cooperation.



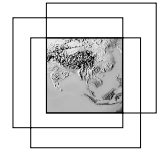
Mr Suporntum Mongkolsawadi, Principal for the Redemptorist Vocational School for Disabled in Chonburi, Thailand

Mr Suporntum struck a personal note in his opening remarks, recalling that when he was young his parents worried about what path their son could possibly take in life, given his disability. In time, he said they came to realize that he had every right to live the same way as others. This attitude of his parents was the most crucial factor that has shaped him into what he is today, along with good life and work.

From his two decades of working for disabled people, Mr Suporntum has learned that not only can many disabled people in rural areas earn sufficient income to rely on themselves, but that they can also support their families and contribute to society in numerous ways. This will be the case if they are given quality vocational training and job-placement services. Work is a main function of human beings - jobs build up confidence and create channels of social interaction that bring about self-appreciation and dignity, for disabled and non-disabled people alike. Yet, as the statistics show, 80 per cent of disabled people in the Asia-Pacific region are poor and most of them are also unemployed.

Mr Suporntum said that depriving disabled people of their human right to employment de-humanizes them. Is this an issue of a person's disability, or of societal disability, he asked. Is it because of the fact that disabled people are deprived of rights by their own families and society, or because they are neglected by their own government? What is the real cause of their unemployment?

Everyone has similar potential if he or she is given equal opportunities in education, whether it is academic or vocational. Disabled people can enjoy as full a life as others and have dignity as workers if they are provided with equal rights and equal opportunities, access to means of transport, and due subsidy or other aids to compensate for their disability. Mr Suporntum appealed to participants in the technical consultation to work together to enable disabled people to find employment, and expressed confidence that, in this way, everybody present could make a great difference.



IV. Thematic Presentations

During the technical consultation, three thematic sessions were held, during which ILO representatives and media experts made presentations on a number of topics.

Employment of People with Disabilities – Moving towards a Human Rights Approach

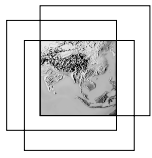
- What is a rights-based approach and can it be used in practice?
- General Overview on national and international legislation
- Moving towards a human rights approach - Key considerations

What have governments been doing nationally and regionally to promote a human rights approach to the employment of persons with disabilities?

- The Asia-Pacific Experience
- Experiences from ILO and UN supervision
- Developing and enforcing rights-based legislation - effective consultation, monitoring and enforcement mechanisms

The presentations are described below (4.1-4.2), along with summaries of the plenary discussions that followed.

In the third thematic session '**Media and communication strategies for promoting the rights of people with disabilities**', three media experts were invited to give presentations on media and communication strategies for promoting the rights of people with disabilities (4.3).



4.1 Employment of People with Disabilities – Moving towards a Human Rights Approach

4.1.1 What is a rights-based approach and can it be used in practice?

Lee Swepston, Senior Advisor on Human Rights, Standards and Fundamental Principles and Rights at Work Sector, ILO Headquarters, Geneva

Human rights and development share a close, mutually dependent relationship. In the past, however, top-down approaches to development did not respect that relationship. One group of society cannot know what is best for the entire society, so top-down development approaches are generally flawed, at both the international and national levels. It is only when people develop the way they defend their own rights, for instance, concerning participation, non-discrimination and freedom of expression, that a society can achieve true and widely based development. In rights-based development respect for the rule of law and good governance is paramount and should be reflected in equal treatment and access to law and protection.

A rights-based approach has as much to do with implementation as with legislation. It bases development on guaranteeing effective implementation of rights that are usually already recognized in national law and international treaties, which obligates a country to create legislation and other implementing measures conforming to these treaties' directives. The international human rights instruments that set the standards for rights-based development and legislation today are, for instance, the Universal Declaration of Human Rights (1948) and ILO's Core Labour Standards, especially the Discrimination (Employment and Occupation) Convention (No. 111) adopted in 1958 and today ratified by 163 ILO member countries. ILO is committed to promoting social justice and decent work, which are integral aspects of a rights-based approach, because they afford equal treatment and equal opportunity in the workplace, freedom of association and freedom from forced labour, child labour and discrimination including discrimination based on disability status.

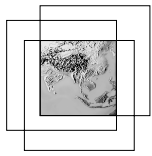
In many countries, there already exist laws and signed treaties setting forth rights, but whether or not they are implemented is another question. Guaranteeing implementation is a broad-based effort that should involve government officials, employers, employees, and disabled persons' organisations coming together. The application of rights should be based on the principle of correspondence between rights and duties – for every right there is a right-holder and a duty-bearer. Therefore, when a disabled person has a valid claim (right) to something, another party has the obligation (duty) to ensure that right is realised. Adhering to this principle, the first logical step is to examine what rights exist, by examining national laws and regulations passed by parliament and policies and programmes already adopted. Also promises and commitments made at national level, for instance, during a political



campaign or an official conference could be used to identify existing rights as should, of course, international treaty ratifications by the country.

The next step is to find out how the rights are applied in practice. The search for knowledge on this can benefit greatly from the work carried out by the labour inspectorate as they are obliged to ensure that rights are applied at the enterprise level. Thus their evaluation reports on developments in the workplaces can be excellent sources of information. Other relevant sources to consult are, for instance, reports to Parliament, national evaluation programmes, legal judgement records or even the national press. On the international level, the reports of the supervisory bodies of the UN and the ILO can be useful in evaluating how well or poorly rights are applied in a given country, and so can rights-focused international technical assistance projects and their evaluation.

It should be noted that there are too many cases where national judges do not exercise the full power afforded to them by the international legal system. This is often because the judges are unaware that they can apply ratified international treaties at the national level, especially in the employment field. The ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159), for instance, allows affirmative action in the workplace as a means to ensure effective equality of opportunity and treatment between disabled workers and other workers, and so does the ILO Discrimination Convention, 1958 (No. 111). When they have been ratified, they can be invoked before courts to allow – and perhaps even to require – affirmative action in favour of employing disabled persons.



4.1.2 General overview on national and international legislation

Tim de Meyer, Specialist on International Labour Standards and Labour Law, ILO Sub-regional Office for East Asia, Bangkok

How do specific laws and conventions relate to people with disabilities?

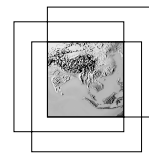
ILO labour standards are particularly relevant in the international legal system because they are not drawn up by academics or in closed-door settings, but rather are the results of long, tripartite processes. ILO standards are discussed for years before being formally endorsed by governments, employers and workers and often after many rounds of negotiations.

There is a double concern behind labour instruments that specifically deal with people with disabilities. On one hand, there is a concern for the rights of people with disabilities and that their reintegration into society is promoted by access to mainstream workplaces. On the other hand, there is a concern for the productivity of mainstream workplaces. The ILO does not promote just any type of employment opportunity, but employment that is as productive as possible given a person's choice and ability and given the level of development of a country. People with disabilities and employers can successfully meet both these concerns if disabled people are employed properly with reasonable accommodation. In appropriate settings, disabled workers can be as productive as non-disabled workers.

The importance of disability standards is captured by three main points:

- People with disabilities have a more difficult time finding and retaining jobs and receiving fair treatment than non-disabled people;
- Disabled people are just as entitled to decent work as non-disabled people, and can be as productive; and
- Work is the single most important vehicle of reintegration for people who tend to be kept at the fringes of society.

During the ILO's long history, there are many instruments and standards that make references to disability and the problems faced by people with disabilities. The ILO Governing Body has spent about seven years reviewing all the ILO standards to see which are relevant in today's world of globalization. As of present, 72 international labour Conventions and Recommendations have been reconfirmed by the Governing Body as being relevant and up to date, and of them three deal with disability: the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168), and the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99).

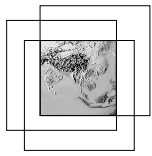


If a country ratifies Convention No. 159, it is obligated to:

- Formulate, implement and periodically review a national policy on vocational rehabilitation;
- Ensure that the policy adheres to equal opportunity, inclusion and non-discrimination;
- Consult with social partners and disabled persons' organisations in planning the implementation of the policy; and
- Extend existing services concerning vocational guidance, training, job placement and other employment services to disabled job seekers and ensure outreach also in rural and remote communities.

Convention No.159 has seen a steady rise in ratification and has not been relegated to the darker corners of the ILO's ratification record. In the Asia-Pacific region, though, the ratification record has been more modest because many Asia-Pacific countries tend to focus their ratification attention on the more fundamental ILO conventions. In years to come, however, there will be additional arguments for Asia-Pacific countries to consider ratification of Convention No. 159. The Biwako Millennium Framework (BMF) is one such case. One of the BMF commitments is a target of 30 per cent ratification of Convention No. 159 among Biwako signatories. This would mean doubling the Convention's ratification within the region as 46 countries so far are committed to the BMF and by now – January 2006 - only eight of ILO's 29 member countries in the region have ratified this Convention.

People with disabilities normally enjoy the standards expressed in ILO Conventions even if the Convention does not specifically deal with disability issues. For instance, the Convention concerning Employment Policy, 1964 (No. 122), implies that in order to obtain “productive employment,” employers should look into the productive potential of all groups of people, including those with disabilities. The Convention concerning the Organisation of the Employment Service, 1948 (No. 88) underlines that a free public employment service shall take measures to meet adequately the needs of particular categories of applicants for employment, such as disabled persons. The Human Resources Development Convention, 1975 (No. 142), says that the promotion of human resource development requires that vocational training mechanisms be adapted so disabled students can benefit in the same environment that non-disabled students do. The Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (No. 111), prohibits discrimination based on a set of criteria of which the common element is that they are unrelated to productivity or potential. Although the Convention implicitly acknowledges that particular disabilities may make people unqualified for particular jobs, it affirms that many disabled workers are just as productive as non-disabled workers if reasonable accommodation is made. Convention No. 111 establishes the principle that special measures to promote the employment of people with disabilities, such as adaptations or reasonable accommodations for disabled workers, do not constitute discrimination against people without disabilities.

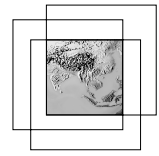


After a member country has ratified an ILO convention the government is obliged to report to the ILO on its implementation. The Convention enters into force one year after the date on which the ratification was registered with the ILO. The first report is then due in the calendar year following the entry into force. Subsequent reporting is normally required every five years following an established reporting schedule, unless particular developments warrant an interim report, for instance when employers' or workers' organisations raise a matter that is relevant to the application of the Convention. The reports are scrutinized by ILO's independent Committee of Experts that supervise the application of Conventions and Recommendations in ILO member countries. The committee reports its observations to the International Labour Conference held every June in Geneva and, if needed, sends direct requests to the government in question for further information or follow-up action to the report.

Overall, legislative coverage of people with disabilities is good in the Asia-Pacific region. All countries except one (Cambodia) have passed some type of legislation specifically dealing with people with disabilities and almost every country establishes in its constitution the rights of disabled persons for protection. Some anti-discrimination measures are also among the legal protections provided on national level, for instance, in China, Japan, the Philippines, and Thailand. The types of legislative measures that can be applied on national level to protect the rights of people with disabilities in terms of employment and training are, for instance:

- Reasonable accommodation provisions that establish a duty on the employer to take appropriate measures to adapt the work or workplace with a view to facilitating employment (or training) of a person with a disability unless such measures would impose a disproportionate burden on the employer;
- Quota/levy provisions that establish a duty on the employer to set aside a percentage of positions for disabled workers or to pay a levy in case of non-compliance;
- Support provisions that establish a mandate for the public employment service or a separate fund to partially shoulder costs incurred, for instance, as a result of "reasonable accommodation"; and
- Representation provisions that stipulate the rights for representation of disabled workers in a workplace, for instance, through the election of special employee representatives.

The effectiveness and influence of legal provisions vary from country to country along with the overall strength in implementation and enforcement. Sometimes national laws "encourage" rather than "require" compliance, which undermines the enforcement of disability legislation. All countries in the region still retain laws or regulations that serve as barriers to people with disabilities and prevent them from enjoying their rights. For instance, people with disabilities encounter significant legal and physical barriers to civic participation like the right to stand for election and/or vote, which is often denied disabled people, most often those with mental illnesses or intellectual disabilities, as is the case in India, Japan, the Philippines, and Thailand.



4.1.3 Moving towards a human rights approach – key considerations

Barbara Murray, Senior Disability Specialist, Skills and Employability Department, ILO Headquarters, Geneva

Equal treatment and opportunity is still a distant reality for many disabled people in Asia and the Pacific. Non-discrimination laws are based on the idea that all groups, including people with disabilities, are human and entitled to the same, universal human rights. In Asia and the Pacific, however, disabled people are often denied their rights.

Several key concepts are essential to effective policy and laws regarding the employment of people with disabilities.

Non-discrimination laws

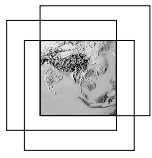
In relation to employment, non-discrimination provisions aim to ensure that people with disabilities are not discriminated against or excluded on the basis of their disabilities. Such laws generally prohibit discrimination in recruitment, promotion in the job, working conditions, and job retention in the event that someone acquires a disability. Non-discrimination laws frequently require employers to make reasonable accommodation of disabled workers also provide for some form of sanction or punishment of who discriminate.

Job retention laws

Job retention laws have been introduced in many countries to protect the job tenure rights of workers who acquire a disability and to counter the tendency for many workers in such a situation to lose their jobs, and be forced to rely on disability benefits, welfare payments or charity. The cost of disability benefits and allowances, and the opportunity costs of excluding productive people from work were a major factor leading to the introduction of such laws. These laws generally require employers to retain the worker when he or she acquires a disability; in some cases, to be involved in medical and vocational rehabilitation; and to adapt the worker's previous job or find a new job within the enterprise. Workers are encouraged to return to work and to retrain if necessary.

Reasonable accommodation

Reasonable accommodation concerns the adaptation of the job and adaptation of the work environment to provide access to the place of work and to facilitate the employment of individuals with disabilities. The word *reasonable* has been added to the term *accommodation* to ensure that employers are not faced with excessive costs. Governments define what constitutes *reasonable* accommodation in the national context, so as to avoid disproportionate burdens on the employer. If a particular accommodation is defined as reasonable, companies are obliged to make those adaptations to accommodate the disabled employee. In some countries, government grants or subsidies are available for certain types of accommodation.



Affirmative action

Affirmative action measures apply to a group of people, aiming to compensate for the disadvantages faced due to disability, or some other characteristic. They are distinct from reasonable accommodation, which is tailored to the needs of individuals and accompany these individuals as long as they have these needs. Affirmative action measures, in contrast, may be in place for a limited time period only, until it is considered that the underlying disadvantages have disappeared.

Contract compliance

Another important provision is contract compliance, which means that any company providing goods or services to a government must prove it is obeying the law to win a contract. It is an approach which acts as an incentive to encourage employers to obey the law. Contract compliance is sometimes provided for in the law itself, but can be introduced as a procedural requirement for government contracts. It also has potential for use by trade unions and other organisations that give out contracts for goods or services.

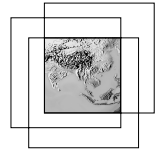
Implementation

It is not enough to have laws on the books. Policy measures are required to make sure these laws are implemented. Financial incentives (including grants, tax rebates and social insurance subsidies) are often put in place, but these do not always have the desired effect on employers who are at times reluctant to hire disabled workers. Many governments now also arrange for advisory services to support employers in making accommodations and introducing technical aids. Job and work analysis services can assist employers in adapting job duties so that people with disabilities can apply to and perform them. Job placement and employment services are also important although they frequently do not cater to job-seekers with disabilities.

Some countries have changed the requirements for proving whether employment-related discrimination has or has not occurred, with the burden of proof being moved from people with disabilities to their employers. In the past, disabled persons had to prove that they were being discriminated against. Now, it often is the responsibility of the employer to prove that there is no discrimination. This reversal has directly resulted in more disabled people winning the cases they brought.

Underlying considerations

In planning laws and policies, it is important to bear in mind that people with disabilities are not a homogenous group. The range of diversity among disabled people is great and this has implications for the types of services and support needed for disabled persons in the workplace. For instance, the onset of someone's disability, be it birth, childhood or adulthood, will influence his or her education and training experience: people disabled from birth often attend segregated schools and go on to segregated training centres that do not meet national standards.

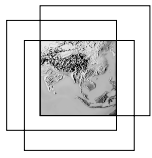


Gender also makes a huge difference in a disabled person's experience and prospects at employment. Women with disabilities are often left out of the opportunities created by disability legislation.

Future trends

There is an increasing emphasis on open employment opportunities. The proposed UN Convention on the Rights of Persons with Disabilities talks about opening up the open labour market to people with disabilities.² However, it can be difficult for many disabled people to make the leap from sheltered environments to the open labour market. In order for the open labour market approach to work, innovative programmes are needed to help bridge the gap between sheltered employment and the open market, including job coaching, on-the-job training, work experience and informal apprenticeship programmes.

² UN General Assembly resolution 56/168 of 19 December 2001 established an Ad Hoc Committee "to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities". The Ad Hoc Committee created a Working Group which has developed a draft of the convention. That draft is currently being negotiated by the Ad Hoc Committee.



4.1.4 Plenary discussion

The presentations were followed by a plenary session where participants were invited to raise issues of particular interest and ask specific questions to the presenters. The subjects brought up were sheltered employment; the productivity of disabled workers; reasonable accommodation; and the ratification of Convention No. 159.

Sheltered Employment

One participant asked the presenters about the difference between vocational rehabilitation and sheltered employment. Mr de Meyer explained that sheltered employment meant employment that was specifically created for people with disabilities and would not otherwise be available to the public. Ms Murray added that sheltered employment was often work that non-disabled employees are no longer willing to perform; workers in places of sheltered employment are often paid very little and work in bad conditions with little precautions in terms of occupational health and safety. There is much work to be done in making sheltered employment centres safer and linking them to the larger economy.

The Productivity of Disabled Workers

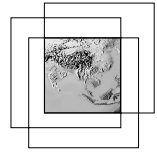
An observer from UNESCAP commented that some employers question the productive capacity of disabled workers, and asked how those employers should be approached. Mr de Meyer said people with disabilities are intrinsically as productive as non-disabled people and that as long as their output was higher than their input they fit the definition of “productive.” Ms Murray commented that in certain jobs people with disabilities are less productive, but that there are ways to remedy the situation. Some governments, for instance, have introduced wage subsidy schemes to top off the remaining wages which are not remunerated due to the productivity loss.

Reasonable Accommodation

One delegate expressed concern that no employer would want to adapt his or her workplace for a disabled employee, and that he or she might think the disabled person should adapt themselves instead. Ms Murray responded that all employers must obey the law, and if the law requires reasonable accommodation, it must be done. But, she said employers should not feel alone because governments and NGOs can provide assistance, and in some cases there are grants available to make implementations.

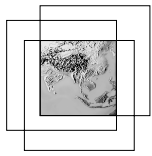
Ratification of Convention No. 159

A participant asked the presenters what kept the ratification rate of Convention No. 159 so low. Mr de Meyer, speaking as the standards specialist, said that to get the real answer, you would have to ask the governments themselves. But, Mr de Meyer offered some general points that he believed kept the ratification rates of some ILO conventions low. He said that the consistency and persistence of the ILO supervisory machinery makes some



governments reluctant to the commitment bestowed after ratifying an ILO convention. Mr de Meyer said that he did not believe, however, that this greatly affected the ratification of Convention No. 159 because it was a less controversial convention. Conventions must be ratified as a whole and leave little room for flexibility, so if a country has reservations about a particular article in the convention, it is disinclined to ratify it.

Mr Swepston commented that the ILO had launched an aggressive ratification campaign for its fundamental conventions. He said that surprisingly, over half of the ratifications during that campaign were ratified for the “why not” reason, meaning the topic simply had not come up and the countries had no reason for not ratifying the conventions. Mr Swepston said this should encourage everyone who works on the national level to bring up Convention No. 159 with their legislators and see if there is in fact a particular reason why the convention has not been ratified.



4.2 What have governments been doing nationally and regionally to promote a human rights approach to the employment of persons with disabilities?

4.2.1 The Asia-Pacific Experience

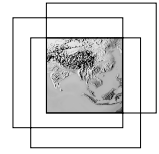
Debra Perry, Senior Vocational Rehabilitation Specialist, ILO Sub-regional Office for East Asia, Bangkok.

The Biwako Millennium Framework of Action towards an Inclusive, Barrier-Free and Rights-Based Society for People with Disabilities in Asia and the Pacific (BMF) provides a regional policy framework for government actions and strategies to ensure equal opportunity and equal treatment for people with disabilities during the Second Asia-Pacific Decade of Disabled Persons from 2003 to 2012. The BMF was adopted in Biwako, Japan, in 2002 and today a total of 46 governments have signed the resolution. The BMF strategies aim at greater enforcement of rights based legislation concerning disabled people, establishing national cross-sector, coordinating committees, strengthening disabled persons' organisations and incorporating universal and inclusive design throughout Asia and the Pacific region.

The BMF includes seven priority areas, each linked to a set of targets and strategies. One of the priority areas concerns training and employment, including self-employment and it has three regional targets. The first target is by 2012 to achieve a 30 per cent ratification rate of the ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159), 1983, among the governments that have adopted the BMF resolution. Today, this implies that an additional eight countries in the region ratify the Convention. The second target, also set for 2012, requires that 30 per cent of all mainstream vocational training institutions should include disabled trainees and provide them with suitable job placement or business development services. The third target is to collect and maintain reliable data that measure the employment and self-employment rates of people with disabilities at the country-level by 2010.

The BMF identifies various actions and strategies that governments are required to implement. To meet the employment and training targets governments are called upon to, among others, examine, ratify and implement ILO Convention No. 159; adopt policies and written plans; set up coordinating and evaluating mechanism; pass anti-discriminatory legislation; consult with social partners and disabled persons' organisations; introduce employer incentives and become a model employer for disabled people.

In 2002 the ILO conducted a regional descriptive study in 14 countries in the region and of these 13 had some type of disability-related legislation. Most of the laws were welfare oriented rather than rights-based, however. Also, in most countries, implementing mechanisms for the legislation was missing and few had accessible mainstream services. The results are therefore low integration and much lower employment rates compared to non-disabled persons.



Among the 14 countries studied, eight still retained discriminatory laws that, for instance, exclude disabled people from certain occupations such as teacher jobs or judicial positions.

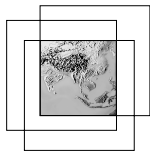
A range of regional initiatives also support the implementation of the BMF. For example, the ILO and UNESCAP held, in July 2005, “Unlocking Potential: A Multinational Corporation Roundtable on Disability and Employment,” which highlighted good practices and generated greater interest among multinational companies in the hiring of disabled people. Some participating companies have since encountered difficulties, however, in finding appropriately skilled employees with disabilities.

Longer-term regional initiatives include the Asia-Pacific Development Center on Disability sponsored by the governments of Japan and Thailand and the Pacific Disability Forum.³

The regional frameworks and initiatives have created some positive trends towards a rights-based approach to the employment of people with disabilities in the region. One interesting development occurred in New Zealand, where the law allowing arbitrary payment of lower than minimum wage to people with disabilities in sheltered workshops was repealed. There is also a major trend to recognize the needs and barriers facing women and more severely disabled persons. In 2003 the ILO published the booklet “*Moving Forward. Toward Decent Work for People with Disabilities*”, which gives examples of good practices applied in the Asia-Pacific region targeted these particular groups, among others.

Increasingly in the region, governments are requesting ILO technical assistance in the area of inclusive vocational training. And, even in less developed countries like the Lao People’s Democratic Republic and Cambodia, education systems are becoming inclusive. UNESCO has taken steps to focus on improving the primary school enrolment rate among disabled children by publishing “Guidelines for Action to Include Children with Disability in School System and in Monitoring Education-for-All”. The Asia Pacific region has witnessed progress from segregated to integrative approaches, not only in education and training, but also in the workplace as community-based contracts increasingly are used in the region to provide training and job opportunities for disabled people. Lastly, a trend towards greater involvement of employers’ and workers’ organisations in disability issues is fast growing with corporate social responsibility and the business case for employing people with disabilities as major driving forces. Employers’ associations and multinational corporations are seeking partnerships to facilitate the hiring of disabled employees and trade unions, for instance, in Japan and Australia, are taking up the disability issue. In Australia, one trade union is successfully organising disabled workers employed in sheltered workshop and protecting their right to fair, equal pay. In Japan, one trade union operates three employment centres for people with disabilities and encourages its retired trade unionists to become job coaches.

³ The Pacific Disability Forum was formed in July 2004. It is the regional mechanism and focal point for individuals and organisations of the Pacific Islands involved in the disability sector.



4.2.2 Experiences from ILO and UN supervision

Lee Swepston, Senior Advisor on Human Rights, Standards and Fundamental Principles and Rights at Work Sector, ILO

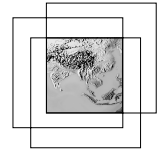
ILO and UN supervision helps governments and countries review their performance at national level and bring forward up-to-date reports on national human rights matters. In turn, international bodies such as the ILO and UN are able to share this information between countries and use it as a basis to provide better assistance to governments and countries.

The Asia-Pacific region has no human rights body of its own, so the governments in the region must rely on the supervision of the UN and ILO. While the ILO does have instruments protecting the rights of disabled persons, the UN has not yet adopted a more broadly based instrument on this subject, but the drafting and international negotiations for such an instrument are ongoing within the UN system. As for now the supervision of the rights of people with disabilities is attended to in a more general fashion by the supervisory bodies that monitor the application of the seven existing UN human rights instruments, which are:

- The Convention on the Elimination of All Forms of Racial Discrimination (1969)
- The International Covenant on Civil and Political Rights (1976)
- The International Covenant on Economic, Social and Cultural Rights (1976)
- The Convention on the Elimination of All Forms of Discrimination against Women (1981)
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)
- The Convention on the Rights of the Child (1990)
- The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003)

Admittedly, most human rights instruments do not specifically mention people with disabilities. Of the UN's human rights instruments, only the Convention on the Rights of the Child makes a mention of disability, but unfortunately the supervisory body that follows the application of this instrument has not made comments relating to disability.

In contrast, the treaty supervisory body for the International Covenant on Economic, Social and Cultural Rights has addressed the rights of disabled people by adopting a so-called General Comment on Persons with Disabilities in 1994. It notes that no special disability provision exists in the covenant, but it has described the violations of rights of disabled people in cases where governments have failed to protect, for instance, the right to life, the right to complete citizenship, the right to integrity and the right to education of people with

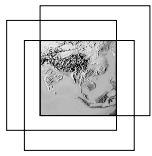


disabilities. It notes that governments have yet to internalize a rights-based approach on disability issues, and that government reports on the application of the Covenant rarely mention disability as an aspect of human rights protection. Consequently, the supervisory body rarely raises the issue either as it lacks access to adequate information on the ground.

The ILO has the most developed international supervisory system so far established. ILO supervision includes a unified supervisory body – Committee of Experts - that deals with the applications of ILO conventions, to which governments are required to submit a report at least every five years. Governments must also send copies of the reports to the representative employers' and workers' organisations, which have a right to comment. Employers' and workers' organisations, along with non-governmental organisations, can also submit a shadow report to the ILO Committee of Experts, although this is rarely done. Sometimes government reports are incomplete and the information that can be provided by employers, workers and non-governmental organisations becomes essential to get a full view of the situation on the ground. Actually, governments rarely mention people with disabilities in their reports to the ILO. Although some make mention of special education systems, a specific mention of disability in the workplace is rare. Employers', workers' and disabled persons' representatives, therefore, should take upon themselves the responsibility of commenting on their government's reports to the ILO Committee of Experts, if they want to make sure that the rights of people with disabilities are monitored and protected in the application of international labour standards.

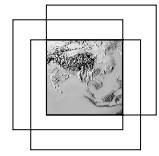
ILO supervision of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), has found that disability is often not covered by provisions applying to the work place. While the Convention allows each country to take measures that are appropriate to their own national situation, within the limits imposed by the Convention, the Committee of Experts' supervision of the Convention's application has led to some broad findings that are generally shared among ratifying countries. For instance, in many countries disabled persons suffer from discrimination that prevents them from getting education and training, which results in restricting their job opportunities to certain occupations. Some groups suffer from the multiple effects of discrimination – for example, disabled women who face both gender and disability discrimination in the workplace. Supervision of Convention No. 159 has found that disabled women are more likely to be illiterate and without vocational skills and more likely to be poor and unemployed than disabled men. These discouraging findings also hold true for disabled people coming from a group that is already marginalized, such as disabled people from remote, rural communities or from communities with minority status, for example, on ethnic, religious or other grounds.

More and more countries are taking special measures to eliminate discrimination and exclusion, but the fact unfortunately remains that very many countries are still far from



Employment of People with Disabilities – A Human Rights Approach

meeting the minimum conditions for equalisation of opportunities. Discrimination against disabled people persists not because of any objective reason, but because people make assumptions about the abilities of disabled people that feed prejudices and cause negative attitudes. These mistaken assumptions create barriers to disabled people in the workplace, which are often slow to change. Governments, social partners and civil society need to work together to combat discrimination and overcome the assumptions and attitudinal barriers people face, for instance, through advocacy work and by showing in practice how the productivity of disabled workers equals anyone else's given proper accommodation. Only then will ratification of Convention No. 159 have a practical effect on the ground.



4.2.3 Developing and enforcing rights-based legislation – effective consultation, monitoring and enforcement mechanisms

Barbara Murray, Senior Disability Specialist, Skills and Employability Department, ILO Headquarters, Geneva

Consultations are important, because laws that reflect views of multiple stakeholders are more effective than laws that only reflect the view of the government. During consultations, the government benefits from the widespread expertise both within the country and from international organisations, such as the ILO. In planning consultations on disability-specific legislation, it is very important that the government involve representative of persons with disabilities.

In the case of disability legislation, policymakers and drafters of legislation should consult:

- Disabled persons' organisations
- Government ministries
- Employers' organisations
- Workers' organisations
- Service providers
- The general public

Disabled persons' organisations

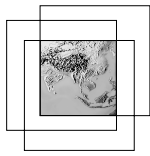
Disabled persons' organisations are essential stakeholders in disability-related laws and policies. Through consultation with disabled persons' organisations which are representative of the diverse disability community, laws and policies are more likely to adequately identify the barriers faced and make provision to dismantle these barriers and to support disabled people in overcoming the disadvantages they face. In planning consultations, allowance should be made for the fact that about 80 per cent of disabled people live in rural regions, so that sharing material with them and gauging their views may require additional time. In all instances, materials must be provided in accessible formats.

Relevant government ministries

In the past, disability issues were usually the responsibility of one government ministry, but now, increasingly, a multisectoral approach is adopted, with each ministry catering to the requirements of disabled persons in areas within their respective portfolios. It is particularly important that ministries responsible for education, vocational training, employment, transport and health be involved. National coordinating committees have been established in many countries to encourage this process.

Employers' organisations

Employers' organisations play a pivotal role, since it is employers, rather than the government, that create jobs. If drafters do not consult with employers' organisations, they risk imposing



unrealistic or unacceptable rules in the workplace and on hiring practices. Identifying and involving employers' organisations that are willing to promote opportunities for disabled people is central to determining what legal provisions employers will accept. In some countries, for instance, quota systems were put in place without consulting employers' organisations, so employers may not adhere to the quotas or even be aware that they exist.

Workers' organisations

Workers' organisations, likewise, are pivotal stakeholders for any labour legislation and should be consulted. Trade unions have a role not only in job retention, but also in the active recruitment of disabled workers. Trade unions are often more than willing to look after the rights of union members who become disabled on the job, and are less enthusiastic about the hiring of new disabled workers. Trade unions should work towards sensitizing their members on the rights of and barriers faced by people with disabilities, and they should set good examples by hiring disabled people to work for the unions themselves.

Service Providers

Service providers, such as training centres, must be consulted on new legislation so they can prepare for the changing roles that new legislation often calls for. For instance, new legislation on inclusive training will greatly affect the roles of sheltered service providers, and they must be consulted so they will know how to proceed in the newly integrated system. In Australia and some European countries, public funding for sheltered workshops was recently made conditional on those workshops changing the way they operated and on a specified percentage of sheltered workers, transferring, annually, to the open labour market, with supports if required. The challenge posed by this meant that some services introduced excellent innovations, such as supported employment, while for others the challenge was overwhelming. A key issue in moving towards full inclusion of disabled persons is to find a way of tapping and retaining the expertise which exists in the special services.

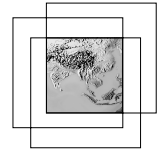
General Public

Lastly, the general public should be consulted, which includes the families and friends of people with disabilities. This is particularly important in rural areas where the family and community networks are central to making full inclusion a reality.

How should consultations be arranged?

Consultations can be organized through task forces which are established specifically to advise on the legislation; through existing national committees or councils which represent the social partners and disabled persons' organizations, as well as government representatives; or on an ad-hoc basis through meetings called by government. Consultative meetings may also be arranged by international organisations, such as the ILO.

Consultations will become effective if a thorough briefing on disability issues is provided to those involved. The effort to build awareness should be the responsibility of the government, which can benefit from involving disabled persons' representatives in providing the briefing.



4.2.4 Plenary discussion

In the discussion at the end of this thematic session, points were made about the role of trade unions; Government and NGO coordination and the Biwako Millennium Framework

Roles of trade unions

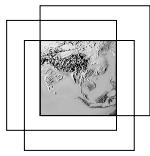
A delegate asked the presenters if they could give some useful examples of trade unions successfully involved in negotiations on behalf of workers with disabilities. Ms Perry said there were good examples, including the Boeing machinist union in the United States, which has secured a contract clause that the company must provide for the rehabilitation of employees who become disabled from injuries incurred on the job. Trade unions in Viet Nam regularly include disabled trainees in their ongoing vocational training programmes. Ms Perry said that there are other measures trade unions can take for people with disabilities, including sensitivity training, setting up subcommittees for disability issues, and providing direct services to people with disabilities. Ms Murray said that there are good examples in Ireland of collaboration on disability issues between trade unions and employers' organisations, and she would be happy to provide further information to any delegates who may find it helpful.

Government and NGO coordination

A Mongolian delegate spoke of national and regional initiatives on inclusive education that has been supported in Mongolia by the British organisation Save the Children and by the Japanese Fund for Poverty Reduction. She said that the capacity to build better employment laws for people with disabilities already exists in Mongolia, through the expertise and experiences of NGOs and international organisations, but that the government and other tripartite parties involved in legislation do not use these resources, so their efforts are less successful. She said greater collaboration and consultation among tripartite bodies and NGOs and disabled persons' organisations were needed.

The Biwako Millennium Framework

An observer from UNESCAP said that in 2007 there will be a midterm review of the Biwako Millennium Framework and it will seek information on target achievements in each country. She encouraged delegates to think about the implementation of employment targets and give UNESCAP their thoughts towards 2007.



4.3 Media and communication strategies promoting the rights of people with disabilities

4.3.1 Framing misconceptions and discrimination

Lyndal Barry, Director, Internews Mekong Project

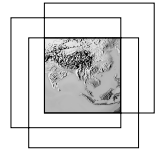
Internews is a media development organisation that supports independent media through training journalists and working with media professionals. Having worked in South and Southeast Asia for several years, Ms Barry and her colleagues train journalists to report on HIV/AIDS more effectively and work with NGOs and government departments to establish better communication with media outlets.

Although HIV/AIDS is a separate issue from disability, there are the similar challenges in reducing stigmas and changing attitudes. The media helps shape beliefs and public attitudes and influences the responses of government. Ongoing and effective media coverage that humanizes and localizes issues of discrimination stimulates public discourse and prioritizes these topics in the social and political agenda. Internews learned that to achieve this type of coverage, the first step was to change the attitudes of journalists themselves. Thus, Internews began teaming journalists up with people living with HIV/AIDS to enable informal discussions so that journalists saw stories from the point of view of people living with HIV/AIDS. Internews encourages journalists to see and understand how issues of stigma and discrimination affect all aspects of society.

However, not much will change in terms of coverage unless the journalists' editors are also approached. It is more challenging to bring editors to workshops as their schedules are very time sensitive. So, Internews began inviting editors to "media executive events," such as luncheons or dinners with key-note speakers.

Internews' work with HIV/AIDS issues in the Mekong region includes the following four pronged approach:

1. Training journalists to more accurately report on HIV/AIDS issues in a less stigmatizing and discriminatory fashion;
2. Training people living with HIV/AIDS to better communicate their messages through the media;
3. Working with editors to enable journalists to better report on HIV/AIDS; and
4. Where possible, working with governments to improve information flow through the media and encourage more accurate reporting.

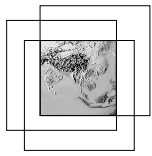


Language is a major difference in each of the countries Internews works in. One of the most effective ways of decreasing discriminatory reporting is getting journalists to examine and reconsider the terminology they use in their native languages. In some countries, government staff has participated in drafting style guides suggesting proper, non-discriminatory terminology.

Viet Nam recently passed legislation that holds journalists legally accountable for stigmatized reporting. Internews will work with the Vietnamese government to train journalists to follow this legislation.

The role of government in coordinating with the media is also very important in getting accurate information to the public. By using non-discriminatory language themselves and giving a public voice to marginalized people, governments can help to shape proper media coverage.

In the end, there is no context more effective than the media for creating environments that deal with the misconceptions of stigmas in culturally appropriate ways and can frame the complexities of discrimination in familiar terms and language.



4.3.2 Use video to change attitudes

Ms Heather Kelly, Managing Director AsiaWorks Television

Ms Kelly showed part of the ILO's 'AbilityAsia' video, which she produced in conjunction with the ILO.

Video is a powerful medium at changing concepts and creating impressions. New technology has brought about many new forms of video media besides just television programming, and this has made it increasingly important to know who your audience is when producing video material. In making the *AbilityAsia* video, the target audience was business leaders in Asia and the Pacific region.

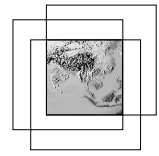
It is unlikely that an audience will remember all the details of any video, but the target audience should come away with some core messages. The core messages of the *AbilityAsia* video were

- People with disabilities make good employees;
- Hiring disabled workers can increase productivity;
- Early investment in technology and training for disabled employees pays off;
- Disabled employees have changed the misconceptions and stereotypes once held by their employers; and
- People with disabilities are part of a large and valuable economic community.

These core messages were intended for the target audience of business leaders and employers. The video contained no mention of human rights, which is the focus of the technical consultation. This is because producers of the *AbilityAsia* video felt that the best way to connect with other business leaders was to deliver the message through their peers—other business leaders—and focus on profit and productivity rather than human rights. Companies gave examples of productivity growth, linked to the employment of disabled persons. This meant that business leaders could hire disabled employees while looking after their bottom line.

One of the major obstacles of stigma discrimination is that it is self-perpetuating. Media is the most effective medium to interrupt its vicious cycle by debunking people's misconceptions, providing accurate information and dealing with tough issues straight on. In order to accomplish those tasks, you must know your audience, stay on clear messages, and find real-life examples that are relative and relatable to the core audience.

Lastly, it is important that media strategies are planned at a local level because the challenges and approaches required vary greatly across communities.



4.3.3 Get your message through in the media

Robert Horn, reporter, TIME magazine, media consultant

It is important for policy makers to have a media specialist or journalist on their staff in order to know how the media works and how to deal with it effectively. A good example of policy makers working strategically with media specialists was in the recent HIV vaccine trials in Thailand. The trials had the possibility of being controversial, but the Health Ministry hired a *Bangkok Post* reporter to manage all its media issues, and they were able to avoid negative coverage.

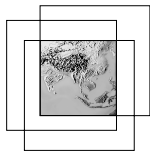
It is also very important to learn about the differences among media outlets in order to target them appropriately. For instance, what is an appropriate story for the *Bangkok Post* may not be appropriate for *Time* magazine, which has a much larger audience. And, articles on employment and disability should be featured in a newspaper's business section rather than its lifestyle section, which is not as often read by business leaders.

Another way to help get your message out to the media is to developing relationships with reporters. Often sending out a press release is not enough. Rather, making a direct telephone call with the reporter or taking him or her to lunch is a better idea.

Both news event and human interest stories can grab a journalist's attention, but with human interest stories there is also the critical factor of timing. For instance, when a major world event takes place, human interest stories are less likely to be published or noticed. A media specialist can help determine the precise timing to promote a human interest story.

With human interest stories, there are a few themes the media likes:

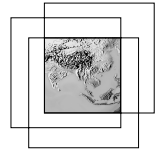
- **Heroes:** If someone is heroically conquering a challenge
- **Victims:** Although disabled people are not victims because of their disability, people with disabilities are often victims of societal stigma and discrimination. Stories about people fighting back against stigmas portray a type of conflict and victimization that media outlets are often attracted to.
- **Champions:** Community members or leaders who fight for and champion a certain cause, such as the rights for people with disabilities, can be at the subject of good human interest stories.
- **Controversy:** Simply put, the media likes an element controversy in its stories.



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Media strategies should look beyond traditional forms of news media, as there are many other communication channels capable of changing public attitude. In the 1960s and 1970s, there was a television show in the United States called *Ironside*, whose heroic character was in a wheelchair. Partnering with television shows in such a way, or writing a positive disabled character into children's media, represents an unorthodox media strategy that has the power to change attitudes and increase awareness. Other valuable media outlets are local community leaders themselves. A local community leader often has greater power to change attitudes within his community than a journalist does.

Lastly, it is important to avoid jargon when dealing with journalists. Terms that may be common within a particular field, such as *capacity building* and *sustainability*, lose their meaning when used on outsiders such as journalists or the public. People should talk to journalists as if they were talking to their neighbour, not an insider. He pointed out that the technical consultation's title "A Human Rights Approach" carried jargon itself. '*Human rights*' is an over-laden term that is too general and carries too many connotations - particularly in Asia and the Pacific - to be used effectively with journalists.

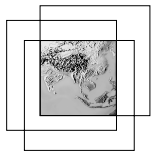


4.3.4 Plenary discussion

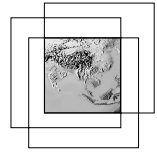
Following the media experts' presentations, a delegate suggested that in order to overcome jargon and inappropriate terminology, one must take a close look at the local culture, language and traditions of a people. In Southeast Asia there are many diverse and rich languages, and he recommended that the ILO support research on appropriate local terminology for use in disability issues.

Ms Kelly agreed that it was important that media campaigns be effective not only in an audience's language, but also in terms of their culture and traditions. Ms Barry said there was a time when Internews gave out glossaries in English and expected journalists to simply translate them into local languages. This was not always possible because some languages had not developed the appropriate terminology. Mr Horn said it is necessary to do some "market research" before coming up with an effective media strategy, which includes tailoring language to its core audience.

Ms Murray of the ILO noted that the ILO's terminology in disability issues was not developed by the ILO itself but was suggested by disabled person's organisations from around the world. The ILO's language thus reflects the recommendations of people with disabilities.



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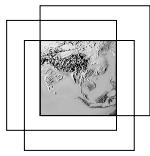


V. Panel Session on Promoting Employment Opportunities for People with Disabilities – what is the way forward?

A panel session on 19 January featured some outstanding experiences and results achieved so far by stakeholders in China, Mongolia, Viet Nam and Thailand in improving the employment opportunities for disabled job seekers. The purpose of the session was to provide opportunities for the participants to learn from each other's experience with regard to the opportunities and challenges faced by disabled persons.

Five of the invited organisations representing social partners, government and disabled persons' organisations made brief presentations on how their organisation was involved in the promotion of an inclusive labour market and of legislative initiatives and future actions they thought would be the way forward in their country. They presented on the following topics:

- Promoting the rights of disabled people in society, Viet Nam
- Trade union support to disabled workers, China
- Lobbying to improve disability-related laws, Mongolia
- Motivating employers to recruit disabled people, Thailand
- Assisting disabled people in finding employment, Thailand.



5.1 Promoting the rights of disabled people in society - Viet Nam

Mr Nghiem Xuan Tue, Director for the National Coordinating Committee on Disability of Viet Nam (NCCD)

The NCCD is a unique inter-ministerial organisation that coordinates activities supporting people with disabilities and assisting them to ensure equal opportunities including access to vocational training, appropriate occupations and stable income and to raise public awareness on disability issues.

The NCCD has representatives from 17 government ministries and agencies and from five civil society organisations including representatives for two disabled persons' organisations. It is well known in Viet Nam for supporting people with disabilities and as part of its advocacy work it organises big meetings and other events on various issues related to the inclusion of people with disabilities. In particular, the NCCD engages local media in Viet Nam to help raise public awareness on issues related to the rights and integration of people with disabilities into mainstream training and employment. NCCD also contributes ideas to various government agencies for the development of laws, programmes and plans concerning disabled people.

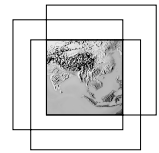
The NCCD promotes and contributes to the implementation of the seven priorities of the Biwako Millennium Framework in Viet Nam. These priorities focus on:

1. Self-help organisations of people with disabilities and related family and parent associations;
2. Women with disabilities;
3. Early detection, early intervention and education;
4. Training and employment including self-employment;
5. Access to built environment and public transport;
6. Access to information and communications, including information, communication and assistive technologies; and
7. Poverty alleviation through social security and livelihood programmes.

At the Halong Conference in July 2003, it was decided to adopt an additional priority focusing on awareness-raising in society, including of people with disabilities on disability related issues.

The NCCD ascribes particular importance to training and education. The training and employment for people with disabilities in Viet Nam focuses on three targets:

1. Business enterprises in different sectors within the formal economy which are required to comply with the national quota system and to recruit disabled employees to make up between two and three per cent of the staff;



2. Businesses and cooperatives established by disabled people, which in Viet Nam amounts to around 400 businesses employing approximately 20,000 people in total; and
3. Rural and remote areas, where most disabled people live and which most often involves job opportunities in cooperatives or informal income opportunities in traditional handi craft production.

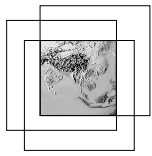
In Viet Nam the vast majority - 82 per cent - of disabled people live in rural areas. In order to support their livelihood opportunities, the NCCD strongly advocates the introduction of tax incentives such as VAT exemption on goods produced by people with disabilities.

Self-employed disabled people have formed the Vietnam Association of Business Enterprises of Persons with Disabilities (VABED) to help support their enterprises. The association is instrumental in the wider dissemination of the successful experiences and best practices of business activities engaging people with disabilities.

Successful implementation of vocational training and employment initiatives ensuring equal opportunities and integration for people with disabilities requires the collaboration of all sectors, agencies and organisations in society such as:

- Local authority and relevant agencies, such as the Provincial Department of Labour and Ministry of Invalids and Social Affairs;
- Labour unions and enterprises employing persons with disabilities;
- Vocational training institutions for people with disabilities; and
- Local agencies such as the Women's Union, Farmers' Union, self-help organisations and disabled persons' organisations.

Policy implementers must mobilise all agencies, unions and organisations to participate in the monitoring and implementation of initiatives involving the training and/or employment of people with disabilities. The mass media can serve as an important partner in the dissemination of the experiences, achievements and lessons to the whole society.



5.2. Trade union support to disabled workers - China

Mr Jieping Chen, Employment Specialist, All China Federation of Trade Unions (ACFTU)

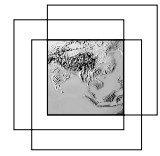
Economic growth in China has increased rapidly since the 1970s. Although this generally has supported the development in employment, the country is facing new and difficult challenges in the employment sector. China has undergone major adjustments due to industrialization and serious imbalances are found in the labour supply and demand. This poses particular challenges for existing and potential job seekers among the 60 million disabled persons that live in China today, constituting about 5 per cent of the population.

In general, two approaches are pursued in China when dealing with employment challenges faced by disabled workers. Firstly, there is the social welfare approach, which uses social welfare as tool to promote the employment of disabled workers, and secondly there is the rights-based approach, which ACFTU subscribes to. The rights-based approach advocates the right of disabled people to enjoy the same rights to employment opportunities and services as everyone else.

ACFTU has promoted the employment of disabled workers in a number of ways. For instance, the ACFTU supports the ratification of ILO Convention No. 159 and participating in the implementation of laws concerning people with disabilities such as the Protection Law of People with Disabilities. The ACFTU has taken steps to mainstream the employment of disabled workers in its policies and activities. Likewise, equal access to the general rank-and-file member services of ACFTU, such as provision of employment and job placement services, training, legal support and small loans and economic aids to workers and their families is extended to disabled workers and their families as well. In total, the ACFTU operates 3,960 vocational training institutions, 4,600 employment service centres and 1,500 Poor Workers Assisting Centres.

There are many examples of the policy components that ACFTU has adopted to promote the employment of disabled workers, such as:

1. Non-discriminatory access to employment for disabled workers;
2. Encouragement and support of self-employment of disabled people;
3. Focus on improving employability for disabled workers;
4. Providing wage and insurance subsidise as incentives for employers to hire disabled workers; and
5. Improvement of the social security system encompassing benefits related to minimum living standards, social insurance, medical aid and low-rental housing.



5.3 Lobbying to improve disability related laws - Mongolia

Mr Oyunbaatar Tseden, President of the Mongolian National Federation of Disabled People's Organisations (MNFDPPO)

Since 2004, MNFDPO has been engaged in successful lobbying activities with parliamentarians on behalf of all disabled Mongolians.

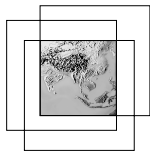
Formed in 1997, MNFDPO has grown to comprise 37 member organisations representing a broad scope of people with disabilities and their families. The Federation supports its member organisations in doing policy advocacy and it offers assistance to government agencies for the improvement of legislation and policies of concern to disabled people. ILO Convention No. 159 was ratified by Mongolia in 1998 and since then the government has committed itself to the implementation of the goals and priorities of the Biwako Millennium Framework for Action (BMF).

Mongolian has many complex laws concerning people with disabilities, and some are outdated. In general, the existing laws reflect a social welfare approach to issues concerning disabled people and very often the language used is considered negative and insensitive towards people with disabilities. Also, law reforms are required to comply with the principles and goals for the BMF. MNFDPO is engaged in the improvement of legislation and policies with the assistance from an Italian partner organisation and national lawyers. The aim was, and still is, to introduce a social integration approach in national laws and replace the previous 68 laws on disability issues with fewer, more inclusive ones.

In April 2004, MNFDPO met with parliamentary candidates and a Memorandum of Understanding was signed signalling a mutual commitment to improve the legislation on disability issues and to promote the establishment of effective implementation mechanisms, also following the strategies outlined by the BMF. The next step taken by MNFDPO was to form a lobby group of 29 parliamentarians. Both initiatives have proven very helpful for MNFDPO in influencing the passing of new legislation and presenting new draft laws to parliament. The efforts of MNFDPO to advocate the rights of people with disabilities have also included lobby initiatives targeting the Prime Minister's Office, the Speaker of Parliament and national Cabinet members.

In order to improve and maintain the necessary understanding and attitudinal change towards disabled people, meetings must be held among various lobby groups on a regular basis. Furthermore, the active engagement of media is key to raising public awareness and reaching stakeholders and communities such as employers, workers, parliamentarians, government agencies, disabled persons' representatives and the public in general.

MNFDPO was invited to be a member of a national inter-ministerial sub-committee dealing with social protection issues. This sub-committee developed a national programme for

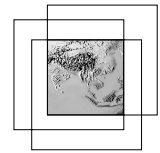


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disabled people in Mongolia and set out national targets linked to the BMF. Furthermore, a working group was established by the Speaker of Parliament to give proposals on the revision requirements for almost 60 laws concerning disability issues. The MNFDPO ascribes highest priority to the legal revisions because the protection of the rights of disabled people through legislation is vital in order to ensure that their needs and requirements in terms of education, vocational rehabilitation, employment and leisure are taken adequately into account.

MNFDPO also gives priority to the improvement of monitoring measures, including the establishment of quality statistical instruments. Availability and accessibility of good statistical data are essential for an integrative approach in the formulation of relevant targets and policies and to document the impact of current laws and practices. The design of national standards to guide the integration of disabled people into mainstream training and employment is also necessary, for which international standards should be used as bench marks. The improvement of statistical data and standards plays an important role in the revision and strengthening of the monitoring process, which is required in Mongolia. In Mongolia, the implementation of laws and policies concerning people with disabilities is not monitored adequately and as a result the intended effects of the legislation are not achieved.

MNFDPO strongly advocates the involvement of a broad scope of stakeholders across society in the efforts to protect and promote the rights and opportunities of disabled people. The socio-economic integration of disabled people into mainstream employment and society demands the participation from many social and economic layers in society. Decision-makers, managers, organisation representatives, people with disabilities, their representatives, their relatives and civil society must join forces for change to happen.



5.4. Motivating employers to recruit disabled people - Thailand

Mr Chainat Chitwattana, Advisor, Employers' Confederation of Thailand (ECOT)

Employers' organisations can help raise awareness and disseminate best practices concerning the recruitment and employment of disabled people through mapping of experiences gained, existing capacity, capacity gaps and attitudes of employers. ECOT has taken on the following roles:

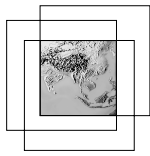
- Conducting market-based skills needs assessments in job areas for disabled people;
- Assisting employers to identify suitable jobs for disabled people, including giving advice on workplace adaptations as required;
- Sharing good practices;
- Providing accurate information to employers on the recruitment of disabled employees on legal subjects such as legislative requirements, incentive schemes and tax concession/exemption; and
- Building networks among relevant agencies or organisations to engage them in the promotion of employment opportunities for disabled people

Globalization factors beyond the individual employer impact on job opportunities for disabled people. Such factors are cross-border competition, international free trade agreements, technological changes, customer expectations and the increasingly applied concept of corporate social responsibility. Particularly, ECOT considers corporate social responsibility to be a key factor and instrumental in promoting the employment of people with disabilities. According to ECOT, employers' commitment to corporate social responsibility compliance is often motivated by the prospects of achieving a lower staff turn-over rate, high staff loyalty, life-long employment and enhancing the company's image through its creative capacity to respond to social challenges in society.

ECOT also encourages the government of Thailand to play an active role in motivating employers to recruit disabled workers by providing job placement service for disabled job seekers, identifying what work tasks disabled employees can perform, and ensuring adequate training for disabled job seekers.

ECOT finds that employers and government have shared concerns on disability and employment because both parties can gain from:

- Finding and recognizing the right model for employing people with disabilities;
- Demonstrating the positive aspects for business and for society;
- Sharing good practices and show the direct benefits in economic terms also;

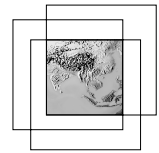


Employment of People with Disabilities – A Human Rights Approach

- Avoiding the charitable and voluntary approach and adopting a rights-based approach instead; and
- Committed support at the policy and implementation levels

Examples of employers in Thailand with successful experiences in recruiting disabled workers are Sony Semiconductor Co. Ltd, Pranda Jewellery, Delta Electronic and the National Institute of Development Administration.

For ECOT, the critical success factors in the endeavour to improve job opportunities for people with disabilities are creative collaboration between stakeholders, trust and respect, localized initiatives, ongoing dialogue and experience-sharing/support, innovative capacity-building and strengthening social venture network.



5.5 Assisting disabled people to find employment - Thailand

Mr Suporntum Mongkolsawadi, Principal, Redemptorist Vocational School for the Handicapped

Mr Suporntum, himself a wheel-chair user, started his presentation by asking participants the question – could he become a taxi driver? Most people would say no, he said, but that only illustrates that people's assumptions of the abilities of disabled people are the most persistent barriers preventing to disabled people finding employment. Mistaken assumptions reflect the failure to apply the rights-based approach to employment and training for people with disabilities.

Based on the experience of the Redemptorist Vocational School for the Handicapped in running a small placement service for disabled job-seekers, there are six decisive factors that assist disabled people in getting jobs:

1. Education and training for employment;
2. Job guidance and evaluation;
3. A barrier-free society;
4. Awareness building among businesses;
5. Job placement agencies; and
6. Law and legislation.

These factors alone are not sufficient though. They must be carried out in a sequenced process where the individual job seeker starts by exploring his or her personal qualities, aspirations, strengths and weaknesses. Only then should the person move on to actual job-seeking.

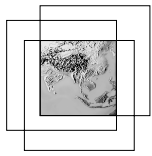
The four job seeking processes are:

1. *Who am I?*

This process involves a personal and professional self-evaluation done by the job seeker. Once this process is completed, the person can be assisted in subsequent processes through guidance and training on how to find relevant vacancies, fill out a job application and interview successfully.

2. *Who are they?*

The second phase of job seeking focuses on the job market and the job vacancies announced by employers. The job seeker may require assistance in helping assess the nature of business and job description in question and he or she may also need assistance examining the working conditions, welfare benefits and accessibility.



3. Prepare for work

When the job seeker has been successful in finding employment, the next process concerns preparations for taking up the position. A disabled employee may need support in finding housing and transport arrangements, filling out loan applications and learning proper conduct and attire for the workplace.

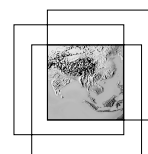
4. Follow-up

The final process is a follow-up with both the employee and employer. The purpose is to ensure that both parties reach a mutual understanding on the working relationship, to help them overcome any hindrances and to help the employee in maintaining his or her job. The first follow-up should take place after one week of employment to discuss immediate adjustments that may be needed. After three months, another follow-up should be done to identify and solve any significant problems that may have occurred on the job. Finally, after six months and, if feasible, even after one year of employment, a concluding follow-up activity should be undertaken to assess the satisfaction level of the involved parties and, if relevant, to perform an overall evaluation of the process.

In addition to regular wage-employment, self-employment is an attractive and feasible income opportunity for people with disabilities in Thailand. The ILO should further explore and support the self-employment of disabled persons in Thailand.

To summarize, there are four priority areas of action needed to increase the employment of disabled people in Thailand:

- 1) The ability of disabled people to sustain jobs must be supported;
- 2) Recognition among employers that disabled employees are as productive as non-disabled employees given proper conditions;
- 3) Job placement services for disabled job seekers must maintain a good reputation; and
- 4) The need for more job opportunities available to people with disabilities.



5.6 Plenary discussion

The five presentations were followed by a plenary session, where the participants were invited to raise issues of particular interest or ask specific questions to the presenters. The three subjects that were brought up during the plenary discussion were job seeking assistance, the use of incentives versus penalties towards employers and monitoring measures.

A representative of Sri Lanka commented on initiatives to assist disabled persons in seeking employment. She said the Employers' Federation of Ceylon established an Employers' Network on Disability in 2002. Currently the network is drafting a Code of Practice for Disabled People in the Workplace to be endorsed by the member companies. The Employers' Network on Disability is collaborating with disabled persons' organisations in Sri Lanka to provide training in interview skills for disabled job seekers. Furthermore, the Employers' Network conducts jobs assessments of vacant positions to identify the skills that are in demand in the job market. This information is disseminated through job fairs bringing employers and job seekers together.

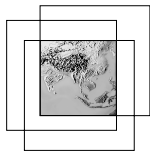
A disabled persons' representative from Thailand stated that training for disabled people should be provided in two areas in order to increase their employment opportunities: firstly, disabled people need to become aware of their rights and know what opportunities national legislation and policies afford them with regard to being gainfully employed; secondly, they need to become aware of how to raise disability and employment issues in general public debate.

An employer delegate from Thailand said that ECOT had pilot tested a job matching programme for employers and disabled job seekers that also included an on-the-job-training element. Ms Perry, ILO senior specialist in vocational rehabilitation, added that employers in Asia have done a remarkable job in the promotion of employment for people with disabilities.

A Pakistani observer explained that incentives are introduced in Pakistan for employers to promote the hiring of disabled employees. At the same time, however, employers with more than 100 employees, who fail to comply with the formal 2 per cent quota requirement, are fined. During the last ten years, 17,000 jobs for disabled people have been generated using the quota system in Pakistan of which 10,000 were public sector jobs.

Ms Anne Knowles, ILO Employer Specialist, Bangkok, emphasised that penalties are not the way forward. Instead, she said dissemination of good practices should be given priority along with advocating the business case. It was also pointed out that the use of quota systems may perpetuate workplace segregation of disabled people.

The ILO Employers' Specialist questioned the MNFDPO's suggestion of engaging NGOs in labour market monitoring and inspection, because she said that views on the right way to

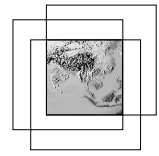


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implement laws vary. She asked the MNFDPO what role they believed NGOs such as themselves should undertake in monitoring law implementation concerning the employment of people with disabilities.

The MNFDPO explained that they work closely together with the employers' organisation MONEF, the Ministry of Social Welfare and Labour and the Mongolian Human Rights Commission in monitoring the national quota law. The monitoring also focuses on raising knowledge and awareness among the employers on their responsibilities in implementing the laws. The MNFDPO has also been involved in drafting laws such as Labour Code III in 1997, when a mutual understanding of the laws and their foreseen implementation was built in the process.

The concluding remark that ended the session came from a Viet Nam participant who stated that it is vital also to give people with disabilities a voice for removing the barriers obstructing equal opportunity in society.



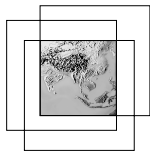
VI. Working Groups

In the course of the technical consultation, participants took part in three working group sessions which addressed the following questions:

- What actions are required of governments to move the training and employment of disabled persons towards a human rights approach?
- What initiatives can the social partners and disabled persons' organisations undertake, separately or collaboratively, to promote the training and employment of people with disabilities taking into account the human rights approach?
- What actions can be taken at country level by governments, social partners and disabled persons' organisations, separately or collaboratively, to improve the practical impact of laws and policies concerning the training and employment of people with disabilities?

The participants were divided into four working groups according to countries - Thailand, Mongolia, China and Viet Nam. A fifth working group was formed by observers from Pakistan and Sri Lanka. In each session, the working groups met separately to discuss the given topic and then reported back in plenary, with the end of the session set aside for response and discussion.

In the last working group session the participants were asked to draft an action plan aiming to improve the impact of laws and policies concerned with training and employment of people with disabilities.



6.1 Actions required of government

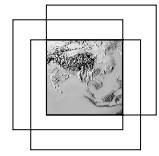
Following the first day's presentations by ILO specialists on aspects of the human rights based approach; the five working groups were requested to discuss what actions were required of their governments in moving towards a human rights approach in the training and employment of people with disabilities.

There was a general consensus among the groups that the following government actions were important, in line with a rights-based approach, to promote training and job opportunities for disabled people in their countries:

- The revision of national laws and policies concerned with people with disabilities with efforts to improve national compliance with international laws and conventions in the field.
- Adherence to a multisectoral approach that involves all relevant parts of government as well as social partners, disabled persons' organisations, training institutions and other key stakeholders in the development of national strategies, laws and policies in the disability field.
- Measures to improve the quality and scope of education and vocational training opportunities for disabled people by increasing enrolment in mainstream institutions and ensuring further training of vocational training instructors in inclusive approaches.
- Introduction of incentives to employers to increase job opportunities for disabled job seekers in the forms of tax exemptions, free public services and attractive loan schemes for adaptation purposes.
- Regular media campaigns and dissemination of information on relevant laws and disability issues that raise knowledge, awareness and understanding in society-among employers in particular - on the abilities and rights of disabled people.

The Mongolian group additionally stated that their government was planning to establish a national statistical database to survey the numbers and location of people with disabilities in the country. It was anticipated that the database would improve the basis for government policy-making as the compilation and analysis of data would provide better and more accurate assessments of the actual needs for assistance.

The working group from China, finally, expressed the need for governments to improve social security support to people with disabilities. It was pointed out that the living standards and insurance coverage for disabled people must be protected. The government should also promote the occupational rehabilitation of injured workers to help retain their jobs.



6.2 Actions required of social partners and disabled persons' organisations

The second working group session followed presentations by ILO specialists on what governments have been doing nationally and regionally to promote a rights-based approach to the employment of people with disabilities. The working groups were requested to discuss what initiatives social partners and disabled persons' organisations can undertake, separately or collaboratively, to promote the training and employment of people with disabilities while taking into account the human rights approach.

The five working groups each gave concrete suggestions on how social partners and disabled persons' organisations could advocate a rights-based approach through actions promoting the employability and employment of people with disabilities. The initiatives proposed in the five working group reports are summarized below according to key actors.

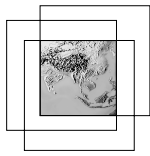
Initiatives by employers' organisations

Employers' organisations should engage in advocacy work and training provisions to raise knowledge and awareness among employers on the laws, policies and incentive schemes that promote and protect the rights of disabled people. The Chinese working group made particular reference to the international Global Compact Concept that advocates good corporate practices in compliance with international human rights, labour standards and environmental concerns.

Another useful activity for employers' organisations would be to conduct a success-case study on good employment practices for people with disabilities as an information service for its membership. This idea was supported by employers' representatives from both China and Mongolia. In the dissemination of good practices through case studies, special attention may be given to explaining and de-mystifying the concept of "reasonable accommodation," which is being introduced in an increasing number of countries to improve the employment opportunities for disabled job seekers.

Employers' organisations may also choose to engage in national policy-making processes to promote incentives and tax exemptions for investments and other costs related to the employment of people with disabilities. This could be done in collaboration with organisations representing workers and disabled people or separately. Tri-lateral and multisectoral collaboration in the promotion of means and aims for improving the job and training opportunities for disabled people in general was considered important.

Another relevant field for action identified for employers' organisations is to become involved in the design and promotion of preventive occupational health and safety measures. The clear objective is to reduce the risks, accidents and injuries in the workplace that may leave the injured employee with a lasting disability. One way to achieve this is to influence the drafting of national laws and policies concerning occupational health and safety, as is intended by MONEF.



It was also proposed that employers' organisations become involved in training activities aiming to build the capacity in the workplaces and among enterprise management to adopt inclusive approaches, for instance, in the recruitment process and the rehabilitation and job retention processes of an injured employee returning to work. The capacity to understand and interact with disabled job seekers in a non-discriminatory manner needs to be supported with a view to strengthen disabled people's opportunities to find jobs and, equally as important, to actually retain them.

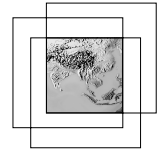
Self-employment among people with disabilities is considered a realistic alternative to standard wage employment by many including some disabled persons' organisations. Employers' organisations are often involved in providing various support services to small entrepreneurs and such initiatives should be inclusive and thus expanded to also cater for disabled entrepreneurs with a feasible business plan within the industrial sectors that the employers' organisation is affiliated to. As examples, it was mentioned that the employers' organisation from Vietnam plans to develop and deliver Start-and-Improve-Your-Business training for disabled entrepreneurs and Mongolia is pursuing apprenticeships for people with disabilities to promote self-employment.

Initiatives by workers' organisations

It was agreed that workers' organisations should work towards equality and non-discrimination with regard to the general wage and working conditions for disabled workers on the labour market. They should also seek ways to advocate the opportunities for disabled job seekers to find and retain employment. A decisive instrument in this regard is for workers' organisations to advocate the rights, claims and concerns of disabled workers in the collective bargaining process and ensure that these concerns also enter the collective agreements signed with employers. This was pointed out both by the Chinese and the Mongolian representatives. As part of advocating for better employment terms and conditions for people with disabilities, it was also suggested that workers' representatives seek to improve the legal environment with regard to occupational health and safety issues and other relevant labour law provisions.

Workers' organisations should advocate among their members the rights and abilities of disabled workers in order to raise knowledge and awareness. It was generally agreed by the working groups that negative attitudes and prejudices in society are some of the most difficult barriers for disabled job seekers to overcome in their search for income opportunities. The inclusion of people with disabilities in mainstream training and employment requires major changes in the level of awareness and knowledge in society at large and in the local labour markets. Workers' organisations should commit themselves to this task to serve and protect the rights of the disabled workers and fight against their socio-economic exclusion.

Workers' organisations should adopt inclusive approaches internally and take steps to ensure that their own membership services also are directed towards disabled workers and



meets their particular needs. This may include various welfare services, financial support and other existing trade union services such as micro credit schemes and legal assistance, as the ACFTU representative from China illustrated in his presentation.

Workers' organisations should be encouraged to provide facilities and trainers for inclusive training or tailor-made training programmes for people with disabilities to support their entry into the labour market. The working group representing Thailand suggested that workers' organisations themselves should show the way through good practices by improving the representation of disabled members in their executive bodies.

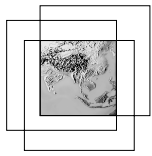
The monitoring of law implementation and enforcement is a critical activity, which workers' organisation should also be involved in. In Viet Nam, for instance, the aim is to improve the monitoring of enterprises significantly to cover about 70 per cent of enterprises employing people with disabilities. Workers' representatives would have a strong interest to be involved in the realisation of such an aim. The Mongolian working group proposed to set-up a tripartite structure for monitoring purposes as the involvement of the social partners was a benefit. The Thai working group and the mixed Pakistani-Sri Lankan working group suggested that workers' organisations get involved in monitoring law enforcement to improve the training and job opportunities of disabled people. Such a national structure already exists in Pakistan headed by a ministry. But labour market monitoring may cover more than just the working conditions offered to disabled workers - it can also cover job placement services accessible to disabled job seekers prior to employment.

Initiatives by disabled persons' organisations

The working groups called on disabled persons' organisations, first and foremost, to represent the views of the various disability groups in society and help them to mobilise into resourceful and preferably self-sustaining self-help groups. Disabled persons' organisations have a huge task in front of them in terms of strengthening the capacity of disabled people to be pro-active and claim their rights and equal access to training and job opportunities.

Disabled persons' organisation representatives can contribute to law and policy improvements in a country by acting as mediators or bridge-builders between disability communities and relevant government agencies and law makers. The inclusion of disabled persons in the national decision-making and policy-making processes is paramount in achieving the inclusive, barrier-free and rights-based society that the Biwako Millennium Framework prescribes. Disabled persons' organisations are considered key to this success and their commitment and actions must therefore be supported and encouraged.

The disabled persons' organisations – like the social partners – need to plan and implement public information and advocacy work on a continuous basis. Again, it was agreed that the general level of awareness and understanding among the public of the abilities and rights of disabled fellow-citizens and the barriers they face is far too low in the respective countries. The fact that disabled persons' organisations often enjoy the trust and



confidence of disabled people places these organisations in a key position to survey the needs, qualifications and inputs of these segments of society. Such surveys would be useful not only in their own policy and advocacy work, but they would also provide the qualitative and quantitative basis that is needed for policy-makers to make well-informed decisions on disability and inclusion issues. Other relevant recipients for such data compilation and synthesising would be employers, vocational training providers and job placement agencies among others.

The fact that disabled persons' organisations generally are building comprehensive insight and knowledge on the disability communities in a country over time can be a reason for them to also become involved in labour market related initiatives such as the provision of employment services for disabled job seekers. The Chinese working group advocated the involvement of disabled persons' organisations in such services as well as the monitoring of the compliance of laws and policies in the labour market, which was also supported by the Vietnamese and Mongolian working groups.

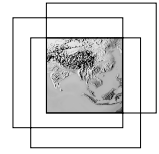
Academic institutions and their contribution

The Thai working group, which included representatives from Mahidol University, raised the relevance of also engaging academic institutions in promoting employment and training of disabled people. The group pinpointed some of the contributions and actions that academic and educational institutions can bring forward concerning disability issues.

First and foremost, the academic sector can carry out research and pilot projects testing and evaluating rights-based approaches to the inclusion of people with disabilities in mainstream training and employment. Secondly, the research institutions can act as resource base for the development and delivery of short-term courses aiming to build awareness, insight and the know-how of policy-makers, civil society groups, business communities and the general public to address disability issues in a rights-based way. Thirdly, the academic institutions can incorporate and mainstream disability issues into their ordinary curriculum across faculties and in this way help to raise interest among their students. Finally, the tertiary education sector can advocate an inclusive and barrier-free society, and take steps to secure the opportunities for education-seeking people with disabilities to be enrolled in their education programmes.

Concluding remark

It stood out clearly from the five working group reports that tripartite and multi-sectored approaches and actions on the country level were considered relevant and necessary in promoting and protecting the rights of people with disabilities. It was agreed that social partners, disabled persons' organisations and academic institutions as well as governments have important roles to play when it comes to facilitating the political, social and economic changes needed to secure the full inclusion of disabled people in society. Widespread collaboration is of key importance.



6.3 Coordinated, national actions

On the final day of the technical consultation, the five working groups were asked to discuss and outline what actions that can be taken in their respective countries by governments, social partners and disabled persons' organisations, separately or collaboratively, to improve the practical impact of laws and policies concerning the training and employment of people with disabilities. Each group gave an outline of their desired goals and the action steps they believed were needed to achieve those goals. When possible, working groups specified the lead actors in accomplishing each goal.

China:

- **Improve system of laws and regulations for people with disabilities**

The Social Security Law on People with Disabilities should be revised by 2007, and the Contract Labour Law and Social Security Law should be revised by 2006. The China group also recommended that the legislature include provisions for disabled workers and job-seekers in the new Law on Employment Promotion, currently being developed. The main actors would be the China Disabled Persons' Federation, the Ministry of Labour and Social Security and the Ministry of Finance.

- **Establish National Statistical Indicators to Include People with Disabilities**

The Chinese delegation believed better national statistics were needed to reflect the unemployment rate of people with disabilities. The Ministry of Finance could allocate a budget of 5 million US\$ to the National Statistic Bureau to make this possible.

- **Ensure equal employment opportunities for people with disabilities**

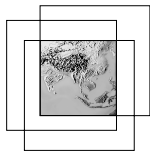
The Chinese government should launch a scheme to assist in and subsidize the employment of disabled workers, and provide free employment services to disabled people looking for work. The delegation also suggested that the government should employ disabled workers itself in the public sector, and provide tax exemption or loan schemes for self-employed people with disabilities.

- **Establish and provide free vocational training for people with disabilities to enhance their employability.**

The China Disabled Persons' Federation should advocate that vocational training of disabled persons should be increased to provide for 1.5 million people with disabilities per year. This undertaking would require an annual budget of 2.5million US\$ that could come from the Social Security Fund. The Chinese working group added that trade unions and employers could also play an important role in including people with disabilities in their training.

- **Improve social environment for people with disabilities**

The China Disabled Persons Federation should develop media campaigns to promote the implementation of disability laws and regulations. The media should also perform



an annual case study of successful working people with disabilities, to support the confidence of disabled people and to improve attitudes. The government should undertake more technical consultations that involve different ministries and social partners.

Mongolia:

- **Develop a national strategy document**

Mongolia should develop a national document that aims to implement the standards set forth in ILO Conventions.

- **Improve vocational education and training laws**

Within the first quarter of 2006, the Mongolian legislature should amend its national vocational training law to include provisions on the inclusion of disabled people in vocational training in order to improve their opportunities. It should contain a quota mechanism to help increase the enrolment of disabled students. The amendment should be drafted with the support of the Ministry of Social Welfare and Labour, the Office for Employment and technical consultation from the ILO/Irish Aid project.

- **Develop, adopt and implement a law on occupational health and safety**

The drafting of a new occupational health and safety law should be based on the consultation of employers, workers, NGOs, the Ministry of Social Welfare and Labour, Members of Parliament, and district-level government officials. The drafting should be finalized by the third or fourth quarter of 2006.

- **Establish a database for information on people with disabilities**

The new database would serve as a basis for policy-making in the future. It should be completed by the fourth quarter of 2006 by the Ministry of Social Welfare and Labour and the Employment Office.

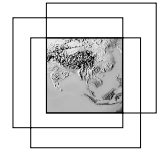
- **Develop a curriculum on people with disabilities in higher education institutions**

- **Develop a mechanism to make employment of disabled workers attractive to employers**

There should be a better incentive system for employers who hire and provide benefits for disabled employees. It will also require a change of attitudes on the behalf of employers, which can be accomplished by media campaigns establishing positive images of disabled workers and a human rights-based approach. The Ministry of Social Welfare and Labour should also take a role.

- **Improve employment opportunities for people with disabilities**

The private sector should take on a major role in creating new job opportunities for disabled people in Mongolia, but employers may need training on how to do this and why it is such an important issue. MONEF together with disabled persons' organisations should document cases of good practice of the employment of disabled workers to better encourage other companies. An information centre should also be established as a resource for disabled people looking for new jobs.

**Viet Nam:**

- **Ratification of ILO Convention No. 159**

The Ministry of Labour, Invalids and Social Affairs should conduct a multi-sector survey of what is needed to develop and submit a proposal for the ratification of ILO Convention No. 159. There should also be national workshops and campaigns to promote its ratification.

- **Raise awareness about legal documents pertaining to the rights of people with disabilities**

Too often, people are unaware of the rights afforded to disabled people by the country's laws and regulations. The National Committee of Social Affairs should supervise the implementation of these laws while trade unions and other stakeholders should organize awareness training among all stakeholders of Viet Nam's pertinent legal documents and policies guaranteeing the rights of people with disabilities. This effort should take place in 2006 or early 2007, with funding from the Vietnamese government and donors, such as the ILO. Someone should also develop a small manual for employers and unions outlining the legal documents and the expressed rights of people with disabilities.

- **Encourage universities to become involved in disability issues**

The Vietnamese delegation welcomed the participation of the Thailand's Mahidol University in the technical consultation, expressing regret that the participation of Vietnamese universities in disability issues was limited.

Thailand:

- **Ratification of ILO Convention No. 159**

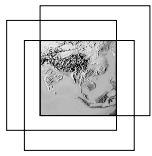
- **Change societal attitudes to ensure equal treatment and opportunities for people with disabilities**

The media has an important role to play in the changing of attitudes towards people with disabilities. There should be a new focus on the issue, including training materials that influence the attitude of employers and entertainment productions that portray and employ disabled people as any other person. People with disabilities have a responsibility to influence and lead the media in portraying disabilities in a positive light, although they should also employ an image specialist. To accomplish this goal, people with disabilities will have to build up their self-confidence and know their rights and the respect they deserve.

Sri Lanka:

- **Ratification of Convention No. 159**

Government, employers and workers should organize tripartite workshops and there should be research on Sri Lanka's existing laws to avoid complications during the ratification process.



- **Prepare a database on people with disabilities**

Maintenance of the database should be dispensed to one authority, such as the Ministry of Social Welfare. Information collection for the database should take place every five years.

- **Train vocational training instructors in disability issues**

Vocational training instructors should be trained in disability issues and how to train and give better opportunities to disabled students. Currently, vocational training in Sri Lanka is coordinated by too many different ministries; they should be coordinated under one government body. There should also be better coordination between training centres and the business community to create better opportunities.

- **Create a quota system for disabled employees**

Currently, Sri Lanka has no quota system for the hiring of disabled employees. The Employer's Federation of Ceylon has done a lot of work to encourage the hiring of disabled employees, but the added incentive of a quota system would be helpful.

- **Awareness building among employers**

The Employer's Federation of Ceylon should put together and publish a book detailing success stories of companies who hired disabled workers to create greater awareness among employers of the productivity of people with disabilities.

Pakistan:

- **Determine the extent of disabilities in Pakistan and their causes**

Knowledge on the extent and cause of disabilities is necessary in planning effective disability services. The Pakistani government together with the World Health Organisation should compile information on the extent of disabilities in Pakistan.

- **Reduce disability onset through primary and secondary preventions**

A reduction in the number of disability onsets can be achieved through stricter enforcement of traffic and other safety laws with the help of the Ministry of Health and the Ministry of Education.

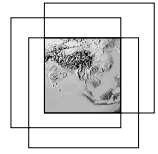
- **Strengthen special education of people with moderate and severe disabilities**

The Director General of Special Education and the National Association of Handicapped Children should work to strengthen the education of people with disabilities.

- **Pursue implementation of existing disability laws**

In order to determine what new laws are needed, all existing laws must first be properly implemented.

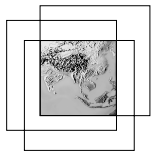
- **Create a barrier-free physical environment in public spaces and commercial buildings**



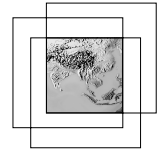
- **Raise public's acceptance of people with disabilities**

Media awareness and influence will play a major role in improving the public's acceptance of people with disabilities, which will in turn improve their integration. The Ministry of Public Broadcasting should take the lead in portraying people with disabilities advocating disability issues.

During the working group plenary reporting session, there was a consensus among the working groups from Viet Nam, Thailand and Sri Lanka to promote the ratification of the ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159). Mr Swepston congratulated each delegation on their action plans which were very comprehensive, and encouraged the exchange of information through the international network that had built up during the technical consultation.



Employment of People with Disabilities – A Human Rights Approach



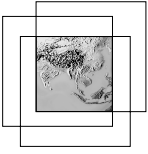
VII. Next Steps

The technical consultation provided the opportunity for representatives of government, worker, employer and disabled persons' organisation representatives from the participating countries to network with each other. The national action plans developed in the third working group session will hopefully serve as a basis for action by these participants in their respective countries, and the contacts built up during the consultation will hopefully be useful, when it comes to implementing these plans.

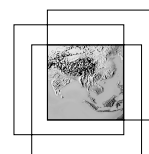
As a follow-up to the technical consultation, the ILO-Irish Aid programme will provide support to China, Mongolia, Viet Nam and Thailand, for initiatives to improve the formulation and implementation of legislation. This assistance will be provided in the following forms:

- Technical support, on request, in the process of developing or reforming laws and policies on the employment and training of disabled persons;
- A training course for key stakeholders on laws and policies and their implementation in collaboration with a national training institution; and
- Support to develop a media strategy to promote positive images of disabled persons at work.

It is hoped that the project activities will assist countries to implement the Biwako Millennium Framework and the Action Plan of the Asian Decade of Persons with Disabilities from 2003 to 2012, as well as contributing to the national agenda concerning disability issues and paving the way for the implementation of the UN Convention on the Rights of Persons with Disabilities, due to be adopted in late 2006.



Representatives from China, Mongolia, Pakistan, Sri Lanka, Thailand and Viet Nam together with ILO specialists that participated in the **Tripartite Technical Consultation on the Employment of People with Disabilities. A Human Rights Approach**. The technical consultation was held in Bangkok from 18 to 20 January, 2006, organised by the International Labour Organisation and funded by Irish Aid, Ireland.



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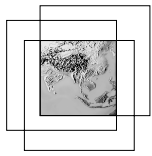
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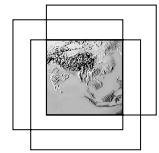
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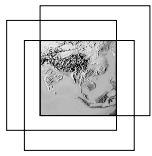
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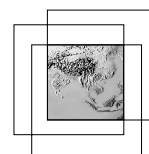
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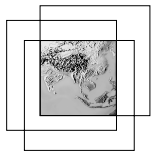
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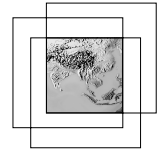
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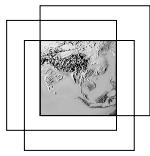
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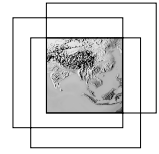
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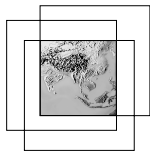
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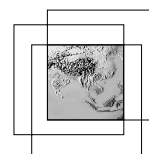
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Annex II. Programme for the tripartite technical consultation

Wednesday, 18 January

Moderator: Debra Perry, ILO Senior Specialist in Vocational Rehabilitation

8:30-9:30 Registration at United Nations Conference Centre (UNCC)

9:30-10:00 Opening Session:

Ms Lin Lean Lim, ILO Deputy Regional Director for Asia and the Pacific

Mr Thapabutr Jamasevi, Dep. Permanent Secretary of Ministry of Labour, Thailand

Prof Vitit Muntarbhorn, UN Special Rapporteur on the Situation of Human Rights in DPR Korea

Mr Suporntrum Mongkolsawadi, Principal, the Redemptorist Vocational School for Disabled, Chonburi

10:00-10:30 Coffee/Tea Break

10:30-11:00 Introduction to the ILO

Overview of Technical Consultation/Barbara Murray, ILO

11:00-13:00 First thematic presentations on 'Employment of People with Disabilities – Moving towards a Human Rights Approach'

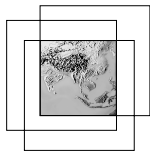
Lee Swepston, ILO *What is a rights-based approach and can it be used in practice?*

Tim de Meyer, ILO *General Overview on national and international legislation*

Barbara Murray *Moving towards a human rights approach–Key considerations*

Discussion

13:00-14:30 Lunch



Moderator: Barbara Murray, ILO Senior Disability Specialist

14:30–14:45 Introduction to 1st Working Group Session

Moving towards a human rights approach to training and employment of people with disabilities: What action is required of governments?

14:45-16:15 1st Working Group Session

16:15-16:45 Coffee/Tea Break

16:45-18:00 Plenary - Feedback from working groups

Discussion

18:30 Reception

Thursday, 19 January

Moderator: Anne Richmond, ILO Skills Development Specialist

9:00-9:15 Impressions of Day 1 (Participant)

Summary of Day 1 discussions (ILO)

9:15-10:30 Second thematic presentations on ‘What have governments been doing nationally and regionally to promote a human rights approach to the employment of persons with disabilities?’

Debra Perry, ILO *The Asia-Pacific Experience*

Lee Swepston, ILO *Experiences from ILO and UN supervision*

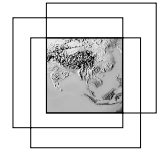
Barbara Murray, ILO *Developing and enforcing rights-based legislation – effective consultation, monitoring and enforcement mechanisms*

Discussion

10:30-11:00 Coffee/Tea Break

11:00-13:00 Promoting employment opportunities for people with disabilities: What is the way forward?

- Collaboration between all groups in society is central, if disabled persons are to get their rights. What is the best way to get everyone involved? Example from Viet Nam by Mr. Nghiem Xuan Tue, National Coordinating Council on Disability of Vietnam



- How can trade unions advocate employment opportunities for disabled workers? Example from China by Mr. Jieping Chen, All China Federation of Trade Unions
- How to encourage parliamentarians to improve the laws concerning disability? Example from Mongolia by Mr. Oyunbaatar Tseden, Mongolian National Federation of Disabled Persons' Organisations
- How can employers be motivated to recruit disabled persons? Example from Thailand by Mr. Chainat Chitwattana, Advisor for the Employers' Confederation of Thailand
- What is needed to assist disabled persons to find employment? Example from Thailand by Mr. Suporntum Mongkolsawadi, Redemptorist Vocational School for the Handicapped

Discussion

13:00-14:30 Lunch

Moderator: Debra Perry, ILO Senior Specialist in Vocational Rehabilitation

14:30-14:45 Introduction to 2nd Working Group Session

What initiatives can the social partners and disabled persons' organisations undertake, separately or collaboratively, to promote the training and employment of people with disabilities taking into account the human rights approach?

14:45-16:15 2nd Working Group Session

16:15-16:45 Coffee/Tea Break

16:45-18:00 Plenary-Feedback from working groups

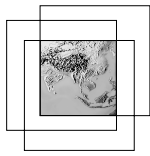
Discussion

Friday 20 January

Moderator: Lee Swepston, ILO Senior Advisor on Human Rights

9:00-9:15 Impressions of Day 2 (Participant)

Summary of Day 2 discussions (ILO)



Employment of People with Disabilities – A Human Rights Approach

- 9:15-10:10** Third thematic presentation on media and communication strategies by Ms. Heather Kelly, Asia Works Television, Ms. Lyndal Barry and Mr. Robert Horn
Discussion
- 10:10-10:15** Introduction to 3rd Working Group Session
What actions can be taken at country level by governments, social partners and disabled persons' organisations, separately or collaboratively, to improve the practical impact of laws and policies concerning the training and employment of people with disabilities?
- 10:15-11:15** 3rd Working Group Session
- 11:15-11:30** Coffee/Tea Break
- 11:30-12:30** Plenary-Feedback from Working Groups
Discussion
- 12:30-13:00** Review of the consultation, concluding remarks, next steps and closing of the technical consultation
Barbara Murray, Debra Perry, Lee Swepston (ILO)
- 13:00** Lunch



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ISBN 92-2-118788-8



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