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Mainstreaming Disability Issues

Current Trends

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Overview

- Different dimensions of mainstreaming
- Trends towards mainstreaming - internationally and nationally.
- Key concerns



Dimensions of mainstreaming

- Policy statements
- Legal instruments
- Practice (Programmes, services, projects)
- Impact, Outcomes



Mainstreaming – International Trends

- 13 major international disability-related initiatives, featuring mainstreaming of people with disabilities
- 9 international initiatives mentioning people with disabilities
- 8 major human rights/non-discrimination instruments



International Initiatives concerning Disabled Persons

- ILO Recommendation concerning Vocational Rehabilitation of the Disabled 1955
- UN Declaration on the Rights of Mentally Retarded Persons, 1971
- UN Declaration on the Rights of Disabled Persons 1975
- UN International Year of Disabled Persons 1981
- The World Programme of Action Concerning Disabled Persons, 1982
- U.N. Decade of Disabled Persons, 1983-92
- ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) 1983, (No., 159) and Recommendations 168.
- Council of Europe Coherent Policy for the Rehabilitation of Persons with Disabilities, 1992
- U.N. Standard Rules, 1993
- The Asian and Pacific Decade of Disabled Persons, 1993-2002
- Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities 1999
- The African Decade of Disabled Persons, 1999 - 2009
- Proposed UN Convention on the Rights of Persons with Disabilities



International Initiatives

- Promote full participation with equality of disabled persons in all aspects and sectors of society
- Promote view of disability as a form of social diversity
- Point to the need for a “society for all”
- People with disabilities as citizens, disability as a *rights* issue



International Instruments with explicit mention of Disabled Persons

- ILO Employment (Transition from War to Peace) Recommendation No. 71 1944
- ILO Social Security Convention 1952
- European Social Charter 1961
- ILO Human Resources Development Convention (No 142) and Recommendation 150, 1975
- Vienna Declaration and Programme of Action, World Conference on Human Rights 1993
- The Copenhagen Declaration and Programme of Action, World Summit for Social Development, 1995
- EU Treaty of Amsterdam 1997
- EU Charter of Fundamental Rights 2000
- EU Directive on Discrimination 2000



National Legal Frameworks

- National laws to promote employment
 - Quota obligations
 - Employment Equity/Non-Discrimination
 - Job Retention
- National laws regarding training
 - Equity/anti-discrimination laws
 - Constitutional provisions
 - Provisions for special training



Human Rights/Non Discrimination Instruments

- **No explicit mention of disabled persons**
 - **Universal Declaration of Human Rights 1948**
 - **European Convention on Human Rights 1950**
 - **ILO Discrimination (Employment and Occupation) (No. 111) 1958**
 - **U.N. Covenant on Economic, Social and Cultural Rights 1966**
 - **U.N. Covenant on Civil and Political Rights 1966**
- **With explicit mention of disabled persons**
 - **Convention on the Rights of the Child**
 - **African Charter on Human and Peoples' Rights**
 - **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights**



Role of International Initiatives

- Individual countries hold primary responsibility for achieving goals of full participation and equality for people with disabilities
- International Action directed to assist and support national efforts
- Some direct action through policy advice, advocacy work, technical assistance, research, publications.



National Level Initiatives

- Policies
- Laws
- Practice (Programmes, Services, Projects)



National Policy Statements

- Many governments have adopted policies which aim to promote the rights of people with disabilities to participate as fully as possible in society.
- These include policies to
 - promote access to mainstream vocational training
 - improve employment opportunities



Variations in Laws, Policies

- Consultation Process
- Models of Disability
- Definitions of Equality
- Enforcement Mechanisms
- Implementation Measures



Consultation Process

- Who is involved?
 - Representatives of employers and workers' organizations?
 - Representatives of relevant government institutions?
 - Representatives of disabled persons?
- How is it structured?
 - Ad Hoc Tripartite Task Force?
 - Existing Tripartite Bodies?
 - Direct contact between Ministry and Social Partners?
 - Meetings arranged by national, international consultants?



Models of Disability

- Moral/Charity Model?
- Medical Model?
- Social Model?
- Combinations of each?



Defining 'Equality'

- Judicial, formal equality
 - 'Opening the door'
 - No account taken of differences
- Equality of results
 - Focus on outcome
 - No focus on process
- Equality of opportunity
 - Focus on equal chances
 - Individual and structural sources of inequality tackled



Enforcement mechanisms

- Labour Inspectorate
- Administrative monitoring system
 - National Disability Council
 - Equality Commission
- Judicial system
 - Criminal cases
 - Civil cases
 - Labour Law cases



Implementation Measures

- Measures involving obligation

- Quota scheme
- Reserved job
- Job retention
- Supports to employers, workers

- Measures involving persuasion

- Supported employment
- Codes of Good Practice
- Employer awards
- Supports to employers, workers



Practice at National Level

- Employment
 - Open/Competitive Employment
 - Sheltered Employment
 - Supported Employment
 - Social Enterprises
- Training
 - Mainstream Training Centres
 - Special Centres
 - On-Job Training



Outcomes/Impact

- Evidence available for some countries only
- Lack of impact assessment – most common
- Some progress made
- Progress not as fast or far as expected



What is the Evidence?

- Quota schemes
- Employment Equity/Non-discrimination laws
- Training
- Employment rates



Moving Towards Mainstreaming – Key Questions

- **Who is involved in the development of laws, policies?**
- **Who is involved in their implementation?**
- **What is the underlying definition of disability?**
- **What provision for affirmative action, capacity building?**
- **What provision for enforcement?**
- **What clash between the provisions of different laws, policies?**
- **What monitoring of impact?**



Moving Towards Mainstreaming – Key Concerns

- **How can achievements to date/quality of service be maintained, in moving from specialist to mainstream provision?**
- **How can disincentive effects of mainstreaming policies be avoided?**
- **If preparations are not adequate, mainstreaming may fail.**



Mainstreaming: what needs to be done, by whom?

- Governments
- Social Partners (Employers and Workers)
- Organizations of and for People with Disabilities
- Education and Training agencies, institutes
- Banks
- Media
- International Organizations
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