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Disabilities and Human Rights: Analyzing Legal Framework, Social Inclusion, and Policy Challenges

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Abstract

It is a basic inalienable human right and a part of justice that the rights of the persons with disabilities (PWD) are recognized and protected. Even though there is a wide range of international and national legal frameworks that aim to uphold equality and inclusion, people with disabilities are still discriminated against, left socially excluded, and thwarted by systemic issues in the different parts of life, including education, employment, healthcare, and public participation. This paper considers disability and human rights, examining the legality of existing legal protections and suggestions for how fully realizable rights of PWDs would be affected by the absence of these.

In the first place, the study starts with an exposition, the conceptual framework, which separates between the medical and social models of disability and their effects on human rights discourse. It also looks into the international legal instruments such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the national policies designed for the protection of disability rights. However, legal safeguards are inadequate to counter challenges of access, stigma, and poor implementation of policy.

The paper presents both successful and failed approaches to disability rights protection taken by different nations in case studies and in real-world situations. It also identifies the systemic barriers that still marginalize the PWDs in terms of institutional inefficiencies, economic

disparities, and societal attitudes. Furthermore, it analyzes the role of civil society organizations and advocacy groups, as well as governmental initiatives, in dealing with these issues.¹

Finally, the paper offers suggestions regarding the strengthening of legal and policy arrangements, effective implementation of disability rights, and promotion of a more inclusive society. As a call to require intersectional approaches, universal design principles, and awareness for the public, this study reminds us to opt for a [human rights-based approach to] disability so that all people, regardless of their ability, may find dignity, equality, and contribute as citizens.

Keywords: Disabilities, Human Rights, Social Inclusion, Legal Frameworks, UNCRPD, Accessibility, Equality.

1.1 Introduction

There is an inherent connection between disabilities and human rights; human rights are an essential part of facilitating dignity, equality, and inclusion of persons with disabilities (PWDs). There are more than one billion people in the world with some kind of disability, which makes people with disabilities the largest minority group on the planet. However, despite this significant population, everyone with disabilities remains systematically excluded, discriminated against, and marginalized in almost every area of life. Along with poverty, lack of education, unemployment, and insufficient healthcare, all of these conditions tend to aggravate these problems that prevent the achievement of a dignified and autonomous life. By extension, the human rights of PWDs are not just a social policy issue but a serious question of justice and human dignity.

The human rights-based approach to disability puts an emphasis on the right of persons with disabilities to be rights holders, not a matter of charity or social welfare. Based on this view, the traditional medical model of disability that views disability as the problem that needs to be treated or fixed should be replaced by the social model of disability that identifies the root cause of exclusion as the social barriers. Notably, the adoption of international legal

¹ Degener, T., & Quinn, G. (2002). A Survey of International, Comparative and Regional Disability Law Reform. University of Iowa

frameworks, e.g., the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), is a milestone recognition and a progressive legalization of the rights and entitlements of PWDs. This convention requires all signatory states to make sure that PWDs are equally and fully incorporated in society and are not allowed to be treated in a discriminatory and degrading way towards them.

Most countries in the national context, then, have implemented laws and policies that coincide with international commitments. For example, the Rights of Persons with Disabilities Act, 2016 in India is a progressive way to recognize a broader range of disabilities and incorporate affirmative measures. Nonetheless, although these legislative developments have come, practical issues, including social stigma, minimal accessibility, poor enforcement, and others, continue to prevent realization of the rights of PWDs.²

The purpose of this paper is to examine the link between disability and human rights, analyze international and national legal frameworks, analyze the existing challenges faced, and propose ways through which an inclusive society can be brought about. Thus, this study aims to make a contribution to the conversation on how to develop and realize persons with disabilities' rights to dignity, equality, and human rights.

1.2 Conceptual Framework: Understanding Disability and Human Rights

Disability began to be seen in a much wider human rights-based perspective as opposed to the narrow medical view over the decades. For the purposes of understanding the confluence between disability and human rights, it is necessary to examine how understanding about the disability is reflected in the way persons with disabilities (PWDs) are perceived and treated in society.

Traditionally, disability was thought about wholly from a medical model point of view, which assumes sickness is an individual's bodily or mental impairment that merits clinical intercession or therapy. Societal or structural barriers are not addressed through a model of disability that views disability as a problem within the individual with a focus on treatment and cure. As a result, such persons with disabilities were very often viewed as an object of passive

² United Nations. (2006). Convention on the Rights of Persons with Disabilities (UNCRPD). Retrieved from <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

care, being dependent on the care of their family, institutions, or charity for the most basic needs. The medical model has been heavily criticized for its tendency to separate and enforce a group of PWDs to the sidelines, not seeing the part that environmental and attitudinal barriers play in disabling individuals.

In opposition to this, the social model of disability was devoted to what would come to replace the limits of the medical model of disability: disability as a socially constructed phenomenon. Under this model, a person with an impairment is disabled not by the impairment itself but rather because of the societal barriers (such as physical inaccessibility, discriminatory practices, and exclusionary policies) that deny them their access to meaningful participation in life. The social model concentrates on the necessity of a structural change of society to support diversity; it is about active participation and inclusion of disabled persons.³

The human rights-based approach to disability is based on the social model, which affirms the position of PWDs as full subjects of rights and equal rights' bearers with the same rights to dignity, freedoms, and protection as other persons. It is also based on this premise: that the denial of rights to people with disabilities is a breach of basic human rights. This obligation is to the states and society to provide inclusive environments, protect against discrimination, and create equal means for opportunities. This paradigm shift is the adoption of such international instruments as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The principles of autonomy, non-discrimination, full participation, visibility, and respect for inherent dignity are reinforced by the UNCRPD.

Moreover, disability under the human rights framework also means the awareness of intersectionality, namely, disability is one among many social identities that can interact with disability, amplifying discrimination and marginalization. However, to guarantee human rights to PWDs, a multidimensional one is crucial that entails an array of content that encompasses the different and interdependent forms of adversities PWDs are going through.

That is, the conceptual framework of disability and human rights is, in essence, a framework of integration of disability and human rights in which disability is not only a matter of health but a matter of justice, equality, and social inclusion. It recommends transformative change

³ World Health Organization & World Bank. (2011). World Report on Disability. Geneva: WHO.

with respect to societal attitudes, policies, and institutions that would allow persons with disabilities to realize an autonomous, fulfilling life.

1.3 International and National Legal Frameworks Protecting the Rights of Persons with Disabilities (PWDs)

The United States has seen the evolution of the recognition and protection of the rights of persons with disabilities (PWDs) at the international and national levels. Legal frameworks are therefore important in limiting discrimination against PWDs as well as in ensuring them opportunities for full participation in society. These frameworks establish that states and institutions must have the obligation to create policies and mechanisms that respect the dignity, autonomy, and equality of PWD.⁴

1.3.1 International Legal Frameworks

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), deposited in 2006, is one of the most important international instruments trying to protect PWDs' rights. The UNCRPD marks a shift from a welfare-based approach to a human rights-based approach with regard to dignity, autonomy, non-discrimination, full participation, and accessibility. It legally obliges signatory states to bring measures to eliminate barriers to inclusion and achieve equal education, employment, health care, and public service opportunities. Through the Optional Protocol to the UNCRPD, individuals are also allowed to complain when their rights are violated.

A constitutive framework from the Universal Declaration of Human Rights (UDHR) (1948) and the International Covenant on Civil and Political Rights (ICCPR) (1966) also applies to PWDs. Although these instruments do not talk about disability rights, it is obvious that they speak about the universality of human rights, which is meant for everyone—whether disabled or not. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) both contain specific provisions on additional vulnerabilities facing women and children with disabilities.

⁴ Stein, M. A. (2007). Disability Human Rights. *California Law Review*, 95(1), 75-121

Moreover, legal frameworks at the regional level support the protection of disability rights. The instrument of the European Convention on Human Rights (ECHR) and the African Charter on Human and Peoples Rights have been very instrumental in setting the benchmark of disability rights protection. It has also helped the legal safeguards in Latin America by virtue of the Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.

Despite the established international frameworks, enforcement to realize disability rights in developing nations continues to prove challenging by virtue of continued structural and societal barriers.

1.3.2 National Legal Frameworks

International commitments were duly worked out at the national level by various countries through the means of legal frameworks. For example, the Americans with Disabilities Act (ADA) (1990) is a landmark legislation in the United States to prevent PWDs from being discriminated against in the fields of employment, education, and public services. In the United Kingdom, the Equality Act 2010 is a comprehensive legal structure that provides for reasonable accommodations for disabled people.⁵

The Rights of Persons with Disabilities Act (RPWD) 2016 is an important step towards disability rights protection in India. The RPWD Act, as opposed to the 1995 Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act, brings the number of disabilities to 21 categories, instead of 7, including mental illness, autism, and multiple disabilities. Thus, it requires reservation in education and employment (4% quota for PWDs in government jobs), provides accessibility in public spaces, and sets up special courts for quick justice. The Act is in line with the United Nations Convention on the Rights of People with Disabilities (UNCRPD), and the same shows India's commitment towards an inclusive society.

⁵ Lord, J. E., & Stein, M. A. (2008). The Domestic Incorporation of Human Rights Law and the United Nations Convention on the Rights of Persons with Disabilities. *Washington Law Review*, 83, 449-479

Nevertheless, implementation gaps persist, though progressive legislation. Even to this day, limited awareness, bureaucratic inefficiencies, social stigma, and lack of accessibility continue to get in the way of the full realization of disability rights. So many public infrastructures do not even comply with norms of accessibility, and enforcement mechanisms remain weak.

1.3.3 Challenges in Legal Implementation

Despite strong remedies provided by international and national legal frameworks, enforcement remains a challenge.

Key issues include:

Legal Literacy and Lack of Awareness: Scarce awareness and legal literacy is the reality of most PWDs and their families.

Ineffective Implementation: A lack of competent training for law enforcement, judiciary, and administrative bodies makes the implementation of sanctions ineffective.

Persistent discrimination, stigma, and exclusionary cultural norms preventing PWDs from full participation in society are called social barriers.

Infrastructural and Economic Constraints: Many countries lack the financial and infrastructural resources necessary to implement disability-inclusive policies effectively.⁶

In order to effectuate the implementation of disability rights, governments should develop programs, strengthen monitoring mechanisms, invest in accessibility infrastructure, and increase legal literacy, and implement such programs in such a manner that combines the efforts of civil society organizations, advocacy groups, and the private sector. The next step also could be to incorporate universal design principles and to leverage technology-driven solutions to further bridge the accessibility gap and encourage greater inclusion.

Finally, although international and national legal systems are strong bases of disability right protection, implementation and attitudinal transformation remain the challenges, respectively.

⁶ Arstein-Kerslake, A. (2017). *Restoring Voice to People with Cognitive Disabilities: Realizing the Right to Equal Recognition Before the Law*. Cambridge University Press

A strong implementation with public awareness of a rights-based approach is needed to ensure persons with disabilities participate, dignity, and equality in society.

1.4 Social Inclusion and Barriers to Equality

The human right of social inclusion is one aspect that seeks to ensure the full and effective participation of all persons, including persons with disabilities (PWDs), in all areas of life. It is based on dignity, equality, and respect and calls to destroy all the barriers that exclude marginalized groups from the integration, both structural, institutional, and social. Yet, though progressive efforts to include disability rights on the global agenda have been recognized, there are still deeply ingrained barriers to genuine social inclusion and equality for PWDs.

1.4.1 Understanding Social Inclusion

Social inclusion to PWDs means something more than the availability of physical access; for PWDs, this includes participatory social inclusion in education, employment, politics, culture, and life in the community. It is about PWDs' recognition of their abilities, contributions, and agency, as opposed to viewing them through the lens of charity or dependence. Practices of inclusion in society embrace diversity, offer equality of opportunity, and nullify discrimination. As enforced in international frameworks such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), social inclusion is a human rights obligation for PWDs, with states required to ensure full and equal participation in society.⁷

1.4.2 Barriers to Social Inclusion and Equality

Lawful policies and mandates fail to prevent PWDs from facing numerous obstacles, which lead to ongoing social segregation. The four main types of barriers that affect PWDs consist of physical barriers combined with attitudinal barriers as well as institutional barriers together with economic barriers.

Society faces major difficulties due to the absence of wheelchair-friendly infrastructure. A range of public spaces as well as transportation infrastructure, together with educational

⁷ Lawson, A. (2008). The United Nations Convention on the Rights of Persons with Disabilities: New Era or False Dawn? *Syracuse Journal of International Law and Commerce*, 34(2), 563-588

facilities and work locations, fail to provide ramps or elevators or tactile walkways or assistive technology, thus creating movement restrictions for PWDs. Standards for accessibility continue to exist, but enforcement remains inadequate, and accessibility compliance remains low because not enough people are aware of the regulations.

The marginalization of PWDs occurs because of negative societal attitudes, which negatively affect them. The negative stereotypes that view PWDs as receiving dependency benefits while being unable to function or being a burden to society lead to social discrimination, which attacks their dignity. The discriminatory mindsets of individuals appear throughout educational and professional environments as well as social encounters, causing PWDs to face separation and social ostracism. Internally held stigmas cause PWDs to develop low self-esteem while also reducing their willingness to join public activities.

Institutions operate policies and practices that do not provide suitable accommodations for PWDs. Education experiences problems when teaching methods fail to achieve inclusivity and when special educators are missing; this ensures children with disabilities lack equal opportunities to learn. Employment barriers include discriminatory hiring as well as a lack of reasonable accommodations and unsatisfactory workplace adjustments that prevent PWDs from getting decent work. The disability-sensitive services provided through healthcare and legal systems fail to exist, which upholds societal inequality.

Disabled people encounter economic obstacles because poverty affects them disproportionately when they do not receive education and work opportunities. Inadequate financial resources prevent them from accessing healthcare together with education as well as independent living while still lacking access to assistive devices and medical care. The social protection systems that exist in several nations lack proper disability-sensitive approaches that fail to serve PWDs adequately, thus producing more economically dependent PWDs who are also more vulnerable.⁸

⁸ Kayess, R., & French, P. (2008). Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities. *Human Rights Law Review*, 8(1), 1-34

1.4.3 Addressing the Barriers

A solution to existing barriers demands approaches based on legal transformation and policy strategies alongside social transformation for comprehensive results. Public authorities should maintain strong implementation of accessibility standards in addition to supporting inclusive education policies and employment systems while providing comprehensive social protection programs. Sensitizing public awareness about PWD rights and capabilities requires society-wide public campaigns and media representation as well as community-based engagement.

The process of designing inclusive policies requires PWDs to actively participate in making decisions. The process of breaking physical and institutional barriers requires universal design principles and the adoption of assistive technologies and inclusive public space creation.

Achieving social inclusion and equality for people with disabilities stands as both mandated by law and required by morality. Constructive action must unsettle and destroy diverse obstacles preventing participation while society creates conditions for PWDs to experience full citizenship status. A completely inclusive society embraces diversity, which includes disability, as it celebrates different communities.

1.5 Case Studies

The examination of actual disability rights cases together with social inclusion scenarios provides essential knowledge about these practical principles. People with disabilities (PWDs) at both national and international levels demonstrate progress but continue encountering several ongoing obstacles according to these cases. The following examples demonstrate crucial details about disability rights regulations.

1.5.1 International Case Study: The Case of *Olmstead v. L.C.* (1999), United States

The U.S. Supreme Court ruling in the landmark case *Olmstead v. L.C.* produced a fundamental shift in disability rights protection, especially for access to community services (527 U.S. 581 (1999)). Two women named Lois Curtis and Elaine Wilson received mental disability diagnoses while in a psychiatric center in Georgia, where their doctors had suggested they could live better in community-based programs. With institutionalization under Title II of the Americans with Disabilities Act (ADA), 1990, as the basis, the women challenged their

segregation and argued their segregation was in violation of their right to live in the community with needed supports.⁹

The Supreme Court held that unjustified segregation of PWDs is outlawed by the ADA and ruled for Curtis and Wilson. The court observed that public entities ought to supply community-based services to intellectually disabled people, provided such facilities would be appropriate placements, the individuals would not object to such placements, and they may be reasonably taken into account with regard to the availability of resources.

The Olmstead decision reaffirmed the right to live independently in the community and be included in it and provided justification for policy reforms and mandated state planning and implementation of deinstitutionalization. Although the ruling, implementation gaps remain for many PWDs in the U.S. to access community-based services. However, Olmstead is still rare both in terms of US history and in global disability rights advocacy, often cited as a precedent for framing the anti-institutionalization argument globally.

1.5.2 National Case Study: Javed Abidi and the Fight for Accessibility, India

In India, a historic campaign of Javed Abidi, a pioneering disability rights activist for the rights and accessibility of PWDs, was started. Abidi too, who was diagnosed with spina bifida, was aware of the challenges of being in a society such as no other was for anyone with a disability at the time. In the mid-1990s, he played an important role in inspiring national attention toward advocacy for ensuring implementation of the Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act, 1995—India's first comprehensive disability rights law.

Abidi's greatest achievement was his persistent effort to make public space, transport, and information systems accessible. His tenure as NCPEDP's president saw it engaging with government bodies, and the directives brought out included improved physical accessibility in government-built facilities as well as railways. Abidi also urged inclusive education, advocating for disability policies in higher education institutions that were inclusive.

⁹ Quinn, G., & Degener, T. (2002). *Human Rights and Disability: The Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability*. Geneva: United Nations

He played a crucial role in drafting the Rights of Persons with Disabilities (RPWD) Act, 2016; the accessibility, anti-discrimination, and employment quota was added for the first time in India's disability rights system. Though the work remains constrained by challenges in enforcement, Abidi had set the stage for a more rights-based approach to disability in India, and the activism of a generation of activists was inspired to continue the fight for inclusion and equality.¹⁰

These case studies reinforce the necessity of continuity of advocacy and legal intervention for the achievement of disability rights. The authority of the judiciary in achieving fundamental rights to community living is best demonstrated by *Olmstead v. L.C.*, and Javed Abidi's activism of the civil society initiatives provides the example of sustained civil society engagement that can yield national legislation and policy reforms. In both cases, there are combined shows of formal legal protections, but actual inclusion and equality of these people with disabilities is never guaranteed without continuous efforts.

1.6 Challenges in Ensuring Human Rights for Persons with Disabilities (PWDs)

Although there is recognition of the rights of persons with disabilities (PWDs) through international conventions and national legislation, the rights are still not realized in practical terms. To date, many structural, social, economic, and political factors continue to hinder the enjoyment of human rights in all forms and to the full and equal extent by PWDs.

1.6.1 Attitudinal Barriers and Social Stigma

Societal stigma and negative attitudes toward disability are two of the most pervasive challenges. In many societies still, people with disabilities are seen as weak, dependent, or even punished for past deeds. This result often results in PWDs marginalization, discrimination, exclusion, and such in education and employment, as well as in public life. PWDs are not normally seen as individuals with specific gifts and opportunities but are pitied or brushed aside, which degrades their dignity and autonomy. Social isolation due to attitudinal barriers

¹⁰ National Centre for Promotion of Employment for Disabled People (NCPEDP). (2017). India and the Rights of Persons with Disabilities Act, 2016: Implementation and Challenges. Retrieved from <http://www.ncpedp.org/>

and exclusion from the decision-making process, which affects their lives, are acts that don't allow for their meaningful participation as well.¹¹

1.6.2 Lack of Accessibility and Infrastructural Barriers

Being in such environments is a critical obstacle that forms human rights for PWD. However, persons with physical, sensory, and intellectual disabilities continue to find these laws inaccessible in public infrastructure like schools, hospitals, and transport systems, and to a great extent, government buildings. The inability of PWDs to participate fully in all aspects of society is due to the absence of ramps, elevators, sign language interpreters, accessible information, assistive technologies, etc. The rights, including education, employment, and political participation, become just a theoretical concept in the absence of physical and digital accessibility.

1.6.3 Gaps in Legal Implementation and Enforcement

Even though there are international conventions such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and national legislation like the Rights of Persons with Disabilities (RPWD) Act, 2016 in India, enforcement and implementation lag. However, disability rights frameworks are not always based on adequate budgetary allocation, monitoring mechanisms, or even administrative will; hence, poor execution of disability rights frameworks. What is more, the absence of effective grievance redressal mechanisms for PWDs makes it difficult for PWDs if their rights are violated.

1.6.4 Limited Economic Opportunities and Employment Barriers

Economic opportunities remain inaccessible to PWDs because businesses reject them for work and do not adapt spaces to their needs or provide necessary vocational training. The restricted job market with low-paying and insecure positions forces most PWDs out of employment, which increases their poverty level and makes them dependent on others. The restricted

¹¹ European Commission. (2010). European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe. Retrieved from <https://ec.europa.eu/social/main.jsp?catId=1137>

economic opportunities prevent PWDs from using their resources to obtain necessary healthcare and educational services in addition to suitable housing.

1.6.5 Inadequate Healthcare and Support Services

You will find disability-sensitive healthcare together with rehabilitation services challenging to obtain in underdeveloped rural areas and regions. Inadequate training among medical professionals, unaffordable healthcare technology, and limited health policies hinder people with disabilities from enjoying their right to health services. Mental health services for people with psychosocial disabilities continue to fall below acceptable levels, which causes both neglect and social exclusion of affected populations.¹²

PRWDs need legal recognition, but their human rights need thriving societal changes supported by strong enforcement structures together with public policies that welcome everybody. To achieve practical equality for disabled people, society needs to handle these diverse obstacles before turning theoretical commitments into tangible progress. A three-way partnership between governments and both civil society organizations and PWDs themselves should be formed to remove barriers so human rights can achieve full availability for everyone.

1.7 Recommendations and the Way Forward

The entire human rights fulfillment process for persons with disabilities needs systematic and long-term implementation frameworks. A series of recommendations exist to address current gaps that will create an inclusive society for PWDs to achieve full equality in exercising their rights.

1.7.1 Strengthening Legal Implementation and Enforcement

While the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the national legislation like the Rights of People with Disabilities (RPWD) Act 2016 lay the groundwork, it is implementation and monitoring that require attention. Regular audits, including the accessibility and inclusion policies of governments, should be ensured,

¹² Human Rights Watch. (2019). "Invisible Victims": Access to Justice for Women with Disabilities in India. Retrieved from <https://www.hrw.org/report/2019/01/29/invisible-victims/access-justice-women-disabilities-india>

committed disability rights commissions must be established for oversight purposes, and adequate grievance redressal mechanisms for addressing violations promptly must be established.

1.7.2 Enhancing Accessibility and Inclusive Infrastructure

All public and private spaces must be universally accessible to overcome physical and digital barriers. Universal design standards for buildings, transportation, communication, and technology should be adopted and enforced by the governments. Assistive technologies like screen readers and sign language interpretation should be integrated into public digital services and accessed independently by PWDs to access information and services.¹³

1.7.3 Changing Social Attitudes through Awareness and Education

Campaigns of public awareness are critical for the challenge and the dismantling of the negative stereotypes and the stigma commonly related to people with disabilities. Disability studies and sensitivity training should be integrated into school curricula, workplace training, and public administration to create a culture of respect, dignity, and inclusion. The PWDs should be given a chance to share and show that they are capable enough to do what is expected of them in the form of playing a role or occupying a position in the media as a journalist, news anchor, filmmaker, etc.

1.7.4 Promoting Economic Empowerment and Employment Opportunities

For individual campuses to provide safe and accessible communities, governments and private sectors are working together to create inclusive work environments with reasonable accommodations and accessible workplaces. Such training, skill development, and entrepreneurship support for PWDs should be expanded to enhance economic self-reliance and reduce poverty among PWDs.

¹³ United Nations Economic and Social Council (UNESCO). (2019). Disability and Development Report: Realizing the Sustainable Development Goals by, for and with Persons with Disabilities. New York: UN

The human rights of PWDs need to be advanced in a rights-based, inclusive, and participatory manner. To achieve the aforementioned, even the provisions of PWD laws resulting in mere protection of PWDs are followed by the empowerment of PWDs to lead independent and dignified lives; united action by all members of society must be engaged.¹⁴

1.8 Conclusion

Ensuring recognition and protection of the human rights of persons with disabilities (PWDs) is an essential step towards building an inclusive and rather just society. While there have been substantial developments of international and national legal frameworks such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the Rights of Persons with Disabilities (RPWD) Act, 2016, still many barriers persist in the way of the full realization of these rights. These challenges of marginalization and discrimination of the PWDs persist in the form of social stigma, attitudinal discrimination, inaccessible environments, economic exclusion, and lack of adequate implementation of legislation.

For the path forward, it is not sufficient to have strong legal commitments—that too is expected—but requires a transformation in the attitudes and practices of all institutions. Social inclusion, accessibility, economic empowerment, and respect for the autonomy and dignity of the PWDs have to be inbuilt elements of policy making and a chunk of community life. PWDs must be actively involved in decision-making processes for it to ensure that their voices are heard and their needs are met.

Finally, the realization of PWDs' human rights is not simply charity or welfare but justice and the human rights of all. Governments, civil society, the private sector, and communities all have a collective responsibility to end the discrimination and to enable persons with disabilities to live in freedom, equality, and respect. Incorporating an inclusive and rights-based approach will make it easier for societies to reach the target of real equality and empowerment of all.¹⁵

¹⁴ Mitra, S., Posarac, A., & Vick, B. (2013). Disability and Poverty in Developing Countries: A Multidimensional Study. *World Development*, 41, 1-18.

¹⁵ Shakespeare, T. (2018). *Disability: The Basics*. Routledge.