

Fundamental Constitutional Rights and Policy Approaches for Persons with Disabilities in 193 UN Member States

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Presenter Disclosures

<Isabel Latz>

- The following personal financial relationships with commercial interests relevant to this presentation existed during the past 12 months:

<No relationships to disclose. >



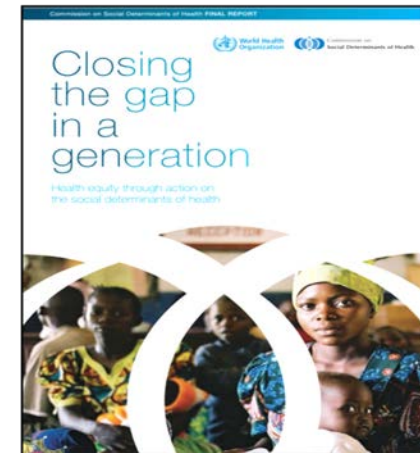
Objectives

1. *Identify* fundamental rights of persons with disabilities in constitutions of 193 countries
2. *Compare* relevant rights and national policies for adults and children with disabilities
3. *Discuss* the relevance of constitutional provisions, legal and policy approaches



Social Determinants of Health

- *“ . . . avoidable health inequalities, arise because of the circumstances in which people grow, live, work, and age . . . The conditions in which people live and die are, in turn, shaped by political, social, and economic forces.”*
(WHO Commission on Social Determinants of Health, 2008)



Fundamental Human Rights

- *“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of . . . disability . . .”*
(Universal Declaration on Human Rights, Art. 25(1), 1948)



A Series of Movements

- 1975: Declaration on the Rights of Disabled Persons
- 1989: Convention on the Rights of the Child
 - Article 2 & 23
- 1993: UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities
- 2006: UN Convention on the Rights of Persons with Disabilities



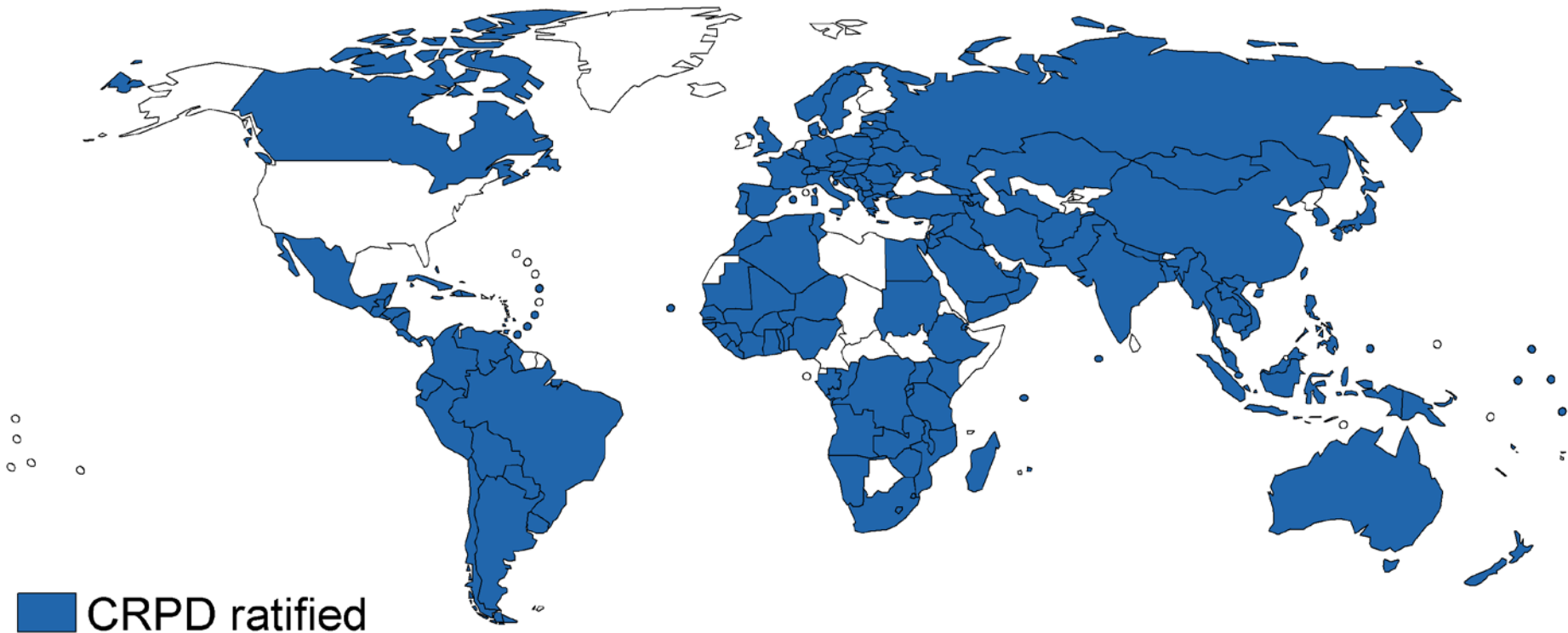
UN Convention on the Rights Of Persons with Disabilities (CRPD)

- *“To ensure and promote full realization of all human rights and fundamental freedoms for all persons with disabilities”* (CRPD, Art. 4)
- Including rights to general equality and non-discrimination, and in civil, social, cultural, economic and political spheres



Who has ratified the CRPD?

157 UN Member States as of October 2015



Barriers Facing Persons with Disabilities

- Lower access to education
- Marginalization in employment
- Inadequate access to health care services
- Restrictions in exercising legal capacity



Why Constitutions?

- Embody fundamental rights
- Provide more permanent guarantees
- Shape social norms
- Provide legal basis to challenge discrimination and adopt laws promoting access to equal rights



What is WORLD?

- The WORLD Policy Analysis Center (WORLD) aims to improve the quantity and quality of globally comparative data on laws and policies affecting health, development, well-being and equity
- Data on +1000 policies in 193 countries



Overview of WORLD Priority Areas

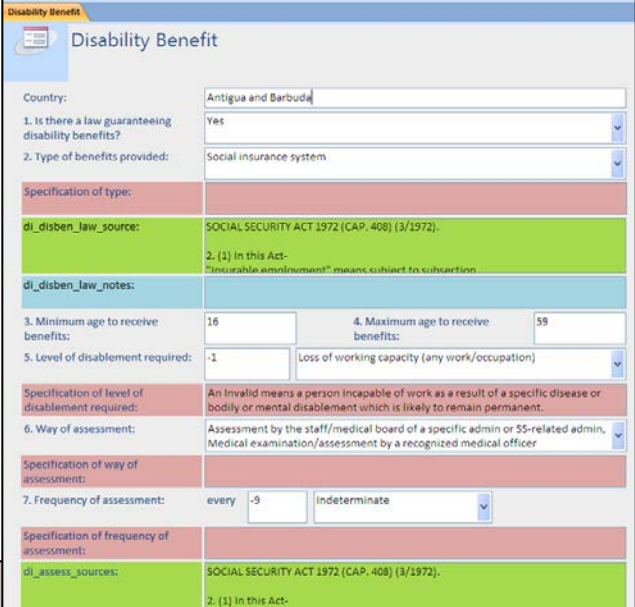
- ✓ Childhood
- ✓ Marriage
- ✓ Equal Rights and Discrimination
- ✓ Health
- ✓ Poverty
- ✓ Education
- ✓ Gender
- ✓ Disability
- ✓ Aging
- ✓ Adult Labor and Working Conditions

-and many more-



WORLD Methodology

- Coding in original language
- National legal sources from global compendiums
- Reviewed in comparative, consistent, systematic way
- Quality Checks



Disability Benefit

Country: Antigua and Barbuda

1. Is there a law guaranteeing disability benefits? Yes

2. Type of benefits provided: Social insurance system

Specification of type:

di_disben_law_source: SOCIAL SECURITY ACT 1972 (CAP. 408) (3/1972).

2. (1) In this Act- "insurable employment" means subject to subscription

di_disben_law_notes:

3. Minimum age to receive benefits: 16 4. Maximum age to receive benefits: 59

5. Level of disablement required: -1 Loss of working capacity (any work/occupation)

Specification of level of disablement required: An Invalid means a person incapable of work as a result of a specific disease or bodily or mental disablement which is likely to remain permanent.

6. Way of assessment: Assessment by the staff/medical board of a specific admin or SS-related admin, Medical examination/assessment by a recognized medical officer

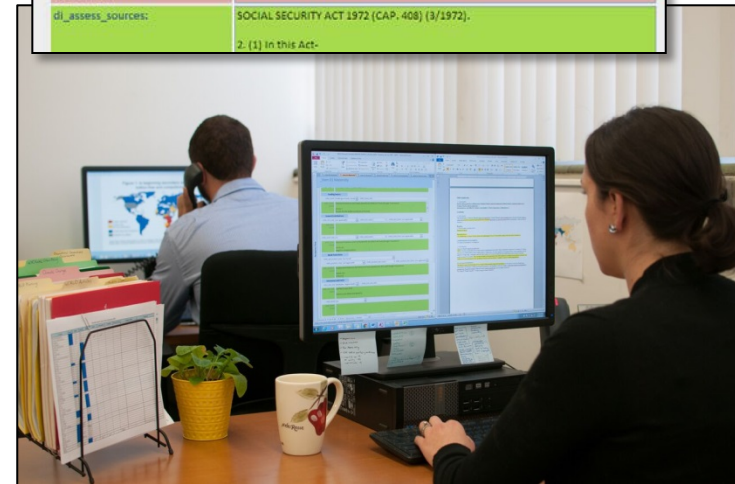
Specification of way of assessment:

7. Frequency of assessment: every -9 Indeterminate

Specification of frequency of assessment:

di_assess_sources: SOCIAL SECURITY ACT 1972 (CAP. 408) (3/1972).

2. (1) In this Act-

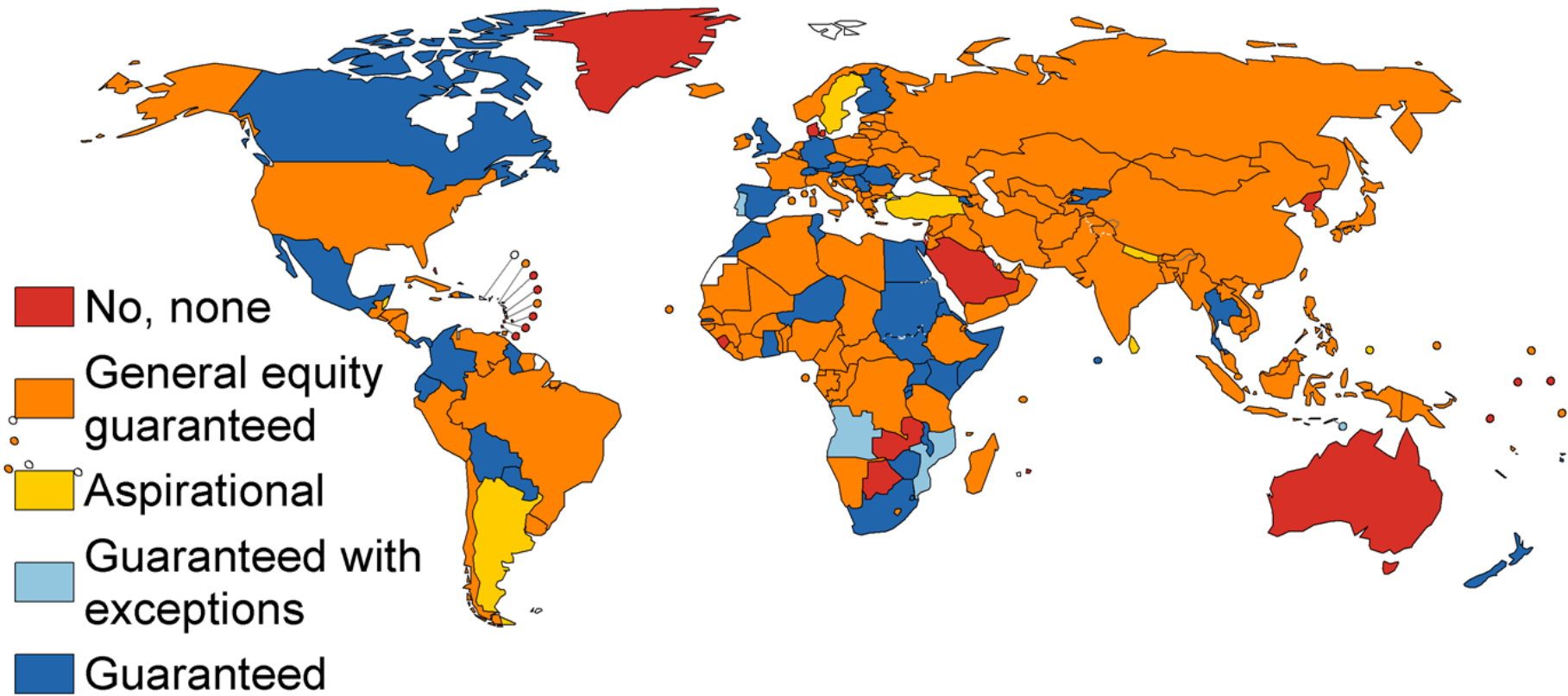


Analysis on Constitutional Rights of Persons with Disabilities

- Quantitative database on constitutional rights
- Analyzing disability terminology
 - General disabilities
 - Mental disabilities
 - Physical disabilities
- Analyzing strength of rights



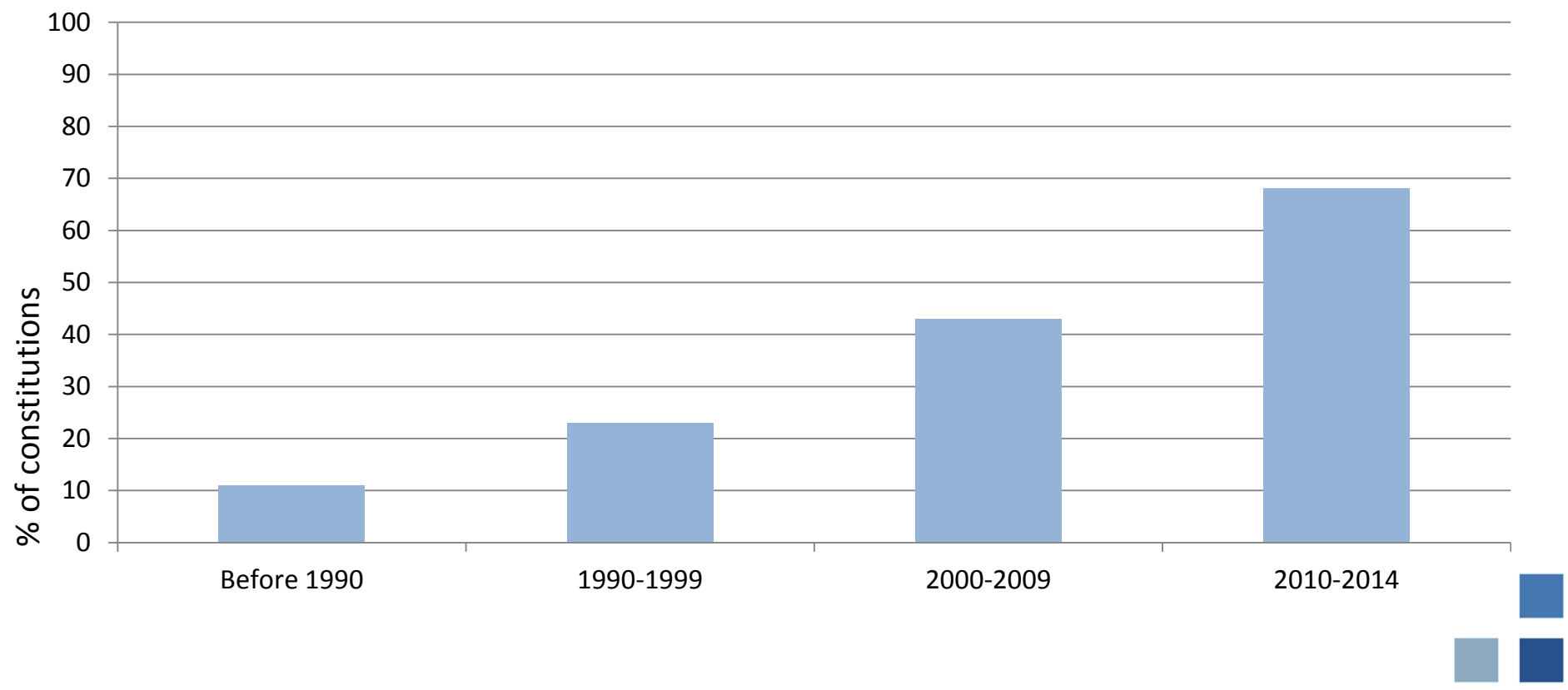
Does the constitution take at least one approach to equity on the basis of disability?



Source: WORLD Policy Analysis Center, Constitutions Database, 2014

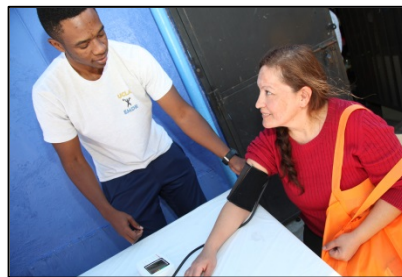
Constitutional Rights over Time

Guarantees to equity and non-discrimination for persons with disabilities by year of adoption



Social and Economic Rights

- Right to Education
 - 28% of constitutions include specific guarantees
- Right to Health
 - 26% of constitutions include specific guarantees
- Right to Work
 - 18% of constitutions include specific guarantees



Civil Rights

- Right to liberty
- Right to freedom of movement
- Right to freedom of expression
 - 9% of constitutions include specific guarantees
 - 19% of constitutions allow for exceptions to right to liberty (e.g. due to “unsound mind”)

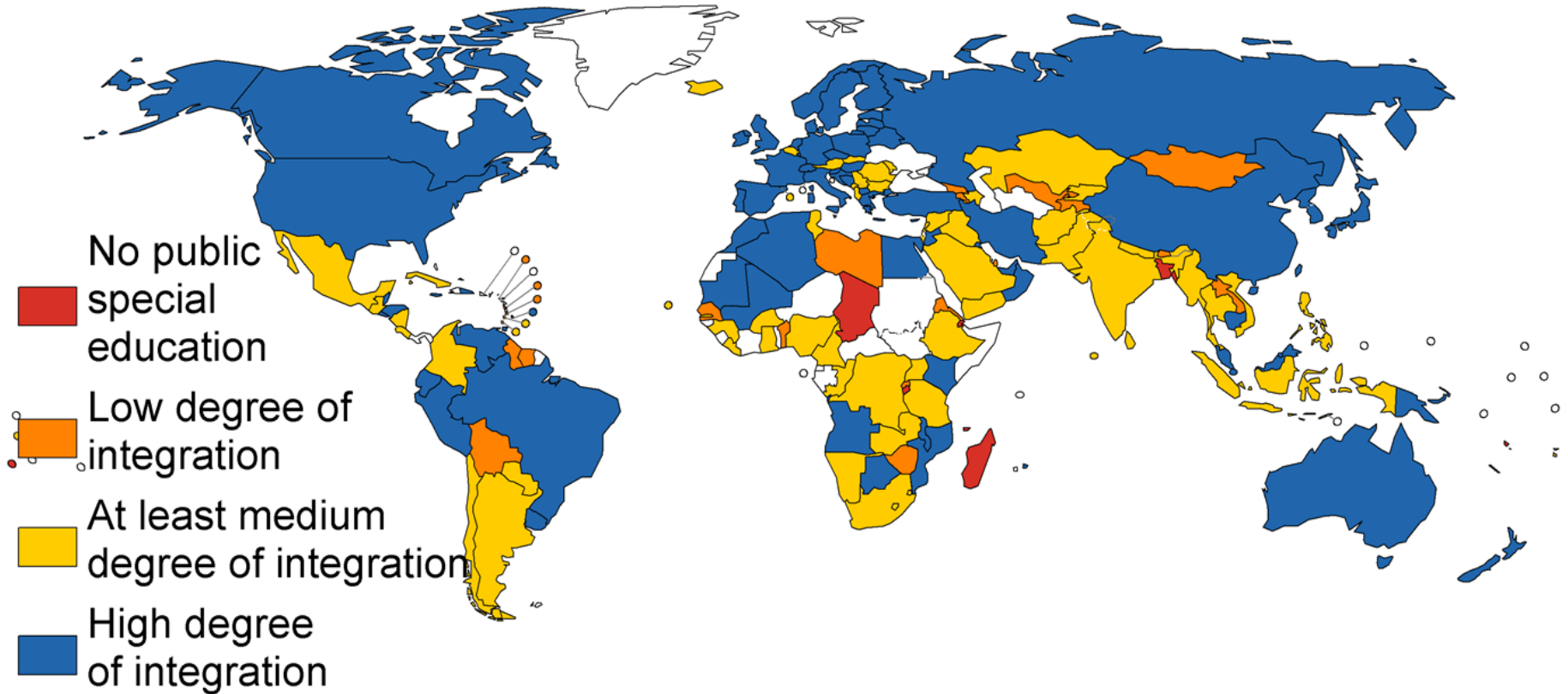


Political Rights

- Right to vote
 - 22% of constitutions include specific guarantees
 - 22% of constitutions allow for exceptions
- Right to hold legislative office
 - 21% of constitutions include specific guarantees
 - 31% of constitutions allow for exceptions



Is inclusive education available for children with disabilities?



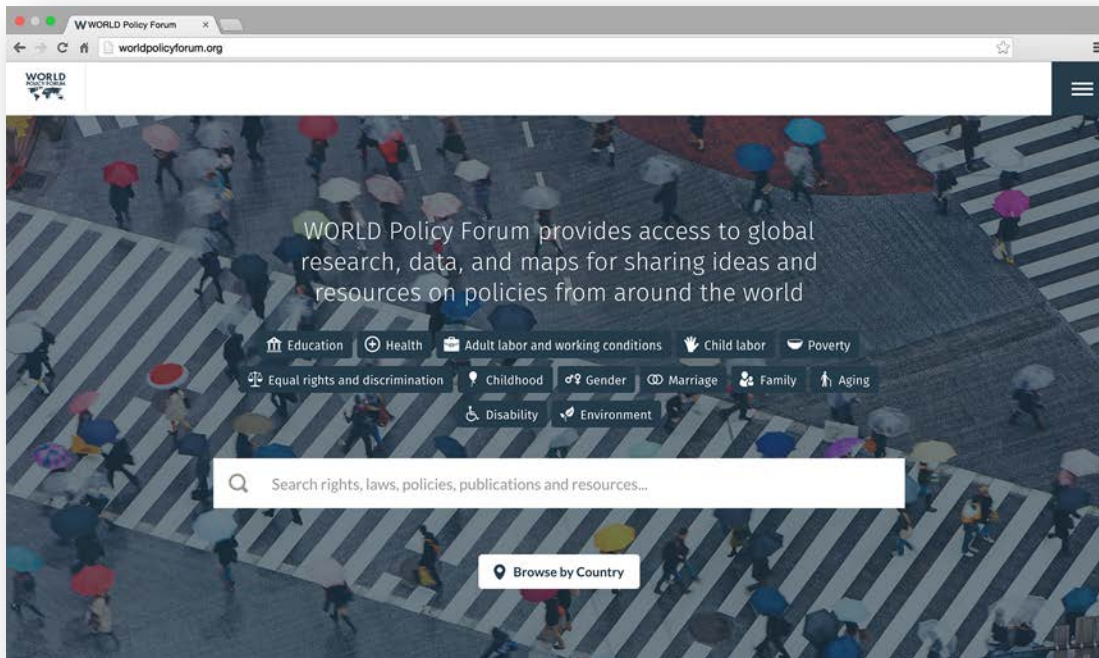
Source: *WORLD Policy Analysis Center, Education Database, 2014*

Points for Discussion

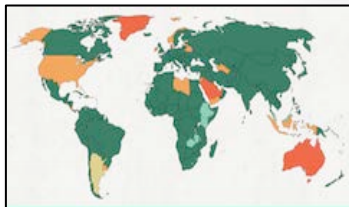
- Global status of access to equal rights
- Changes in protections over time
- The role of constitutions, laws and policies
- Areas for future research, e.g.:
 - Examination of relevant case law
 - Barriers to full implementation



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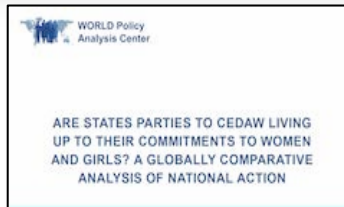
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Maps



Factsheets



Policy Briefs



Data Download



Infographics



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