

## The Human Rights Crisis of Persons with Disabilities

Disabled people account for approximately 15% of the world's population, or one billion people. Between 110 and 190 million people experience significant disabilities.<sup>1</sup> While the disabled population makes up such a great percentage of the population, their lives and rights are rarely discussed. Globally, many persons with disabilities struggle for access to education and employment, the right to choose where to live, and participation in political and social life. These billion people face increased violence and discrimination, but remain largely invisible in their communities.<sup>2</sup> Persons with disabilities make up 15% of the population. That number alone makes this one, if not the, largest human rights issue to date. To better understand this issue, it is imperative to provide a global context on people with disabilities and their experiences, consider current human rights abuses, discuss a human rights framework to apply, before contemplating possible solutions.

Before successfully considering and discussing disability rights, it is necessary to define the following three terms imperative to the discussion on disability rights; disability, disabled persons, and discrimination on the basis of disability. First, in the Merriam-Webster Dictionary, disability is defined simply as a condition, such as an illness or an injury, that damages or limits a person's physical or mental abilities.<sup>3</sup> This definition is the most commonly used and remains relatively vague in order to best include the disabled population. The definition for those who are considered within the disabled population is found within the Americans with Disabilities Act,

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<sup>1</sup> "Disability Overview." The World Bank, 21 Sept. 2016. Web. 07 Nov. 2016.

<sup>2</sup> "Disability Rights." *Human Rights Watch*. 2011. Web. 19 Oct. 2016.

<sup>3</sup> "Disability." Merriam-Webster, Merriam-Webster Learner's Dictionary, [www.merriam-webster.com/dictionary/disability](http://www.merriam-webster.com/dictionary/disability).

(ADA), which was the first major example in which the exclusion and segregation of people with disabilities was viewed as discrimination, following its passage into law in 1990.<sup>4</sup> Under the ADA, a person with a disability is defined as one who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.<sup>5</sup> It is necessary to examine the ADA definition because it is the first major example of legislature regarding disability rights in any individual nation. The third definition to consider falls under the United Nations' Convention on the Rights of Persons with Disabilities. Within this document, discrimination on the basis of disability is defined as "any distinction, exclusion or restriction on the basis of disability which has the purpose or the effect of impairing or nullifying the recognition, enjoyment, or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."<sup>6</sup> In any discussion considering the rights of people with disabilities, the previous definitions are imperative to understanding and including those with disabilities.

The first component of considering the human rights of people with disabilities is to consider the major issues and problems they face every day around the world, providing a global context. Three major components of significant discrimination and exclusion against people with disabilities include employment, education, and public accessibility. While these three are

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<sup>4</sup> Mayerson, Arlene. "The History of the Americans with Disabilities Act." Disability Rights Education Defense Fund, 1992, [dredf.org/news/publications/the-history-of-the-ada/](http://dredf.org/news/publications/the-history-of-the-ada/).

<sup>5</sup> Americans With Disabilities Act of 1990. Pub. L. 101-336. 26 July 1990. 104 Stat. 328.

<sup>6</sup> United Nations. Office of the High Commissioner, Human Rights. *Convention on the Rights of Persons with Disabilities*. New York: 2006. Web. 18 Oct. 2016.

significant issues, they are not completely inclusive of all forms of discrimination people with disabilities experience on a regular basis.

Around the globe, people are employed to improve and maintain their qualities of life. However, it is often difficult for people with disabilities to find work, due to a variety of factors, including discrimination against disabled workers and accessibility issues. With the lack of employment comes an assortment of other problems, including higher rates of poverty and greater health issues.

The International Labor organization found that 80% of people with disabilities are of working age, but their right to work is frequently denied. People with disabilities, especially women, face enormous attitudinal, physical, and information barriers to equal opportunities in comparison to people without disabilities.<sup>7</sup> While it is well known that people with disabilities maintain higher rates of unemployment than those without a disability, it is difficult to find reliable and useful international statistics.<sup>8</sup> This is caused by a number of reasons, including different definitions of disability and the lack of reliable statistical information on the population. However, unemployment statistics do exist in a number of countries, and can provide a suitable depiction of international unemployment. In the United States, the employment rate for people with disabilities stands at 65.4%, while those without disabilities have a rate of 22.4%.<sup>9</sup> In the European Union, people with disabilities have an average employment rate of 47.3%, almost 20

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<sup>7</sup> "Disability and Work." *Disability and Work*, International Labor Organization, 28 Apr. 2016, [www.ilo.org/global/topics/disability-and-work/wcms\\_475650/lang--en/index.htm](http://www.ilo.org/global/topics/disability-and-work/wcms_475650/lang--en/index.htm).

<sup>8</sup> Fleischer, Doris Zames., and Frieda Zames. *The Disability Rights Movement: From Charity to Confrontation*. Philadelphia, Temple University Press, 2011. (Pg 91)

<sup>9</sup> "Persons with a Disability: Labor Force Characteristics Summary." *U.S. Bureau of Labor Statistics*, U.S. Bureau of Labor Statistics, 21 June 2016, [www.bls.gov/news.release/disabl.nr0.htm](http://www.bls.gov/news.release/disabl.nr0.htm).

points below that of people without such difficulties<sup>10</sup>. In Latin America and the Caribbean, about 80-90% of persons with disabilities are unemployed or outside the workforce. Most of those who do have jobs receive little or no monetary remuneration.<sup>11</sup> In both India and Russia, approximately 75% of people with disabilities are unemployed.<sup>12</sup>

Not only is the discrimination clear in global unemployment rates, but also in lower average pay for people with disabilities. Around the world, the World Health Organization reports that “If people with disabilities are employed, they commonly earn less than their counterparts without disabilities; women with disabilities commonly earn less than men with disabilities.”<sup>13</sup> In the United States, the average annual earnings of a person with disabilities is \$39,300, while those without disabilities earn an average of \$6,000 more per year. On average, a person with a disability earns \$.64 for every \$1 their non-disabled counterparts make.<sup>14</sup>

As the United States remains a major global leader, other countries have followed in American footsteps, oftentimes lacking significant legislation protecting the wages of workers with disabilities. Little data exists on the wage gap, but the World Health Organization concludes that the gap is significant all around the world, and creates countless adverse affects.<sup>15</sup>

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<sup>10</sup> “Disability Statistics and Labour Market Access.” *EU Statistics Explained*, The European Union, July 2014, [ec.europa.eu/eurostat/statistics-explained/index.php/disability\\_statistics\\_-\\_labour\\_market\\_access](http://ec.europa.eu/eurostat/statistics-explained/index.php/disability_statistics_-_labour_market_access).

<sup>11</sup> “Employment of Persons with Disabilities.” *United Nations' Enable Project*, Nov. 2007, doi: 10.1163/2210-7975\_hrd-9983-0053.

<sup>12</sup> *Employment of Persons with Disabilities*, page 2

<sup>13</sup> *World Report on Disability*. Geneva, Switzerland: World Health Organization, 2011. *UNICEF*. 2011. Web. 19 Oct. 2016.

<sup>14</sup> “AIR Index: The Pay Gap for Workers with Disabilities.” *American Institutes for Research*. N.p., 21 Jan. 2015. Web. 05 Dec. 2016.

<sup>15</sup> *World Report on Disability* pg 116

Through these statistics, it remains clear that people with disabilities maintain a significantly high unemployment rate and poor wages with little variance around the world. While a handful of countries are actively attempting to improve unemployment rates for people with disabilities, many more are making limited efforts, and the impacts are incredibly detrimental, both to those with disabilities, and the nation as a whole.

With this level of unemployment and low wages, comes higher rates of poverty for those with disabilities.<sup>16</sup> The result of this disparity; 28.1% of people with disabilities live in poverty, while only 12.2% without disabilities do.<sup>17</sup> This disparity of poverty is found throughout both the developing and developed world. With fewer employment prospects and opportunities, it is incredibly difficult for those with disabilities to earn a living wage, resulting in significantly higher levels of poverty.

The second significant impact that comes from lack of employment, is increased health risks and problems. The American Psychological Association found that the lower levels of socioeconomic status found in the disabled community result in poor health and lower quality of life. Individuals and their families are at increased risk for poor health and quality-of-life outcomes when their disability status affects their socioeconomic standard. Individuals with a disability experience increased barriers to obtaining health care due to accessibility concerns, such as transportation, problems with communication, and insurance.<sup>18</sup> Having a disability can

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<sup>16</sup> "Disability Rights." *Human Rights Watch*. 2011. Web. 19 Oct. 2016.

<sup>17</sup> "Persons with a Disability: Labor Force Characteristics Summary."

<sup>18</sup> "Disability & Socioeconomic Status." *American Psychological Association*, [www.apa.org/pi/ses/resources/publications/disability.aspx](http://www.apa.org/pi/ses/resources/publications/disability.aspx).

entrap an individual in poverty by limiting their access to education, employment, public services, and even marriage.

Not only is poverty a result of disability, but can also cause or worsen disabilities. Poverty can lead to disability through malnourishment, poor access to health services, poor sanitation, and unsafe living and working conditions.<sup>19</sup> Thus, through high levels of unemployment due to discrimination and accessibility issues, people with disabilities have a higher rate of living in poverty, creating a never ending cycle of disability and poverty. The cycle of poverty, disease, and disability is described in a variety of sources. Poor families often do not have land to grow food, and inadequate income to purchase their basic needs, shelter, sustenance and sanitation are inadequate, and access to health care is very limited. Malnutrition in its various forms is a cause of disability as well as a contributory factor in other ailments that increase susceptibility to other disabling diseases.<sup>20</sup>

Former Secretary General of Rehabilitation International summarizes the woes of disability and poverty, stating, “the combination of poverty and disability is a fearsome one. Either one may cause the other, and their presence in combination has a tremendous capacity to destroy the lives of people with impairments and to impose on their families’ burdens that are too crushing to bear.”

In essence, people with disabilities are at a much higher risk to experience employment and wage discrimination than any other segment of the population. This results in higher rates of poverty, homelessness, disease and further disabilities. Accompanied by sub-par efforts by

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<sup>19</sup> “Key Cross-Cutting and Cross-Sector Disability Issues.” *Social Analysis Sector Guidance Note Series*, 2008. The World Bank Organization

<sup>20</sup> Elwan, Ann. “Poverty and Disability: A Survey of the Literature.” *The World Bank Organization*, 18 Dec. 1999.

governments around the world to improve living conditions, it is unlikely there will be significant improvement in the near future.

The second major form of discrimination against the disabled community is the right to education. Around the globe, people with disabilities are significantly less likely to attend school in any form. In the United States, 20.8% of people with disabilities have less than a high school education, while only 10% of non-disabled persons do not have a high school diploma. With every additional year of education, people around the world earn a significantly higher income. The largest reason people with disabilities do not attend school as often as those without disabilities follows those under unemployment. Discrimination and issues of accessibility remain major obstacles to education.

Data on children with disabilities, therefore having special education needs, are hampered by differences in definitions, classifications, and categorizations in a variety of regions and countries. There are no universally agreed definitions for such concepts as special needs education and inclusive education, which greatly hampers comparison of data on an international level. However, there are consistencies in a lack of students finishing primary and secondary school due to difficulties with accessibility and attitudinal discrimination.

Specifically, within the United States, many colleges and universities, as well as public primary and secondary schools, lack a great deal of accessibility for students with disabilities. Notably, at many universities around the country, there is limited access to campus buildings. Furthermore, the lack of communication at universities for students with physical disabilities, namely those who are deaf or blind, deter people with disabilities from attending or completing school.

Similar issues are found abroad, especially in elementary and grade schools. In many Sub-Saharan nations a child's disability is hidden from others outside the family. In a variety of cultures disabilities are seen incredibly negatively, bringing great embarrassment and discrimination to families. In many cases, students are then not sent to school, or governments fail to have accessible and available schools for those who have disabilities.

Evidently, the lack of effective educational opportunities exist both in the United States and abroad. However, there are a few countries that make education for students with disabilities a priority. Namely, a significant component of Sweden's education system is to ensure adequate education for all students, currently focusing on disabled students. The European Agency for Special Need and Inclusive Education uses Sweden as an example for other nations on how to utilize national policy to clearly outline goals and action plans to successfully provide education for all students.<sup>21</sup> When nations make education for all students a priority, taking in to consideration students with disabilities, it becomes a possible goal and benefits the entire nation significantly.

However, when students with disabilities are not able or allowed to attend school, there are extreme detriments in the future, both for the individual and communities and nations abroad. With lower rates of education for students with disabilities, they lack experience and skills to make them competitive in the job market, making them more vulnerable to poverty, homelessness, and disease. These repercussions result in high government spending and difficulty supporting a large community of those with disabilities. Focusing primarily on

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<sup>21</sup> "Sweden - Special Needs Education within the Education System." *European Agency for Special Needs and Inclusive Education*. N.p., n.d. Web. 05 Dec. 2016.

education, state and non-governmental actors can greatly improve the livelihoods of people with disabilities, with low costs.

The final form of discrimination people with disabilities experience is accessibility. This is the greatest form of discrimination, as it is a cause for the two previous examples of discrimination, as well as a significant impairment for those with disabilities. Unlike the other two forms of discrimination, there is little statistical evidence on the level of accessibility in nations, as it is extremely difficult to properly measure accessibility for a variety of different disabilities. However, the World Health Organization provides one significant and tangible harm; deaf people often have trouble accessing sign language interpretation and one third of countries have no interpreting services. People with disabilities have significantly lower rates of information and communication technology use than non-disabled people. Public transportation is rarely accessible for people with disabilities, making getting to work and school incredibly difficult, resulting in dependence on family and friends. Public and private buildings often lack accessible entrances. Nearly every form of life that able-bodied people take for granted, are often incredibly difficult for most people with disabilities. It is imperative to discuss and contemplate the lives of all people, especially those with disabilities. While there are many problems and forms of discrimination for those with disabilities, there are also many solutions, that are cost-effective and beneficial to local and national level governments.

The previous pages discussed an overview of the global context considering people with disabilities. However, there are a few specific examples of human rights abuses that must also be considered, including the Fair Labor Standards Act in the United States, the lack of education for students with disabilities in South Africa, and the life-long institutionalization in Croatia.

First, it is clear that the majority of disabled people experience significant wage discrimination every day. Some of this discrimination is even legal, including in the United States. Under the Fair Labor Standards Act, passed in 1938, employers can obtain special minimum wage certificates from the Department of Labor, which effectively gives employers the right to pay disabled workers according to their abilities, with no bottom limit to their wage.<sup>22</sup> Proponents of the law claim that without it, people with disabilities would have few options for employment and would not be hired at all without this legislation.

Sheila Leigland, who has been legally blind since birth, quit her job at Goodwill when her employers cut her pay to \$4.50, saying, “It’s a question of civil rights. I feel like a second-class citizen. And I hate it.”<sup>23</sup> This acts as a human rights abuse because it allows for the systematic discrimination against people with disabilities, making it nearly impossible for them to earn a living wage in the United States, resulting in high levels of poverty and homelessness. This law continuously allows for discrimination against people with disabilities, legally, and results in more issues than it claims to solve.

Turning to South Africa, an estimated 500,000 children with disabilities have been shut out of South Africa’s education system since the beginning of 2015. South Africa has failed to guarantee the right to education due to widespread discrimination against students with disabilities in enrollment decisions. Lack of accessibility in South African public schools, including lack of ramps for students with physical disabilities and few classes for those with

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<sup>22</sup> The Fair Labor Standards Act (US Department of Labor Wage and Hour Division 1938). Print.

<sup>23</sup> Schechter, Anna. "Disabled Workers Paid Just Pennies an Hour – and It's Legal." *NBCNews.com*. NBCUniversal News Group, 25 June 2013. Web. 05 Dec. 2016.

learning or mental disabilities, pushes students out of educational settings entirely.<sup>24</sup> The South African government promises equal rights and opportunities for all students in public schools, but have been unable to successfully support students with disabilities in schools around the country. Often, it is easier and cheaper for children with disabilities to not attend school than to make the school accessible to those students. This is an example of a significant human rights abuse because the South African government is preventing children from attending school, a right in South Africa, due simply to their disabilities. This creates long-term problems in the lives of disabled students, often pushing them into abject poverty, unseen by many of their non-disabled counterparts.

In Croatia, those with mental disabilities are institutionalized, often when their families are unable to properly take care of them, and then remain in institutions the rest of their lives.<sup>25</sup> Croatia's government promises to take care of people with disabilities in an effort to find living environments in which they can live on their own and actively participate in the community, but institutionalizations are growing, not shrinking, in the country. Nearly 30% of those institutionalized are there by choice, but the vast majority are not. The Human Rights Watch furthers, "between 70 and 100 percent of residents of some institutions for persons with intellectual or mental disabilities are institutionalized without their consent or the opportunity to challenge the decision, due to a legal process known as "deprivation of legal capacity" that robs them of the right to make important choices for themselves. Most persons with intellectual or mental disabilities who are institutionalized remain so for the rest of their lives." Recently, there

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<sup>24</sup> "South Africa: Education Barriers for Children with Disabilities." *Human Rights Watch*. N.p., 04 May 2016. Web. 05 Dec. 2016.

<sup>25</sup> "'Once You Enter, You Never Leave'" *Human Rights Watch*. N.p., 03 Nov. 2016. Web. 16 Dec. 2016.

have been some significant changes that allow those with intellectual and mental disabilities to leave institutions, but it remains a major issue within the country. This is a human rights abuse because it prevents those with disabilities from choosing where and how they live for their entire lives, simply based on the fact that they are disabled.

Before providing solutions for these human rights abuses, consideration on human rights framework is necessary. In determining a proper human rights framework to utilize, it will assist in determining the best methods to solve many human rights abuses against those with disabilities. There are many examples of frameworks for human rights, but universalism will act as the most effective framework in preventing human rights abuses when considering people with disabilities. Universalism refers to the notion that human rights are universal and should apply to every human being.<sup>26</sup> The theory that largely negates universalism is relativism, which argues that human rights are culturally dependent, and that no moral principles can be made to apply to all cultures. While relativism is certainly true and useful in many cases, that is not so in the disability debate. Universalism provides that all people are equal, regardless of any disabilities, which will prevent discrimination against those with disabilities and allow for greater success. If cultural relativism were the framework used, it would be more difficult to combat each and every cultural belief of people with disabilities, when they make up nearly 15% of the population.

In all human rights arenas, actions and solutions must come from a variety of actors at different positions and levels of government and civilian life. Each solution will include a

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<sup>26</sup> DeLaet, Debra L. *The Global Struggle for Human Rights: Universal Principles in World Politics*. Belmont, CA: Thompson Wadsworth, 2006. Print.

summary of how and why the solution will be useful to preventing human rights abuses against people with disabilities and who the major actors are.

The first step to preventing such major human rights abuses is increasing the amount of research and data completed on the subject of disability rights. In countless articles and reports, even those published by extremely well known agencies and organizations, there were mentions of the difficulty in finding sufficient evidence to provide context for various topics on people with disabilities. Not only on the global level, but many individual countries do a poor job of maintaining updated and correct information on many topics, including education, accessibility, and employment statistics. The first step to preventing human rights abuses is to better understand the issues that currently exist, and the success that do, too. Not only will improved evidence and numbers allow for better understanding of the discrimination, but better understanding of useful solutions. When comparing data before and after different solutions are put in place, it will allow researchers, policymakers, and activities alike to make better conclusions. With the current level of technology in existence today, it is significantly easier for this data to be found. Those at a variety of levels can influence this solution. Researchers can make disabilities research a priority. Those in government and non-profit organizations can advocate for increase consideration for those with disabilities. Even individuals can donate to organizations that do important research. Better understanding problems and solutions is imperative to preventing human rights abuses against any population.

Second, strategies must be adopted to include people with disabilities in all arenas, especially in education, the workforce, and positions of power. This paper has continually discussed the difficulty with people with disabilities working and attending school and the

perverse side effects that accompany the lack of inclusion. However, there are even fewer people in positions of power who have a disability. Political and economic leaders that have disabilities have important stories to tell, and can assist in empowering other individuals with disabilities. Furthermore, when people with disabilities are in positions of power, they are more likely to have a focus on disability rights and discrimination, allowing for more attention to be given to an area that is rarely discussed or considered. Many advocacy organizations also turn to affirmative action for schools and businesses to improve inclusion for those with disabilities. While affirmative action certainly has great strengths, it is necessary to use affirmative action in a case by case basis. Utilizing quotas has been successful in some issues in some nations, and incredibly ineffective in others. It is necessary to consider a variety of factors when determining political solutions.

Third, there needs to be more visibility for people with disabilities. In mainstream news, everyday life, and popular culture, there are limited roles and prominence for people with disabilities. While 15% of the population have disabilities, only 1% of popular movies and television shows have a character with a disability. Moreover, 95% of actors who play characters with disabilities are able-bodied.<sup>27</sup> Therefore, not only is there limited visibility, but disabled people rarely have roles. Tiexi, a disabled woman living in the United Kingdom, illustrated the importance of more visibility, “A lot of people, when I tried to get into university and when I applied for jobs, they struggled to see past the disability. People just assumed because I had a disability, that I couldn’t perform even the simplest of tasks, even as much as operating a fire extinguisher... I think the main reason I was treated differently, since I set out to become a nurse,

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<sup>27</sup> Butler, Bethonie. "Almost All Disabled TV Characters Are Played by Able-bodied Actors. Can We Fix That?" *The Washington Post*. WP Company, 16 July 2016. Web. 06 Dec. 2016.

was probably because people were scared, because they've never been faced with anyone like me before."<sup>28</sup>

Disability rights as human rights are one of the most significant and important forms of human rights that should take priority in the world. Not only do 15% of people around the globe experience some form of disability, but it is increasingly likely that even more of the world's population will experience some disability in their lifetime. 80% of people with disabilities currently live in developing countries. There are projected increases in the number of disabled children over the next 30 years due to malnutrition, diseases, child labor, emergence of new diseases, HIV/AIDS, drug and alcohol abuse, and armed conflict and violence. An estimated 230 million children in developing countries are stunted, meaning they either have disabilities or have an increased likelihood to contract or have a disability in the future. With these facts, it is clearly imperative to focus on the difficulties and discrimination that people with disabilities currently experience, and improve on their human rights. For the population of people with disabilities is sure to increase even further in the future. To do so, it is imperative to examine the lives of those with disabilities and the difficulties and abuses they experience each day, and then determine universal solutions to prevent human rights abuses in the future and create an accessible and open world for all to live.

In conclusion, in examining disability rights, it is necessary to consider the global context that people with disabilities live and work in each day, examine specific examples of human rights abuses in a variety of countries, determine an effective human rights framework, before offering solutions to prevent human rights abuses against those with disabilities. A major cohort

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<sup>28</sup> World Report on Disability, World Health Organization, page 234

of the population is disabled, and this number will only continue to grow. The disabled population is rarely considered or discussed on a large scale. While there are many issues, many people are continuously making an effort to improve the rights of people living with a disability, bringing hope and change to the lives of millions.

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