



Assessing National Action on Civil and Political Rights for Persons with Disabilities



In 2006, the U.N. adopted the Convention on the Rights of Persons with Disabilities (CRPD), a landmark global agreement committing countries to promote, protect, and ensure the human rights of persons with disabilities. Over the past decade, 168 countries and territories have ratified the CRPD, making it one of the most rapidly ratified human rights treaties in history. This fact sheet series by the WORLD Policy Analysis Center examines the extent to which countries have enacted and passed constitutional rights, laws, and policies consistent with CRPD commitments.

Background

- The CRPD calls on States Parties to “prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds” in Article 5. The CRPD also explicitly protects the right to liberty (Art. 14), the right to freedom of movement (Art. 18), and political rights (Art. 29), and requires states to “actively involve persons with disabilities” when developing policies and legislation that affect them (Art. 4.3).
- The political participation of persons with disabilities is critical to ensuring that policies reflect their needs and concerns. Yet despite comprising an estimated 15% of the world’s population, people with disabilities often face substantial barriers to exercising their political rights, including legal restrictions on their right to vote.
- Further, around the world, children and adults with disabilities commonly face serious civil rights violations, ranging from legal restrictions on whether they are able to marry and have children, to institutionalization without due process.

- For example, according to UNICEF, in central and Eastern Europe, a child with a disability is nearly 17 times more likely to be institutionalized compared to a child without a disability. Young people with disabilities are also overrepresented in prisons, which heightens their vulnerability to violence.

Findings

Gaps in Fundamental Protections of Equality

- As fundamental building blocks of a nation's government and laws, constitutional rights provide a foundation for demanding greater equality and overturning discriminatory laws. For example, constitutional guarantees of equal rights on the basis of disability have been used to challenge hiring discrimination in Mexico, champion the right to inclusive education in the Czech Republic, and improve access to health services in Canada.
- Only 24% of 193 constitutions guarantee general equality and non-discrimination for persons with disabilities. More than three times as many constitutions explicitly guarantee equality and non-discrimination on the basis of gender, ethnicity, and religion.

- However, these rights are becoming more common. 68% of constitutions adopted in 2010 or later guarantee equality or non-discrimination for persons with disabilities compared to only 11% of those adopted before 1990.
- 12% of constitutions have provisions that allow or mandate countries to promote the full exercise of rights for persons with disabilities.
- Still, 4 constitutions that guarantee equality for persons with disabilities also allow for explicit exceptions to these rights based on whether persons with disabilities are able to fully enjoy these rights. These exceptions may leave room for arbitrary restrictions on human rights.

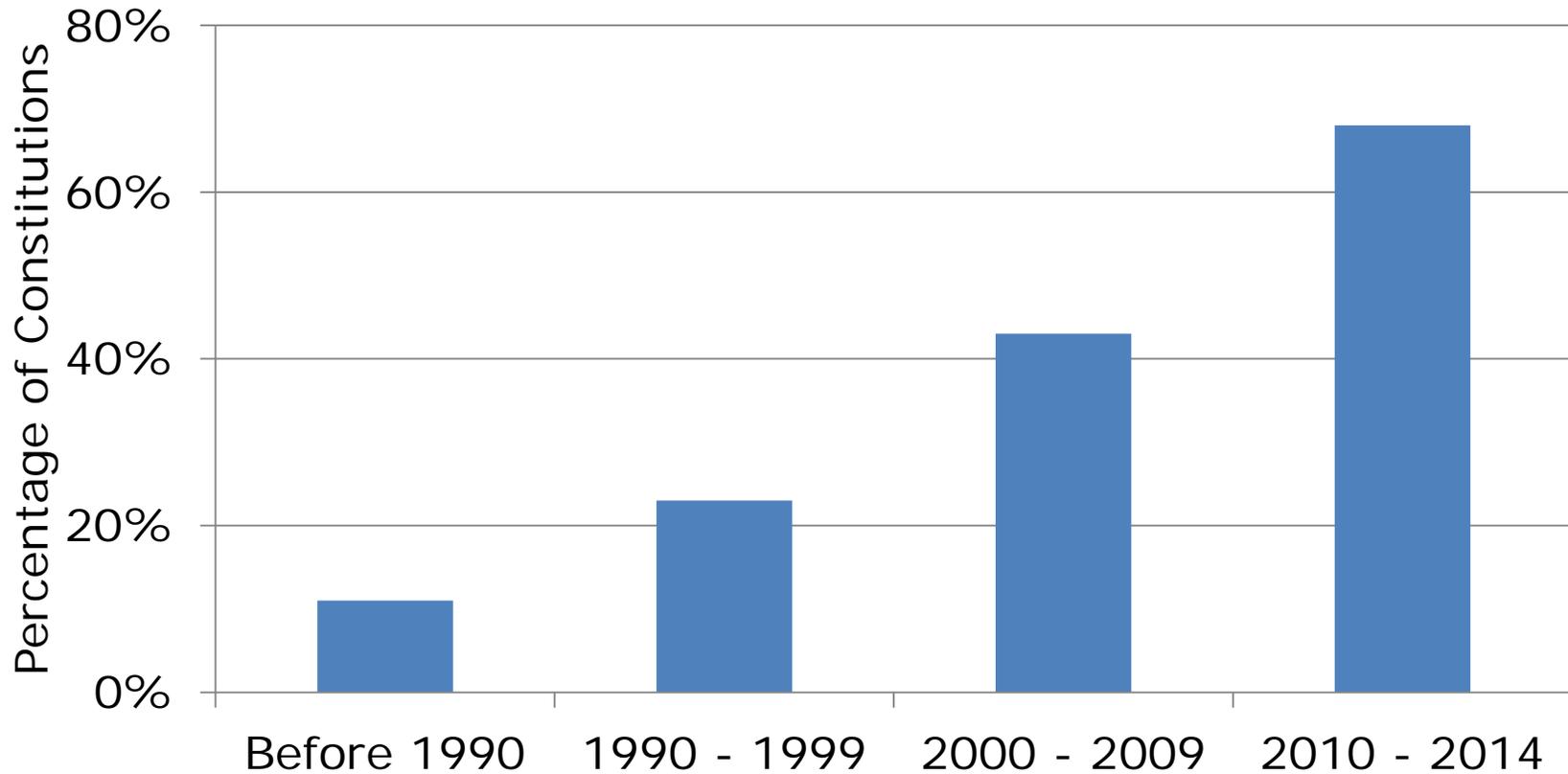
Gaps in Fundamental Protections of Civil and Political Rights

- Less than 10% of countries explicitly guarantee civil rights to persons with disabilities in their constitutions. However, 19% of constitutions specify the right to liberty can be denied to persons with mental health conditions and 2% allow for denials of the right to movement. In some cases, these denials lack detail on the circumstances that would justify limiting these

fundamental rights, creating the potential for unfair restrictions.

- Only 22% of constitutions guarantee voting rights for persons with disabilities. One country includes specific provisions to promote the full exercise of voting rights and 3 constitutions have provisions to facilitate voting for persons with disabilities.
- However, 22% of constitutions allow the right to vote to be denied to persons with mental health conditions and 31% of constitutions allow for the denial of the right to hold public office. Some of these provisions are quite broad, potentially leaving room for arbitrary denials of rights. Additionally, 2% of constitutions allow for denials of the right to vote and hold office based on “infirmity”.

Graph: Constitutional guarantees of equality and non-discrimination in at least one way for persons with disabilities by year of constitutional adoption



Source: WORLD Policy Analysis Center, Constitutions Database, 2014

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