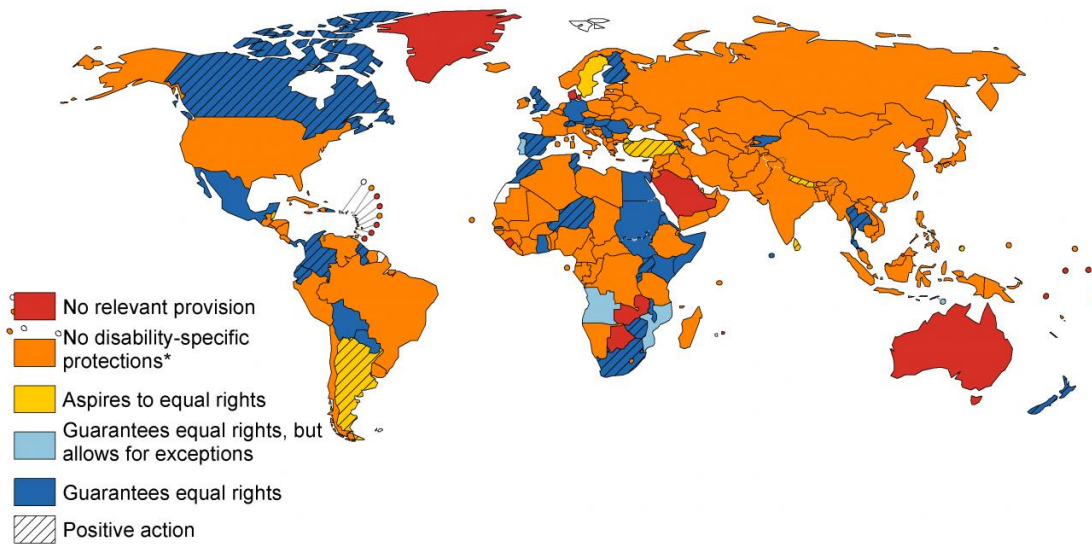


# Putting fundamental rights of persons with disabilities on the map

December 2 2016

## Does the constitution guarantee equality and non-discrimination to persons with disabilities?



\*These constitutions do not include disability-specific protections, but they do broadly guarantee equal rights and non-discrimination. This map is focused on specific constitutional guarantees for persons with disabilities.

Source: *WORLD Policy Analysis Center, Constitutions Database, 2014*

Guaranteeing equality and non-discrimination. Credit: *WORLD Policy Analysis Center, Constitutions Database, 2014*

Ten years ago this month, the United Nations adopted the Convention on

the Rights of Persons with Disabilities (CRPD)—a landmark human rights treaty among countries around the world to protect the fundamental rights of all persons with disabilities.

With more than 1 billion people worldwide—15 percent of the global population—living with some form of disability, CRPD has become one of the most rapidly ratified human rights treaties in history. More than 168 [countries](#) are now represented.

But have the promises made 10 years ago been kept?

The WORLD Policy Analysis Center at the UCLA Fielding School of Public Health produced a far-reaching analysis of countries' efforts, since the adoption of CRPD, to enact and address global rights, laws and policies that affect persons with [disabilities](#).

While progress through the convention and global social movements has occurred, nations still have a long way to go in fulfilling their commitments, the analysis found.

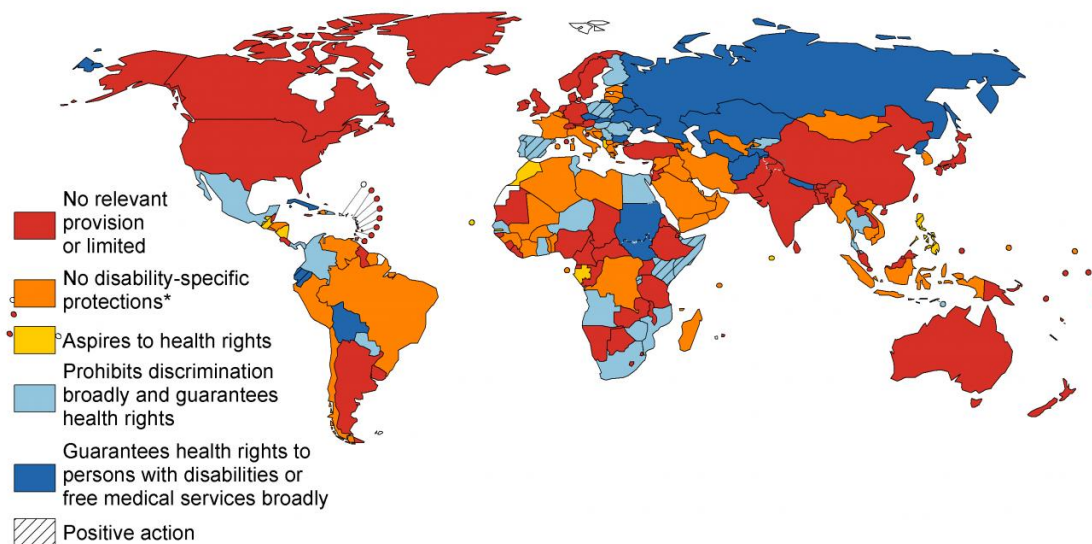
"The United States has strong laws guaranteeing equal rights in education, work, and civic life, which have led to dramatic progress in our lifetime," said Dr. Jody Heymann, founding director of the WORLD Policy Analysis Center and dean of the UCLA Fielding School of Public Health. "More recently, the Affordable Care Act significantly reduced barriers to affordable health care for people with disabilities by guaranteeing access to insurance regardless of pre-existing conditions. However, particularly as the ACA and other laws are facing new threats, the importance of a foundation of constitutional equal rights is clear. The U.S. Constitution does not explicitly grant equal rights to persons with disabilities—a critical gap that needs to be addressed."

Only 24 percent of countries in the world have constitutions that

specifically prohibit discrimination or guarantee equal rights on the basis of disability.

WORLD examined concrete steps taken by countries to protect the rights of persons with disabilities and reduce inequality. Among the global findings:

### Does the constitution guarantee the right to health for persons with disabilities?



\*These constitutions do not include disability-specific protections, but they do broadly guarantee health rights. This map is focused on specific constitutional guarantees for persons with disabilities.

Source: WORLD Policy Analysis Center, Constitutions Database, 2014

Guaranteeing right to health. Credit: WORLD Policy Analysis Center, Constitutions Database, 2014

## Overall Equal Rights

- Constitutional rights provide a foundation for demanding greater equity and overturning discriminatory laws. Constitutional guarantees of equal rights on the basis of disability have been used to challenge hiring discrimination in Mexico, strengthen political representation of people with disabilities in Uganda, and improve access to health services in Canada.
- Yet, less than 10 percent of countries' constitutions explicitly guarantee civil rights to persons with disabilities.

Does the constitution guarantee equality and non-discrimination to persons with disabilities?

## **Education**

- Only 28 percent of countries protect through their constitutions the right to education for children with disabilities.
- Substantial obstacles to education and meaningful learning opportunities for children with disabilities are common. In low- and middle-income countries, school enrollment rates for children with disabilities are commonly 30 to 50 percentage points lower than their counterparts.
- Five percent of countries have no provisions for children with disabilities in the public school system and 12 percent only meet their needs in separate schools, some limited to specific types of disability.

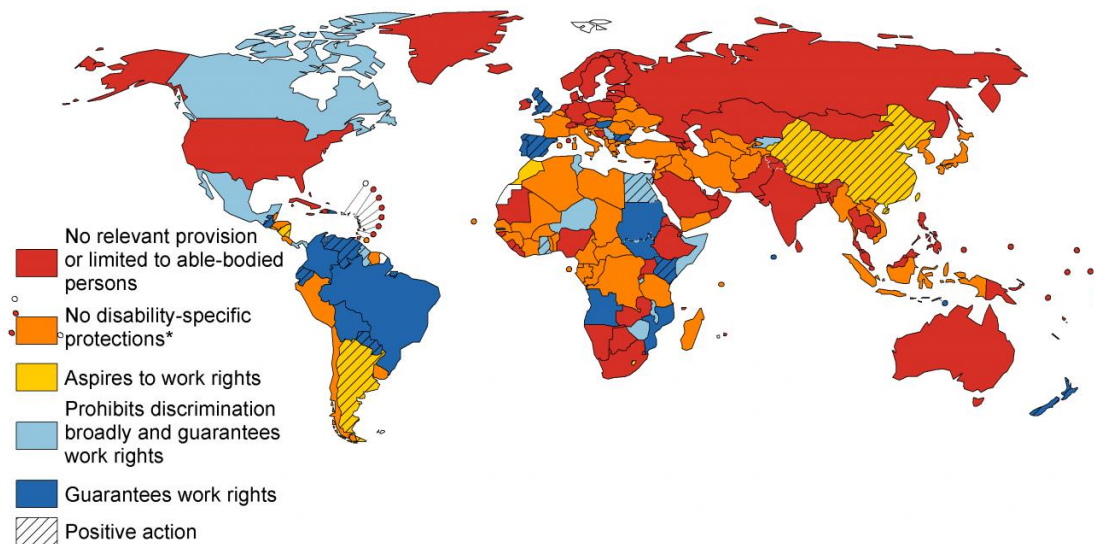
Is inclusive education available for children with disabilities?

## **Work**

- Only 18 percent of countries constitutionally protect the right to work for persons with disabilities.

- However, employment rights are becoming more common. Of the constitutions adopted in 2010 or later, 58 percent guarantee the right to work for persons with disabilities compared to only 11 percent of those constitutions adopted before 1990.
- According to preliminary findings for the 25 most populous countries focused on legislative protections against workplace discrimination, 14 broadly protect persons with disabilities from discrimination at work, and eight protect workers with disabilities from indirect discrimination.

## Does the constitution guarantee the right to work for adults with disabilities?



\*These constitutions do not include disability-specific protections, but they do broadly guarantee work rights. This map is focused on specific constitutional guarantees for persons with disabilities.

Source: WORLD Policy Analysis Center, Constitutions Database, 2014

Guaranteeing right to work. Credit: WORLD Policy Analysis Center, Constitutions Database, 2014

Does the constitution guarantee the right to work for adults with disabilities?

## Health

- Only 26 percent of constitutions explicitly guarantee the right to health for persons with disabilities.
- Access to early intervention services can be critical for children with disabilities, and paid leave policies can provide working parents with the ability to meet their children's health and developmental needs without losing income. Only 11 percent of countries provide paid leave specifically to meet the health needs of children with disabilities.
- Although guarantees remain uncommon, 63 percent of constitutions adopted in 2010 or later guarantee the right to health for persons with disabilities compared to only 6 percent of those adopted before 1990.

Does the constitution guarantee the right to health for persons with disabilities?

Among countries with constitutions adopted since 2010, 68 percent prohibit discrimination based on disability, while 58 percent guarantee the right to work for adults with disabilities, and 63 percent guarantee the right to education for children with disabilities.

"The WORLD Policy Analysis Center has provided a unique and invaluable resource for anyone interested in disability social justice," said Michael Stein, executive director of the Harvard Law School Project on Disability, who participated in the drafting of the U.N. Convention on the Rights of Persons with Disabilities. "The data, which is accessible to all and includes easy to grasp graphics, will be used by rights advocates, policy makers, and researchers, to understand relative

progress of laws and policies across the globe."

Heymann summarized the findings, "The Convention on the Rights of Persons with Disabilities is a promise from our global community to enact and enforce laws that guarantee equality and inclusion. Yet we are far from the world we need—where every country has ratified the convention and every country that has ratified the convention has guaranteed people with disabilities equal rights, ensured education is fully inclusive, and protected people from discrimination at work."

Provided by University of California, Los Angeles

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