

How can laws promoting gender and disability rights support economic development?

INTRODUCTION

Very often, persons living with various forms of disabilities are denied fundamental freedoms and basic socio-economic opportunities because of the traditional notion that their impairments render them unproductive and fruitless. Gender inequality is a social state whereby boys and girls are not treated as equals due to a distinction in their biological, psychological, or cultural make-up. Gender inequality with reference to persons living with disabilities (**hereinafter referred to as PWDs**) has been a global challenge especially in developing countries in spite of existing laws that seek to protect these persons deemed to be vulnerable and less privileged. This has adverse effects on the individuals themselves and increases their dependency on government which gradually impedes economic development because they do not work to fend for themselves or they are left in isolation due to social stigma. This paper, therefore, discusses the relationship existing between disability rights and economic development and suggests that effective legislation, when it comes to gender and disability can reduce dependency rate on governments, increase countries' eligibility to foreign aid, ensure effective skill acquisition and training as well as increase government revenue to boost economic development.

GENDER AND DISABILITY

The World Health Organization defines "gender" as "the socially constructed characteristics of women and men – such as the norms, roles and relationships that exist between them".¹ It is derived from the Latin word "genus" which means race or kind. People who do not describe themselves as either masculine or feminine refer to themselves as non-binary, agender, genderqueer, or bigender. Gender may also be influenced by legal status, social interactions, public persona, personal experiences, and psychological setting. It is trite that people are sometimes "bullied" or discriminated against based on their gender statuses (with the feminine mostly being the victim).

"A disability is any condition of the body or mind (impairment) that makes it more difficult for a person with that condition to do certain activities (activity limitation) and interact with the world around them (participation restrictions)".² Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.³ In as much as gender inequality affects a lot of people in Africa and even worldwide, people living with disability face greater challenges with reference to their rights. This is simply because such persons suffer from impairment, activity limitation or participation restriction.

ECONOMIC DEVELOPMENT

Economic development comprises a collaborative effort involving industry, government, and myriad community stakeholders⁴ and is therefore broader than "economic growth". Simply put, economic development means improving the living standards of people. It includes a broad range of activities to attract, create, and retain jobs, and to foster a resilient, regrowth tax base and an inclusive economy. The 2020 African Economic Outlook highlights, however, that growth has been less than inclusive. Despite Africa's solid growth performance, only about a third of countries achieved inclusive growth, reducing both poverty and inequality⁵. This suggests that if human resources are well-developed and more high-productive jobs created irrespective of a person's gender or disability, the living standards of the people will improve as well as economic development at large. As a result, there would be little or no dependence on the government for individual basic needs.

RELATIONSHIP BETWEEN GENDER, DISABILITY AND ECONOMIC DEVELOPMENT

Human rights, fundamental freedoms and norms apply to all persons and must be enjoyed by everyone without any form of discrimination or restriction. However, women and girls with disability (W&GWD) have not enjoyed these rights

and freedoms to the fullest on equal basis with others. Statistically, more than 1 billion persons or fifteen per cent (15%) of the world's population live with some form of disability⁶. Eighty per cent (80%) are of working age; eighty percent (80%) live in developing countries⁷. The 2011 World Report on Disability indicates that the female disability prevalence rate is 19.2 per cent whereas it is twelve per cent (12%) for men. Research shows that in 2019, there lived more than 2 billion PWDs in the world, representing 37.5% of the world's population.⁸ The above-stated figures show that PWDs constitute a substantial portion of the world's population and there is therefore a dire need for gender/disability inclusiveness in the various sectors of the economy to boost per capita income and economic development. To buttress the writer's point, the International Labour Organization found that excluding persons with disabilities from the labour market in some low and middle-income countries costs economies as much as seven per cent (7%) of their Gross Domestic Product.⁹

It is disheartening to know that women and girls living with disabilities often suffer the most from double-discrimination, gender-based violence, abuse and marginalization which makes them a more vulnerable class in the community. In consequence, the woman living with disabilities experiences supplemental disadvantages even in comparison with men living with disabilities¹⁰. For that matter, the United Nation's Convention on the Rights of Persons living with Disabilities (CRPD) concludes that women and girls with disabilities are prone to multiple discrimination and so it is incumbent on all state parties to ensure the full and equal enjoyment of their fundamental freedoms and all human rights¹¹.

Persons living with disabilities live in poverty and suffer many forms of discrimination on the basis of their disability. "Discrimination on the basis of disability" refers to any form of exclusion based on a person's disability with the effect of impairing the recognition or enjoyment on an equal basis with others of all human rights and basic freedoms in any field; be it political, economic, social, cultural. or civil¹². Many people living with disabilities are denied access to education, employment, healthcare, social and legal support systems. Most of them, typically women, live in poverty; given that some are unemployed and those who are employed work mostly in marginal, seasonal, and menial jobs¹³. Although all persons with disabilities face barriers to employment, men with disabilities have been found to be almost twice as likely to be employed as compared to women with disabilities¹⁴.

EXISTING LAWS PROMOTING GENDER AND DISABILITY RIGHTS IN AFRICA.

The CRPD was adopted on 13 December 2006 by resolution of the General Assembly with the aim of protecting the rights and fundamental freedoms of PWDs. It is deemed to be the most rapidly ratified international treaty on account that 168 states and the EU (all representing 87 per cent of the UN member states) had had the treaty ratified as of 11 November 2016.¹⁵ It then entered into force on 3 May 2008 marking its twelfth year of evolution as of 2020. The CRPD highlights its principles as enabling accessibility and equality between men and women, non-discrimination, respect for ingrained dignity, individual autonomy, and independence of persons; amongst others.¹⁶ Most importantly and for the purpose of this article, the convention recognises that women and girls with disabilities face greater risks both within and outside the home, of violence, abuse, negligent treatment, or exploitation. For this reason, it seeks to ensure that effective women-and-children-focused legislation and policies as well as social protection and poverty reduction programmes are implemented.

Despite several challenges which inhibit the full realisation of the CRPD, the convention has brought significant positive changes in public policy and legislation, discussed *infra*. These challenges include the negative perception of disability by the societies in which these people live, misrepresentation of occupational health and safety frameworks mostly by employers and the revival of the call of living in various health care facilities or congregate settings.

Aside the UN's CRPD, various developing countries have implemented laws and policies to ensure that PWDs are not discriminated upon and are being included in economic development programs. Such countries include, but are not limited to Kenya, Ghana, and Zimbabwe. The Kenyan Constitution, 2010 explicitly prohibits discrimination on the grounds of health status and disability among other laws. Ghana has among its laws, the Person with Disability Act (Act 715) to provide for rights such as unrestricted access to public places and buildings, free health care, employment,

education, and transportation. In Zimbabwe, the Disabled Persons Act serves as the basic law which addresses disability and provides rehabilitation and welfare to PWDs.

Furthermore, the Convention on the Elimination on all forms of Discrimination Against Women (CEDAW) is an international treaty adopted by the UN General Assembly which outlines the economic and social rights of women and its main focus is on non-discrimination against women. This Convention also extends to include the rights of women and girls living with disability as they face double challenges of what women without disabilities face.

Additionally, the SDGs implicitly include persons with disabilities. Goal 5 focuses on gender equality and disability inclusive development with the aim of ending discrimination and all forms of violence against women and girls everywhere, ensuring participation and leadership in decision-making as well as reforming legislative and policy blocks which prevent women from having equal rights to economic resources.¹⁷ Similarly, Goal 4 seeks to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Thence, if there is a successful implementation of these goals, there would be gender equality irrespective of sex, disability, economic or any other status.

THE GROWING EFFECTS OF THESE LAWS ON ECONOMIC DEVELOPMENT

The implementation of these laws has to some extent, shed light on the importance of involving PWDs in nation building and has therefore provided avenues for education and skills training. For instance, in education, special schools like those for the deaf, dumb and the crippled have been built for people living with visual impairment, hearing impairment and wheelchair users respectively. Similarly, in sports, there are sports teams like wheelchair basketball, rugby, sailing, skiing, equestrianism and so on for physically disabled persons. Participating in sporting activities has a positive impact on economic development as it not only provides revenue to the individual but also the country in which he/she is a national through taxes and participation quotas.

In Kenya also, the Free Primary Education Act, 2003 has been extended to special education and schools for children with disabilities, through the provision of additional funding to meet the needs of children with disabilities in schools.¹⁸ Again, persons living with disabilities are granted a tax exemption on their monthly or annual income.¹⁹ The effect of this exemption is that these PWDs get more money to keep, save and spend which in the long run goes back to the economy through the market cycle.

With the adoption of these laws, including the CRPD in 2006, some progress has been made in improving the situation of persons with disabilities. However, despite such gains, disability remains largely invisible in most mainstream development processes, including the Millennium Development Goals.²⁰ Greater efforts are needed to ensure that development processes include persons with disabilities to help realize the overall objective of the full and equal participation of persons with disabilities in society.²¹

THE WAY FORWARD

Now that the connection between gender, disability rights and economic development has been inextricably established as well as the various laws that protect and promote the former and latter respectively, this writer further emphasizes on the importance of laws protecting gender and disability rights and most importantly, how they can support economic development.

Some benefits of gender and disability laws on economic development include the eligibility of countries to foreign aid, ability of states to focus more on providing infrastructure, low dependency rate on government, income through taxes, awareness creation and education translate to training and skills acquisition.

Eligibility to Foreign Aid

Countries which have laws focusing on and protecting gender and disability rights can have easy access to foreign aid. International conventions like the CRPD have been assented to by most developing countries, including Ghana. The effect of signing and ratifying such treaties and conventions is that it becomes incorporated in the local laws of the party states. The United Nations and other international organizations designate funds to support gender and disability right programs and schemes. A country becomes eligible to such funds if they have locally put in place laws to protect such persons living with various forms of disability and have also created an enabling environment for them to thrive. Same may apply to developed countries like the United Kingdom and the United States of America who may offer financial assistance based on the policies these receiving states have. In essence, once a country is able to put in place such laws to preserve and protect the rights of disabled people, it serves as a means to attract foreign aid from these international organizations. Foreign aid is very vital to the economic growth of developing countries as most of these countries rely on that as a form of budgetary support.

Effective Training and Skills Acquisition

Laws promoting gender and disability rights, especially advocating for PWDs to be enrolled in schools and various skills-training centers can help improve economic development. It has been established supra that such persons constitute a substantial portion of the world's population. It is also well-known that disability does not translate to inability. Therefore, if there is disability inclusion in our educational sector, a larger number of people will be employed in the long run to contribute to the economy due to the increase in output and human resources. Not limited to schools, we could have an increased number of human resources on the labour market whose input could grossly benefit the country. Agriculture is considered the backbone of the economy of most developing countries. Therefore, if there are more people to help modernize agriculture to increase agricultural productivity, it could contribute a massive quota to economic development.

Reduced Dependency Rate

When persons living with disabilities are involved in developmental activities without recourse to their gender or without associating with them the belief that they are fruitless, they will be able to work to earn a living. If this happens there will be little or no burden on the country to provide them with their basic necessities. This is because, the country would not have to spend colossal sums of money on food and shelter for these marginalized people. Invariably, families of such persons (who mostly act as their caregivers) are also burdened with the day-to-day needs of PWDs and that automatically puts them at a disadvantage. If laws are enacted to ensure that such persons are not isolated and discriminated against, they will also be economically eased, and the per capita income of the country will also rise.

Increase in Government Revenue

Human resource development can raise per capita income of a country through the formation of human capital. This can be achieved when there is a significant number of people on the labour market and in essence, there is no exclusion. Their ability to engage in all kinds of economic activities; agriculture (including fishing and forestry), manufacturing and service (especially in wholesale and retail), means that there will be more products on the market and exporting such goods can incur the government more revenue.

Increased Infrastructure

The net effect of the country not providing for the basic needs of persons living with disabilities is that they can in turn focus more resources on providing infrastructure and other social amenities to improve the living standards of people whether or not they live with any form of disability. Instead of providing shelters for such groups, it can equip them with skills and allow them to go to school with the others so they can provide for themselves. Thence, if a country has effective laws to protect the minority, specifically PWDs, the country itself shall benefit from infrastructural development. The presence of industries and other amenities to facilitate business speeds up economic progress.

CONCLUSION

To conclude, this writer posits that laws encouraging gender and disability-inclusion play a vital role in economic development. Even though most countries have such laws, they need to be strengthened in order to bridge the gap that

has been created between persons living with and without disability in order to ensure disability-inclusion. It is through this practice that countries can be eligible to special foreign aid, have a lower dependency rate, increase revenue and infrastructure as well as have a strong human capital to support economic development. Disability is a part of human condition; almost everyone will be temporarily or permanently impaired at some point in life²²

Notes

¹ World Health Organization – Gender, Equity and Human Rights. Factsheet N° 403. Website; <https://www.who.int/gender-equity-rights/news/factsheet403/en/#:~:text=Gender%20refers%20to%20the%20socially,and%20can%20change%20over%20time.> retrieved 10 November 2020

² Impairments, Activity Limitations and Participation Restrictions – Centres for Disease Control and Prevention, available at <https://www.cdc.gov/ncbddd/disabilityandhealth/disability.html> retrieved 10 November 2020

³ Article 1, United Nations Convention on the Rights of Persons with disabilities and optional protocols.

⁴ Championing Economic Development – EDRP Research Report, available at <https://www.iedconline.org/web-pages/inside-iedc/championing-economic-development/> retrieved 10 November 2020

⁵ African Economic Outlook 2020, Developing Africa’s Workforce for the Future, available at https://au.int/sites/default/files/documents/38116-doc-african_economic_outlook_2020_.pdf retrieved 15 November 2020

⁶ World Health Organization and World Bank, World Report on Disability (Geneva, 2011). Estimate based on 2010 population

⁷ Secretary-General’s Statement at the High-Level Meeting of the General Assembly on Disability and Development, 23 September 2013.

⁸ Inclusive City Maker; Disabled people in the world in 2019: Facts and Figures. Website; <https://www.inclusivecitymaker.com/disabled-people-in-the-world-in-2019-facts-and-figures/> retrieved 15 December 2020

⁹ Ibid note 6

¹⁰ Addressing gender equality in the context of disability (Inputs from UN women), Background paper for informal session on Women with disabilities

¹¹ Article 6, United Nations Convention on the Rights of Persons with Disabilities

¹² Article 2, CRPD

¹³ Disability, Gender, and employment relationship in Africa: A case study in Ghana by Augustina Naami

¹⁴ Arthur O’Reilly, The Right to Decent Work of Persons with Disabilities (pp. 31-33), Skills Working Paper No. 14, Geneva, International Labour Organization, 2003

¹⁵ 10th anniversary of the adoption of Convention on the Rights of Persons with Disabilities (CRPD). Website; <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/the-10th-anniversary-of-the-adoption-of-convention-on-the-rights-of-persons-with-disabilities-crpdcrpdc-10.html#:~:text=On%2030%20March%202007%2C%20the,the%20CRPD%20entered%20into%20force.&text=The%20CRPD%20has%20been%20the,States%20in%20the%20United%20Nations.> retrieved 26 November 2020

¹⁶ Article 3, CRPD

¹⁷ SDG 5: Gender equality and Disability Inclusive Development in the SDGs, CBM News. retrieved 3 December 2020

¹⁸ Inclusion of People with Disabilities in Kenya - International Labour Organization, Skills and Employability Department

¹⁹ Kenya Revenue Authority, reference available at <https://www.kra.go.ke/en/individual/special-needs/your-situation/people-with-disability> retrieved 19 November 2020

²⁰ Millennium Development Goals (MDGs) are eight goals with targets and clear deadlines signed by 189 countries at the United Nations Millennium Summit in 2000 with the aim of improving the lives of world’s less-privileged people. MDG Achievement Fund. Website; <http://www.mdgfund.org/node/922> retrieved 14 December 2020

²¹ Department of Economic and Social Affairs. The way forward: a disability inclusive development agenda towards 2015 and beyond

²² Ibid note 6