

Introduction from the Editor-in-Chief

Fundamental labor rights are not exclusively about workers or employees; they also provide protection to a number of more specific vulnerable groups, such as children, ethnic minorities, women, migrant workers, and disabled people. This function of labor law is particularly visible in relation to norms on nondiscrimination and equal treatment. Moreover, a vast number of these substantive norms are enshrined in the core international human rights treaties and their implementation is monitored by United Nations (UN) treaty-based bodies. Two such cases feature in the present issue of the *International Labor Rights Case Law*, one by the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) and other by the UN Committee on the Rights of Persons with Disabilities (CRPD Committee).

The first case, *Anna Belousova v Kazakhstan*, concerns Communication No. 45/2012 of 25 August 2015 by the CEDAW Committee. Anna Belousova was a staff member at a primary school. When her new employer proposed that she engage in a sexual relationship with him and tried to extort money from her, she refused; subsequently, her employment contract was not extended. The Committee found that the State had not taken all appropriate measures to ensure effective protection of Belousova's rights, that the employer had abused his subordinate and had taken advantage of her powerless position. In her analysis, Professor Frances Raday of the Concord Research Center for Integration of International Law in Israel applauds the decision of the Committee but also makes some critical observations. She argues that various aspects of women's human rights—discrimination, violation of human dignity, health and safety, and violence—are inextricably linked. She offers a number of detailed measures that may assist in preventing or remedying situations like that in *Anna Belousova v Kazakhstan*.

A second case, analyzed by Professor Lisa Waddington of Maastricht University, concerns Communication No. 9/2012 of 19 May 2015 by the CRPD Committee, *A.F. v Italy*. Italian law posits a quota for disabled persons, which requires certain public employers to ensure that half of the positions filled through competitive exams are reserved for registered persons with disabilities. Professor Waddington understands why the Committee found no violation of Article 27 of the CRPD, but raises a number of issues with the Committee's judgment. First, she regrets that the Committee did not reflect on the role of

structural or systemic discrimination, which may have placed the applicant at a persistent disadvantage. Second, she reiterates that quota schemes may be concerned primarily with quantity over quality, which may lead to a situation in which disabled people are employed primarily in low-paid, low-status jobs with little professional growth opportunities.

Both cases and commentaries reveal underlying issues related to different forms of discrimination and the particularly vulnerable position that certain groups may have in respect of acquiring or keeping decent employment opportunities. They also indicate the important role of human rights treaty bodies in supervising the implementation of fundamental social rights. As always, the editorial team welcomes suggestions of cases for inclusion in later issues from our readers. Please email ILaRC@TheHagueInstitute.org

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