

Legal System and Practice of Guaranteeing Equal Rights of Persons with Disabilities in Various Countries

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Abstract: The guarantee of equal rights for persons with disabilities is a fundamental human right and a cornerstone of social progress. This paper conducts a comparative analysis of the legislative frameworks, implementation mechanisms, and challenges in protecting the rights of persons with disabilities in China, the United States, and the United Kingdom. The study reveals that while all three countries have established relatively comprehensive legal systems, significant differences exist in their implementation effectiveness. In China, the primary issues include inadequate enforcement of laws, insufficient funding, and persistent social prejudice and discrimination against persons with disabilities. In contrast, the United States and the United Kingdom demonstrate more robust mechanisms for implementation and greater social inclusivity in protecting the rights of persons with disabilities. Based on these findings, this paper proposes several innovative solutions, such as adopting a semi-public assistance system inspired by the UK, establishing employment support mechanisms for persons with disabilities, and introducing a trade-in policy to provide high-quality prosthetics at reduced costs. The research underscores the importance of strengthening international exchanges and cooperation, increasing financial investment, and raising social awareness to ensure the effective protection of the rights of persons with disabilities. Through these measures, the realization of equal rights for persons with disabilities can be further advanced, contributing to a more harmonious and progressive society.

Keywords: disability rights, legal protection, comparative analysis, various countries

1. Introduction

In the long course of the development of human society, the right to equality, as a basic human right, has always been an important cornerstone to promote social progress and harmony. As an important part of society, the guarantee of equal rights of the disabled is not only related to the realization of personal dignity and value, but also an important symbol to measure the construction of the rule of law and the degree of social civilization of a country. As the concept of human rights in the world becomes more and more popular, the guarantee of equal rights for persons with disabilities has attracted more and more attention from the international community and governments.

As the largest developing country in the world, China has a large population of disabled people. According to the data of the second National Sample survey on Disabled Persons, the total number of disabled people in China has reached 82.96 million, accounting for 6.34 percent of the total population. This large group faces many challenges and obstacles in enjoying basic rights such as education, employment, health care and rehabilitation. Therefore, strengthening the guarantee of

equal rights for persons with disabilities is not only a profound practice of the concept of human rights, but also an inevitable requirement for building a harmonious socialist society and realizing a well-off society in an all-round way.

This paper aims to discuss the existing problems and challenges through the in-depth analysis of the status quo of the guarantee of equal rights for the disabled in China, and put forward corresponding suggestions for improvement. Specifically, this paper will focus on the legislative, administrative, judicial and other dimensions of the protection of the rights of persons with disabilities, focusing on the current situation and deficiencies of the protection of the equal rights of persons with disabilities in employment, education, barrier-free environment construction and other fields. At the same time, this paper will also learn from the international advanced experience, combined with the actual situation of China, explore suitable for China's national conditions of the equal rights of the disabled path, in order to contribute to the development of the cause of disabled people in China.

The guarantee of equal rights for persons with disabilities is a long-term and arduous task, which requires the joint efforts and continuous promotion of the government, society, individuals and other aspects. We believe that with the joint attention and efforts of the whole society, the cause of protecting the equal rights of persons with disabilities will usher in a better tomorrow.

2. Literature Review

These are the more representative papers I found in my research. For example, *The Economics of Policies and Programs Affecting the Employment of People with Disabilities*[1], it use A large number of cases and data to summarize the reasons affecting the employment of disabled people and put forward relevant suggestions. The same goes for several other articles[2].However, by vertical comparison, we can find that these articles focus on policy improvement within their own countries, and do not draw experience from comparison with other countries.

Therefore, for these two articles, Research on Health Insurance Law. -- Focusing on the analysis of Chinese and American health insurance legislation[3] and Protection of the rights of persons with disabilities to work: Kazakhstan's experience from the perspective of international law and EU law[4].Although they compare different countries, they do not propose concrete and feasible measures. In the wake of the second article, there were news reports that the proposed European Union approach had failed in their countries. This is because in the past, people simply compared the policies of the two countries and directly used them, rather than learning from them to find a better method that fits their own country.

Besides, I found that these articles are relatively early, and few people continue to do research in this area in recent years, so I choose this topic also hoping to break this situation.

In addition, in the study, it was found that China's Law of the People's Republic of China on the Protection of Disabled Persons has not been revised or amended for many years, and many of its provisions are very briefly described, coupled with strict evaluation and implementation standards, so that the rights and interests of many disabled people are not effectively protected. The similarities and differences in the legislation of the three countries are identified, so as to explain the shortcomings of China's legislation and the direction of improvement.

3. Contrast Of Laws

Disabled individuals, as a susceptible demographic within society, are entitled to equitable rights, which serve as a critical benchmark to evaluate a nation's adherence to the rule of law and its societal advancement. As prominent global entities, China, the United States, and the United Kingdom have individually established distinctive frameworks within their disability protection

legislation. This scholarly work aims to conduct a comparative examination of the trio's disability protection statutes, analyzing their legislative foundations, salient features, and operational mechanisms.

4. Main Body

4.1. Legislative background and idea

China: The Law of the People's Republic of China on the Protection of Persons with Disabilities, promulgated in 1990, aims to safeguard the legitimate rights and interests of persons with disabilities, develop undertakings for persons with disabilities, and ensure their equal and full participation in social life. The law embodies the spirit of The Times and the international trend of "equality, participation and sharing", and at the same time integrates China's fine national tradition and socialist spiritual civilization.

United States: The Americans with Disabilities Act (ADA) came into effect in 1990, and its legislative philosophy is based on "equal opportunity and normal treatment", aiming to eliminate discrimination against persons with disabilities and ensure that they enjoy the same rights as ordinary people in various fields such as employment, education and transportation.

The United Kingdom: The United Kingdom has a relatively complete legal system to protect the rights of persons with disabilities, including the Equality Act, which emphasizes the elimination of obstacles faced by persons with disabilities through legislative means and the promotion of their full participation in various fields such as society, economy and culture. First of all, I compared the laws of the three countries, and we can start with the simplest regulations— definition of disability. This definition can also reflect the different legislative characteristics of each country.

As we can see, there are similarities here, countries all mention physical and mental disabilities[5], also mentioned that it can seriously affect daily life[6]. However, the standards of different countries are different here. For example, China's standards for determining the impact of daily life pay more attention to the defects of the disabled themselves , while the US and UK pay more attention to whether the disabled can carry out daily activities, so as to deduce whether they are disabled. Moreover, in China, the standards for judging the disabled are very strict, and they also need to go to the hospital for professional examination. In contrast, the standards of US and UK are more flexible and broad.

Besides, both the US and the UK mentioned that the disability needs to last for a certain period of time, like 6 months or 12 months.[7]

According to these, which can be seen that the US standard is the most broad and flexible among the three countries.

There is a passage in the law of the US, “in enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person’s right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers”[8],that shows how inadequate the law is for the protection of the disabled. I think it is very valuable for lawmakers to admit their own shortcomings in the law, which also reflects the broader and more humane legislation of the US. This is also a point that China needs to learn and learn from in terms of legislation.

4.2. Comparison of main contents

1. Scope of rights protection: The laws of the three countries extensively cover the rights of persons with disabilities in education, employment, medical care, rehabilitation and barrier-free environment. However, there are differences in the specific implementation details, such as the

United States ADA, which specifically emphasizes the right of disabled people to have barrier-free access to public places and service facilities.

2. Implementation mechanism: China adopts a government-led and social participation model to promote the implementation of laws through the establishment of specialized agencies and the formulation of supporting policies. The United States has established a relatively complete judicial review and enforcement mechanism to ensure the effective implementation of ADA. The UK focuses on the cooperation between the government and non-governmental organizations to jointly promote the protection of the rights of persons with disabilities.

3. Legal remedies: The three countries provide a variety of legal remedies, including administrative appeals, judicial proceedings and so on. However, there are differences in the specific operating procedures and standards, such as the United States ADA allows people with disabilities to defend their rights and interests through private litigation.

Table 1: Advantages and Disadvantages

	CN	US	UK
Ad	1. more conducive to the implementation of the law 2. the standards are more scientific and fair	broad and flexible standard	many detailed provisions in the legislation, which is very humane
Dis	Uniform standards are more likely to ignore individual differences, resulting in the rights of some disabled people cannot be protected	1. Social resources may be dispersed 2. people with mild disabilities may be over-labeled resulting in more severe disabled do not receive the protection they deserve	Social resources may be dispersed

4.3. Implementation effectiveness and challenges

Implementation results: The three countries have achieved certain results in the protection of the rights of persons with disabilities, such as increasing the social participation of persons with disabilities and improving the barrier-free environment. But the results vary according to national circumstances.

Challenges include inadequate funding, inconsistent enforcement, and persistent social prejudice and discrimination. Especially with the development of society, the emerging types and needs of disability put higher demands on the existing legal system.

4.4. Conclusions and suggestions

Conclusion: China, the United States and the United Kingdom all attach importance to and guarantee the equal rights of the disabled in their protection laws. However, there are differences in specific legislative ideas, scope of rights protection and implementation mechanism. These differences reflect the different characteristics of different countries in history, culture, social system and level of economic development.

4.5. Suggestions

First, strengthen international exchanges and cooperation, learn from the successful experience of other countries, and constantly improve domestic legal systems for the protection of persons with disabilities; Second, increase funding and policy support to ensure the effective implementation of

the law; Third, strengthen social publicity and education, eliminate prejudice and discrimination against persons with disabilities, and create a more inclusive and harmonious social environment. At the same time, relevant laws, regulations, policies and measures will be revised and improved in a timely manner in view of the emerging types and needs of disabilities.

5. Views and improvement methods

5.1. Social Tolerance

There is a word in UK law that really appeals to me called “residential care”. It mentioned that this policy is not like that of the US and China, which simply repairs the houses of the disabled to be more convenient, or gathers the disabled in the welfare homes to provide convenient accommodation and security.

As mentioned in the relevant report of the UK, they are more inclined to help groups with more severe disabilities due to house problems. For example, some disabled people may suffer from more serious diseases due to too cold houses, so the British government will take measures to provide them with free heating or repair of their houses, so that this part of the group can be effectively protected. Their disabilities are well controlled so that medical resources are not continually lost. This policy has greatly helped disabled people who do not want to live in welfare homes.

Here is my innovation point 1, our country can also learn from the UK and implement a semi-public assistance system. The government will gather unemployed people who are willing to help disabled people into households for training, meet the standards of caring for and accompanying disabled people, and then let the disabled pay them a low salary. Not only has it solved the problem that the disabled need help and are unwilling to live in welfare homes, it has also solved the temporary survival problem of the unemployed. And people's companionship may act as a placebo, making people with disabilities less lonely and miserable, and thus suffering less.

5.2. Education and Employment

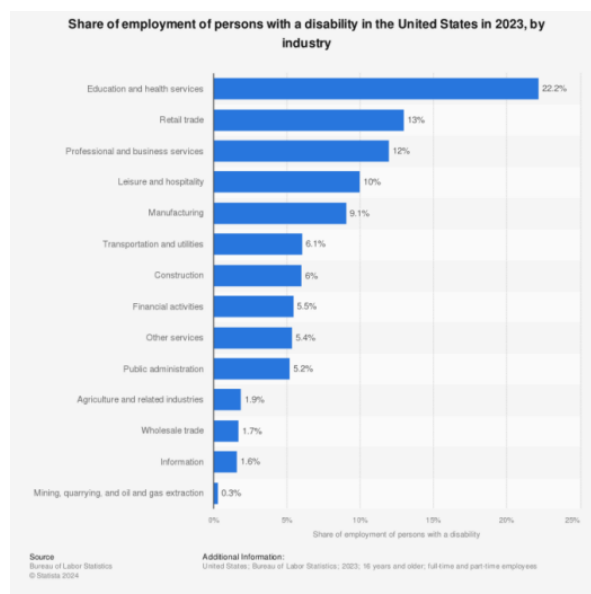


Figure 1: Share of employment of persons with a disability in the United States in 2023

Looking at the bar chart, we can find that there are disabled people in all kinds of positions, which also indicates that the discrimination rate of disabled people has decreased, or that many companies and units have made efforts and changes to ensure the equal rights of disabled people.

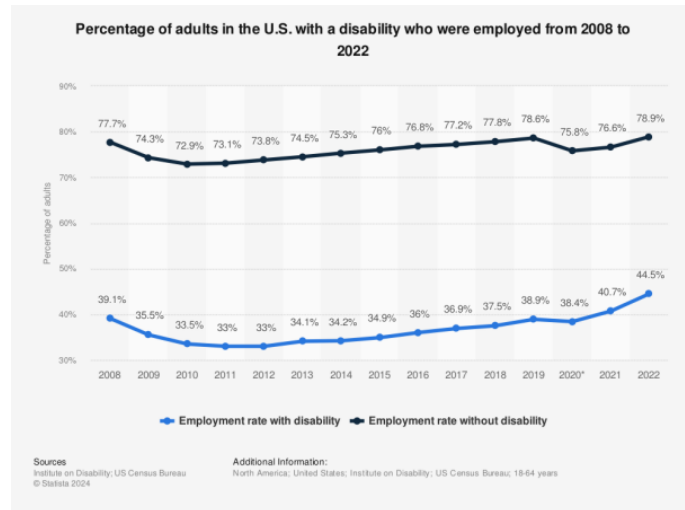


Figure 2: Percentage of adults in the U.S. with a disability who were employed from 2008 to 2022

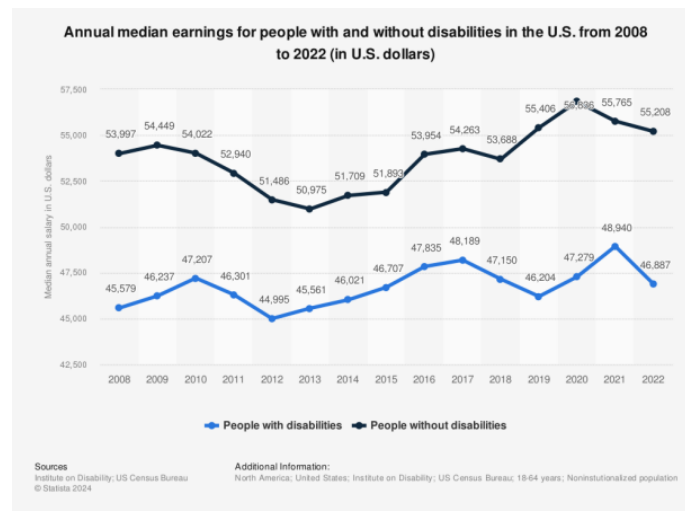


Figure 3: Annual median earnings for people with and without disabilities in the U.S. from 2009 to 2022(in U.S. dollars)

But looking at these two charts, the employment rate of persons with disabilities remains low. People with disabilities generally earn between \$5,000 and \$10,000 less per year than others. The reason for this may be that there are disabled people in every industry because the rigid standards prevent them from discriminating against disabled people, but they only recruit disabled people and let them do the simplest jobs without promotion opportunities.

Here is my innovation point 2, I think we can establish an assessment mechanism to assess disabled people who are willing to be promoted every year, and compare their performance and performance with that of ordinary employees at the same level to judge whether they can be promoted. Same for disabled students, although they can get better protection in special schools, if they want to enter ordinary schools, they should also be screened through fair tests, so that they can better adapt to social life in advance

This assessment method may have existed before, but it needs the efforts of these disabled groups to truly realize it. What we need to do is to establish mandatory regulations, or even write laws and regulations, and force companies and schools to provide them with testing opportunities.

5.3. Health Care

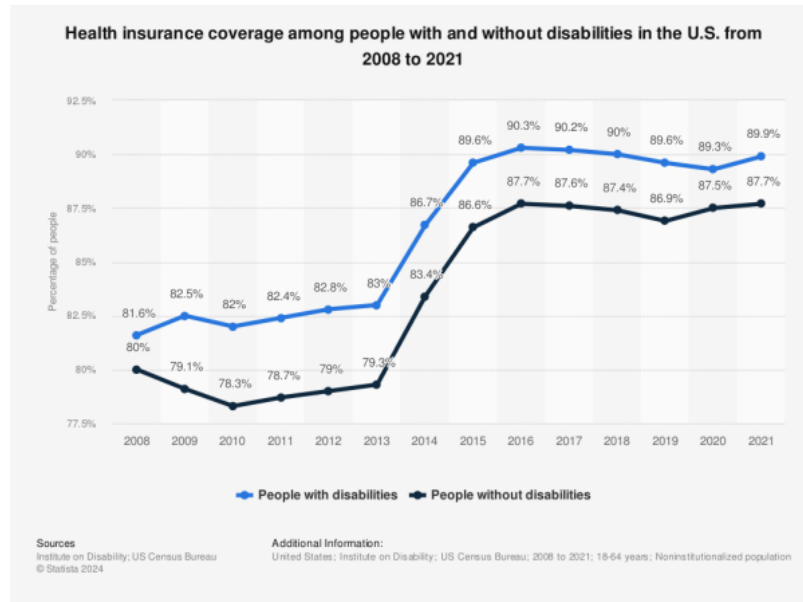


Figure 4: Health insurance coverage among people with and without disabilities in the U.S. from 2008 to 2021

From this line chart, it can be seen that countries have done a good job in terms of medical treatment and health care for persons with disabilities, especially the increase in the proportion of medical reimbursement for persons with disabilities, and then the persons with disabilities can get more direct protection in this respect. According to statistics, the medical insurance rate of the disabled in the United States is 90%, and China is 96%, both of which are very high data, so what new measures can we do in this regard is worth thinking about.

Here is my innovation point 3, I think we can make some further improvements. With the development of science and technology, the medical conditions are getting better and better, and the prosthetics are becoming more exquisite and functional, but the price is also very high. However, if such high-quality prosthetics are replaced, people do not have to replace the ordinary prosthetics of poor quality, not only solve the problem of replacing the prosthesis once, but also the disabled can enjoy a more comfortable prosthesis.

We can establish a trade-in method, like Apple Inc., for example, if the disabled person has replaced 10 pairs of prosthetics, he can get a high-quality prosthetic at a bigger discount, because they need to have 10 pairs of unsuitable prosthetics, which requires a lot of time and money. And suffer from a lot of difficulties. If the continuous replacement of poor quality prosthetics is better than allowing them to buy a pair of high-quality prosthetics at a relatively low price, it can also greatly save medical resources in the follow-up.

6. Research Design

Based on the third innovation point, I will design the experiment of the Difference-In-Differences model.

Reason: The DID method can more directly reflect the data changes before and after the implementation of the policy, as well as the data changes of the experimental group and the control group, and the experimental results can be more clear and intuitive on the same chart.

Table 2: Research Design(1)

Dependent variable	Independent variable	Control variables
proportion of persons with disabilities with replacement of high-quality prosthetics	implementation of policy	site of amputation age group years of disability cause of disability occupation

Table 3: Research Design(2)

Experimental group	disabled people who had collected 10 pairs of prosthetic
Control group	disabled people who had not yet collected 10 pairs of prosthetic

7. Prediction Model

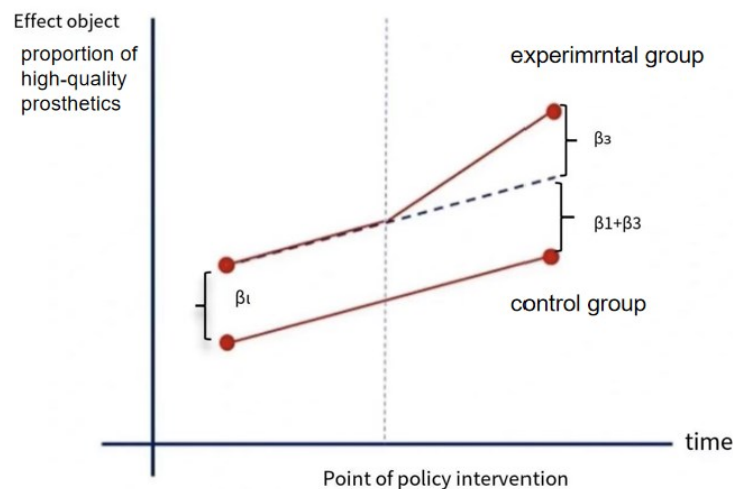


Figure 5: prediction model

Since people who have changed their prosthetics many times are more likely to buy a better prosthesis themselves, we can see in the graph that there was a certain difference between the two groups of people before the policy began like β_1 .

Perhaps after the implementation of this policy, more qualified disabled people will be more willing to replace a pair of high-quality prosthetics, and the increased part will be shown as β_3 in the data chart.

7.1. Research Conclusion

As can be seen from the prediction chart of experimental results, after the implementation of the prosthetic limb replacement purchase policy, more disabled people who meet the standards will choose to obtain high-quality prosthetics through replacement, which indicates that disabled people

are not unwilling to use better prosthetics, but high-quality prosthetics are not covered by the medical insurance of various countries or have a small reimbursement rate. This is exactly the problem that I want to address through the prosthetic replacement policy, namely that people with disabilities have a high standard of use but few can get it because of the high price.

8. Conclusion

The status quo of equal rights protection for persons with disabilities under the research background:

1. In the comparative study of China, the United States and the United Kingdom, we found that the three countries have established relatively complete legal systems for the protection of persons with disabilities, clarifying the basic rights of persons with disabilities and the protection obligations of the state. However, at the implementation level, the three countries have different degrees of differences in implementation and unequal distribution of resources, resulting in different effects on the protection of equal rights of persons with disabilities.

The main challenges faced by persons with disabilities in obtaining their rights are: 1. Persons with disabilities generally face social prejudice and discrimination, which limits their equal participation in areas such as education, employment and health care. 2. The lack of barrier-free environment makes people with disabilities encounter obstacles in physical environment and information exchange. 3. The lack of legal remedies and the high cost of protecting the rights of persons with disabilities have led to the failure of timely and effective protection of some legitimate rights and interests.

Factors affecting the effectiveness of existing legal and policy frameworks: 1. The enforcement of laws and regulations and the imperfect supervision mechanism have led to the inadequate implementation of policies. 2. Inadequate funding limits the quality and coverage of services for persons with disabilities. 3. Social awareness and attitudes towards the rights and interests of persons with disabilities, as well as their own awareness and ability to defend their rights, are also important factors affecting the effectiveness of laws and policies.

According to research results, many problems are still being solved by the three governments in order to protect those with the least amount of disability law, even if they have made a lot of development there. The main causes of this are the lack of funding, the police, and the level of social awareness that law enforcement is doing, which mostly results from them being in need of it.

The problems that those with the disability in getting to know the right of the individual to be given are that the society as a whole, and the interests of those with disabilities, have to do so in an attempt to improve their attention to the rights of the whole society, which is reflected in the difficulty of people with disabilities to get to know the rights.

Compared with international standards such as the International Convention on the Rights of Persons with Disabilities, the three countries have basically followed the basic principles of the Convention in terms of the protection of persons with disabilities, although there are differences in the implementation details and effects.

China receives helpful references because of the United Kingdom and the US, which have produced amazing results in the creation of barrier-free environments and the promotion of employment for people with disabilities.

9. Revelation

To guarantee the legal system is implemented correctly, the government of the legislature should take policy makers seriously and the supervision system should be improved to the greatest extent possible.

Improve people who have difficulties by increasing financial resources, enhancing service quality, and providing better coverage, which will increase these rights and interests significantly.

Strengthen the social publicity and teaching level; improve the public awareness about and regard the interests, and create a social and harmonious environment of the people with different disability; strengthen the public consciousness of and regard for the rights and interests of people's disabled; and create social environment of a good and harmonized environment.

Promote people who suffer with disability, as a means of engaging in social activities with the intention of increasing the level of social awareness, and increasing the ability of people with a disability's rights, which is of great value to encourage people's protection of the same rights of people who do not have the same level of protection as the people of a disability.

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