

## CONSTITUTIONAL PROVISIONS ON DISABILITY BY COUNTRY

### **CANADA**

#### Article 15: Equality Rights

(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

### **FIJI**

#### Section 38: Equality

(2) A person must not be unfairly discriminated against, directly or indirectly, on the ground of his or her:

(a) actual or supposed personal characteristics of circumstances, including race, ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age or disability

(6) A law, or an administrative action taken under a law, is not inconsistent with the right to freedom from discrimination on the ground of:

(a) language;

(b) birth;

(c) economic status;

(d) age; or

(e) disability;

during the period of 2 years after the date of commencement of this Constitution if the law was in force immediately before that date and has remained continually in force during that period.

### **SOUTH AFRICA**

#### Section 9: Equality

(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

## **UGANDA**

### Article 16: Recognition of Persons with disabilities

Society and State shall recognize the right of persons with disabilities to respect human dignity

### Article 21: Equality and freedom from discrimination

(1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

(2) Without prejudice to clause(1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion or disability.

### Article 32: Right to education

(1) Notwithstanding anything in this Constitution, the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them.

## **SWITZERLAND**

### Article 8: Equality

(1) Everyone is equal before the law.

(2) Nobody may be discriminated against, namely for his or her origin, race, sex, age, language, social position, way of life, religious, philosophical, or political convictions, or

(4) The law provides for measures to eliminate disadvantages of disabled people.

### Article 41: General Provisions

(2) The Confederation and the Cantons shall strive to ensure that every person shall be insured against the economic consequences of old age, disability, illness, accidents, unemployment, maternity, orphanhood, and widowhood.

### Article 111: Social Security

(1) The Confederation shall take measures for an adequate social security for the elderly, survivors, and disabled persons. These shall be based on three pillars, namely, federal old

age, survivors', and disability insurance, employee pension plans, and provision by individuals for their own future.

(2) The Confederation shall ensure that the federal old age, survivors', and disability insurance, and the employee pension plans may fulfill their purpose durably.

## **PARAGUAY**

### Article 58

Persons with impediments shall be guaranteed health care, recreation and vocational training to ensure their full social integration.

The State shall guarantee a policy for the... rehabilitation and integration of persons with physical, psychical or sensory disabilities, who shall be given the specialised care they require. They shall be entitled to the exercise of the rights which this Constitution grants to all inhabitants of the Republic, with equal opportunities to compensate for their disadvantages.

### Article 88: On Discrimination

There shall be no discrimination of any kind against workers for ethnic reasons or on the grounds of sex, religion, social rank or political belief and trade union affiliation.

The work of persons with physical or mental disabilities or incapacity shall be given special protection.

## **MALAWI**

### Article 20: Equality

(1) Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status.

## **HUNGARY**

### Article 70E: Welfare

(1) Citizens of the Republic of Hungary have the right to social security; they are entitled to the support required to live in old age, and in the case of sickness, disability, being widowed or orphaned and in the case of unemployment through no fault of their own.

## **GHANA**

### Article 29: Fundamental Human Rights and Freedoms

(1) Disabled persons have the right to live with their families or with foster parents and to participate in social, creative or recreational activities.

(2) A disabled person shall not be subjected to differential treatment in respect of his residence other than that required by his condition or by the improvement which he may derive from the treatment.

(3) If the stay of a disabled person in a specialized establishment is indispensable, the environment and living conditions there shall be as close as possible to those of the normal life of a person of his age.

(4) Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.

(5) In any Judicial proceedings in which a disabled person is a party, the legal procedure applied shall take his physical and mental condition into account.

(6) As far as practicable, every place to which the public have access shall have appropriate facilities for disabled persons.

(7) Special incentive shall be given to disabled persons engaged in business and also to business organisations that employ disabled persons in significant numbers.

(8) Parliament shall enact such laws as are necessary to ensure the enforcement of the provisions of this article.

## **GERMANY**

### Article 3: Equality

(3) No one may be disadvantaged or favored because of his sex, his parentage, his race, his language, his homeland and origin, his faith, or his religious or political opinions. No one may be disadvantaged because of his handicap.

## **GAMBIA**

### Article 31:

(1) - The right of the disabled and handicapped to respect and human dignity shall be recognized by the State and society.

(2) - Disabled persons shall be entitled to protection against exploitation and to protection against discrimination, in particular as regards access to health services, education and employment.

(3) - In any judicial proceedings in which a disabled person is a party, the procedure shall take his or her condition into account.

## **FINLAND**

### Section 6: Equality

Everyone is equal before the law.

No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.

Children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development. Equality of the sexes is promoted in societal activity and working life, especially in the determination of pay and the other terms of employment, as provided in more detail by an Act.

### Section 17: Right to one's language and culture

The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.