

How Constitutions Around the World Address the Rights to Equality, Education, and Health



WORLD Policy Analysis Center

NUMBERS TO NOTE

85%

of constitutions prohibit discrimination on the basis of sex or gender

3%

of constitutions prohibit discrimination on the basis of gender identity

76%

of constitutions prohibit discrimination on the basis of race or ethnicity

22%

of constitutions prohibit discrimination on the basis of citizenship

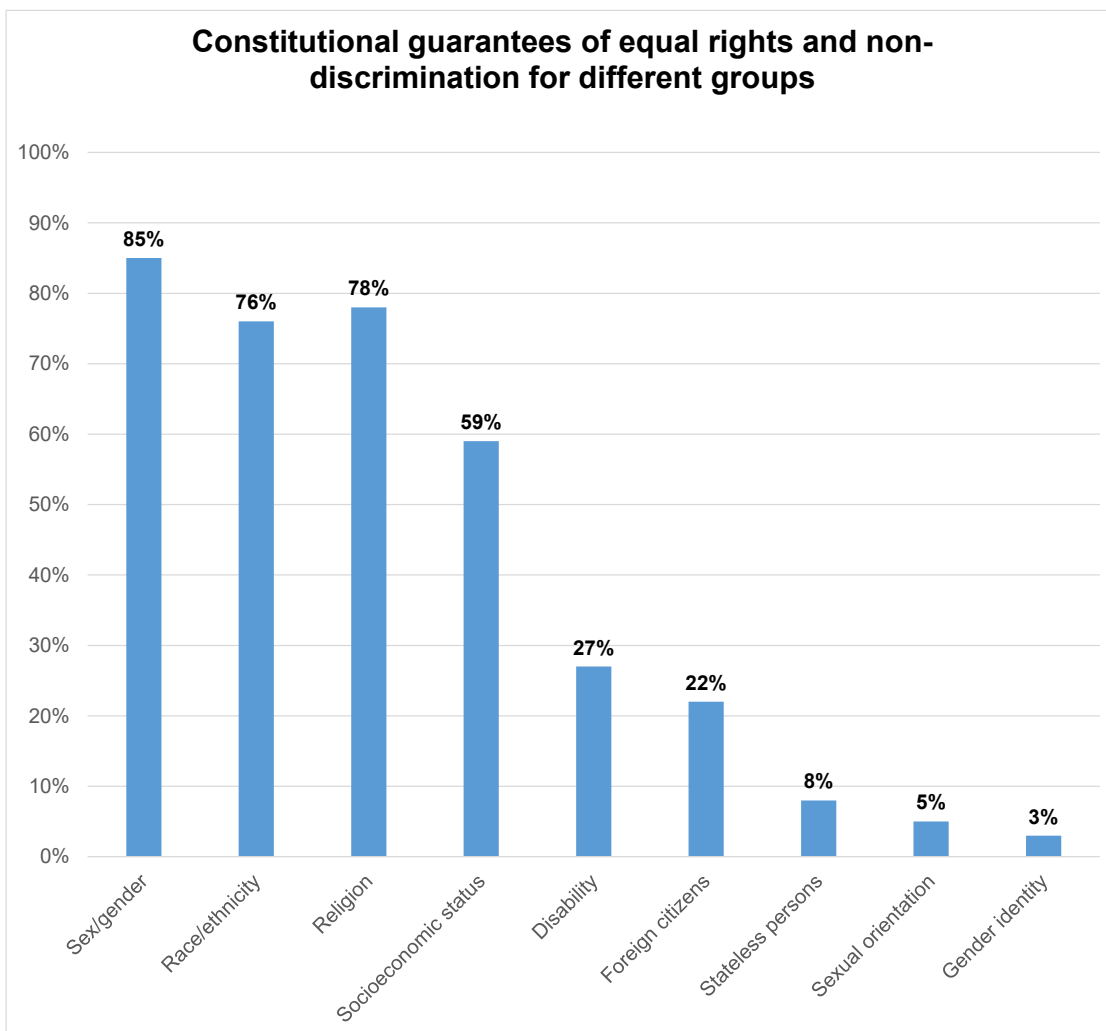
ABOUT ADVANCING EQUALITY

To learn more, please read or download the open-access book [**Advancing Equality: How Constitutional Rights Can Make a Difference Worldwide**](#) (Jody Heymann, Aleta Sprague, and Amy Raub; University of California Press, 2020).

Analyzing the constitutions of all 193 United Nations countries, *Advancing Equality* traces 50 years of change in constitution drafting and examines how stronger protections against discrimination, alongside core social and economic rights, can transform lives.

- Well into the 20th century, discrimination continues to shape opportunities and well-being around the world. As just a few examples:
 - Many groups experience discrimination in hiring: studies of job applications have found disparities in call-back rates on the basis of gender, religion, race, nationality, and socioeconomic status even when applicants have otherwise identical CVs
 - People with disabilities continue to face high rates of explicit and implicit bias, as well as socially constructed barriers to work, education, and public life
- Discrimination against the LGBT+ community remains common in both laws and practices
- Meanwhile, people in many countries, low- and high-income alike, face barriers in accessing two key drivers of equal opportunity—education and healthcare—or experience daily living conditions that put a

Constitutional guarantees of equal rights and non-discrimination for different groups



healthy life out of reach

- Globally, 59 million primary-school-age children are out of school
- 5.3 million children under age 5 died in 2018, over half of them due to preventable diseases and injuries
- Addressing both these aspects of inequality—discrimination and barriers to health and education—is essential for advancing equal rights in practice, and ensuring all people have the opportunity to fully participate in society
- Constitutions can provide a powerful foundation for prohibiting discrimination on all grounds and protecting the rights to health and education:
 - Constitutions typically take precedence over ordinary legislation
 - Constitutions can help shape norms in favor of equality
 - Constitutions can provide a basis for more detailed laws and policies addressing discrimination, health, and education
- However, discrimination is prohibited more commonly on some grounds than others. As of 2017:
 - 85% of constitutions prohibit discrimination on the basis of sex or gender
 - 78% of constitutions prohibit religious discrimination
 - 76% of constitutions prohibit discrimination on the basis of race or ethnicity
- 59% of constitutions prohibit discrimination on the basis of socioeconomic status
- 27% of constitutions prohibit disability discrimination
- 22% of constitutions prohibit discrimination on the basis of citizenship and 8% prohibit discrimination against stateless persons
- 5% of constitutions prohibit discrimination on the basis of sexual orientation, while 3% also address gender identity
- In addition, while a significant share of constitutions now address health and education, these provisions vary in strength and scope:
 - 83% protect the right to education
 - However, just 46% explicitly protect the right to secondary education
 - 74% explicitly protect some aspect of the right to health for all citizens
 - However, just 36% explicitly protect the right to public health, which can make a critical difference in preventing illnesses and injuries
- Over the past 50 years, a growing share of constitutions have strengthened their guarantees of equality and protections of education and health
- Nevertheless, many countries could further strengthen their constitutional texts, while nearly all could improve the implementation of existing constitutional values and protections



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The **WORLD Policy Analysis Center (WORLD)** aims to improve the quantity and quality of globally comparative data on policies affecting health, development, well-being, and equity.

With these data, **WORLD** informs policy debates; facilitates comparative studies of policy progress, feasibility, and effectiveness; and advances efforts to hold decision-makers accountable.

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