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Protecting the Rights of Individuals with Disabilities in the Digital World

Sunday Olubayo AWOLOLA

Master Student
Department Of Special Education
Kwara State University Malete.
Email: awololaolubayosunday@gmail.com
sunday.awolola@kwasu.edu.ng

Abstract: *The digital world has created new opportunities and transformed the lives of individuals with disabilities, offering new opportunities for social interaction, social inclusion, education, politics vocational rehabilitation and employment, but it also poses significant challenges to their rights and inclusion. This paper explores the importance of protecting the rights of individuals with disabilities in the digital world, focusing on accessibility, data protection, and non-discrimination. We examine the role of international human rights law, national policies, and technological innovations in promoting digital inclusion and accessibility. The paper highlights best practices and challenges in ensuring that digital technologies are designed and implemented in ways that respect, protect, and fulfill the rights of individuals with disabilities in Kwara State.*

Keyword: Digital Rights, Disability Rights, Accessibility, Inclusion, Data Protection, Non-Discrimination.

Introduction

Individual with disabilities centers on a person experiences long term physical, mental, intellectual or sensory impairments that, in interaction with various societal barriers can hinder their full and equal participation in society. A digital world that increasingly covers more and more aspects of our day-to-day lives in tasks as varied as leisure, education, the consumption of audiovisual content and bureaucratic procedures with the administration.

The digital world has evolved enormously in recent decades with the emergence and development of the Internet, **social networks** and **applications**, but there is no homogeneous progress as there are differences between different sectors in different societies around the world. In view of this problem, two concepts come into play that are interesting to know about: inclusion and the digital divide.

Digital Inclusion and the Digital Divide

Inclusion and the digital divide are two terms of great relevance in the digital world. Why is this so? Because in order to make the digital world available to a greater number of people around the world (regardless of their place of residence, gender or age, among other things), progress must be made on certain issues.

Digital inclusion

Digital inclusion not only involves facilitating access to digital tools for those people or social groups that may be outside the digital world, but also implies the development of the necessary skills to use them correctly or appropriately. Or at least to have a minimum of notions about how it works.

Digital education, the expansion and development of connectivity, inclusive technology and digital literacy are some examples of this digital inclusion.

Digital divide

The **digital divide** refers to the unequal possibility or capacity to access the use of ICTs, of which we can find **different types:**

- Digital divide of coverage or access, referring simply and plainly to access to digital resources.
- Usage digital divide, in which the barrier to digital technology does not lie in the impossibility of access but in the provision of tools to be able to make correct or appropriate use of digital resources. The different existing usage gaps are

Making progress in closing the digital divide – be it in coverage or usage – is of great relevance to achieving digital inclusion and strengthening the construction of the digital world.

Advantages of the Digital World to Persons with Disability

The digital world and its development have brought with them a series of benefits for society as a whole.

Let's look at some of them, in a list that could include many other advantages.

Education

Digital Education has proven to be a very useful tool for transforming and enhancing learning.

This digital form of education has three fundamental factors, which are content, capacity and connectivity.

The latter two are precisely related to the digital divides mentioned above. Capacity is the ability of students or teachers to have the competences and skills to use and make proper use of digital tools. In other words, the usage gap.

Connectivity, on the other hand, refers to the coverage gap. Without good connectivity, it is impossible to make progress in digital learning.

Global connectivity

The levels of connectivity in the world today mean that the ability to connect and communicate between people, people with objects or objects with themselves is at unprecedented levels.

Historically, persons with disabilities have been excluded from the general education system and placed in 'special schools. In some cases, they are separated from their families and placed in long-term residential institutions where they are educated in isolation from the community, if they are educated at all. Both practices persist in many regions, for example, Eastern Europe has the highest number of institutionalized children in the world and a child with a disability is almost 17 times more likely to be institutionalized than other children (UNICEF, 2022).

Children with disabilities have very low rates of initial enrolment. Even if they do attend school, children with disabilities are more likely to drop out and leave school early without transitioning to secondary school and beyond (**GCE, *Equal right, equal opportunity report*, 2014).** Children with disabilities are also at increased risk of school violence and bullying, preventing the safe enjoyment of their right to education **(UNESCO, *School violence and bullying: Global status report*, 2016**).

These facts and figures reflect the impact of the significant ongoing barriers to education faced by many people with disabilities, which include:

- lack of accessibility, both in terms of physically inaccessible school buildings and unsuitable learning materials
- discrimination and prejudice which prevents people with disabilities from accessing education on equal terms to others
- exclusion or segregation from mainstream school settings (also referred to as 'regular schools')
- inferior quality of education, including in mainstream settings where children with disabilities have been 'integrated' into the existing non-inclusive system

Human rights law seeks to directly tackle these issues by placing obligations on states to respect, protect, and fulfil the right to education of people with disabilities, through the implementation of 'inclusive education'.

Disability Types and Description

This disability types and description based on an impairment of functioning approach.

Resources on this page:

- **Persons with Neurodevelopmental Disorders**
- **Persons with Physical Disability**
- **Persons with Autism Spectrum Disorder (ASD)**
- **Persons with Acquired Brain Injury (ABI)**
- **Persons with Neurological Disability**
- **Persons with Vision Impairment**
- **Persons with Learning Disabilities**
- **Persons with Intellectual Disability**
- **Persons with Hearing Impairment**
- **Persons with Communication disorders**
- **Persons with Speech Language Impairment**
- **Persons with Psychosocial Disability**
- **Persons with Developmental Delay**

Persons with Neurodevelopmental Disorders

Neurodevelopmental disorders (NDs) are a group of disorders with onset in the developmental period (0-18 years). These disorders typically manifest early in development, often before the child starts school, and are characterized by developmental deficits that produce impairments of personal, social, academic, or occupational functioning.

There are many types of Neurodevelopmental disorders including Intellectual disability, autism spectrum disorder (ASD), Attention-deficit hyperactivity disorder (ADHD), Communication disorders, Specific learning disorder and Motor disorders (DSM-5 American Psychiatric Association 2013).

Persons with Intellectual disability

Intellectual disability is a lifelong condition that affects a person's intellectual skills and their behaviour in different situations. It can include difficulties with reasoning, problem solving, planning, abstract thinking, academic learning, judgement and learning from experience. Intellectual disabilities can range from mild to severe and may be present from birth or acquired later in life.

Global developmental delay is diagnosed when an individual does not meet expected developmental milestones in several areas of intellectual functioning. However, is unable to undergo systematic assessments of intellectual functioning (i.e. children who are too young to undergo testing).

Persons with Autism Spectrum Disorder (ASD)

Autism Spectrum Disorder, commonly known as 'ASD' impacts how people communicate, interact with others and make sense of the world. The term 'spectrum' emphasises that children and young people will experience autism differently. Autism is a developmental condition often diagnosed before children start school, however it can be diagnosed at any stage of life.

Persons with Attention deficit hyperactivity disorder (ADHD)

Attention deficit hyperactivity disorder (ADHD) is classified as a neurodevelopmental disorder with an onset typically before 12 years of age. Symptoms include difficulties with attention and/or hyperactivity and impulsivity, which are inconsistent with a person's age or developmental level and interfere with a person's family life or participation in their community. ADHD is the most common neurodevelopmental condition in children and adolescents. However, ADHD can be diagnosed for the first time in adulthood.

A person with ADHD may have one or more other neurodevelopmental, mental health, or medical conditions that make diagnosis and treatment more complex. Careful assessment of possible co-occurring or alternative conditions is required.

Persons with Communication disorders

The Communication Disorders include Language Disorder, Speech Sound Disorder, Childhood Onset Fluency Disorder and Social (Pragmatic) Communication Disorder. Like other neurodevelopmental disorders, communication disorders begin early in life and may produce lifelong functional impairments.

Persons with learning Disabilities

Specific learning disorder, as the name implies, is diagnosed when there are specific deficits in an individual's ability to perceive or process information efficiently and accurately. This neurodevelopmental disorder first manifests during the years of formal schooling and is characterized by persistent and significant difficulties with learning.

Physical Disability

A physical disability is a physical condition that affects a person's mobility, physical capacity, stamina, or dexterity. Examples of physical disability include Multiple Sclerosis, Muscular Dystrophy, Chronic Arthritis, Cerebral Palsy, Chronic Fatigue Syndrome, Fibromyalgia, Spina Bifida, Loss of limbs and Spinal Cord Injury. A person with physical disability may have difficulties moving and coordinating parts of their body for everyday life. The difficulties and barriers a person may face will depend on the type of physical disability and other environmental factors.

Acquired Brain Injury

Acquired brain injury (ABI) refers to any damage to the brain that occurs after birth. Disabilities related to ABI are often complex and may cause limitations in many areas of life. Common causes of ABI include accidents, stroke, brain tumours, poisoning, lack of oxygen and degenerative neurological disease. ABI-related disability can affect cognitive, physical, emotional and independent functioning.

Persons with Neurological Disability

Neurological disability—also known as neurological disorder—describes damage to a person's nervous system that affects their mental or bodily functions. As the brain, spinal cord, and complex nervous system can all be affected, the impact of neurological disability varies greatly between people, and can even change on different days and over the course of life.

Some conditions that are classed as neurological disabilities include Cerebral palsy, Multiple sclerosis, Parkinson's disease, Epilepsy and Alzheimers disease.

While neurological disabilities caused by trauma or stroke can improve over time, others are degenerative, meaning that they increasingly disrupt brain function as the condition progresses, such as Multiple sclerosis (MS) and Parkinson's disease.

Persons with Vision Impairment

A vision impairment is defined as a limitation of one or more functions of the eye or visual system. This can range from mild vision impairment to total blindness. It cannot be corrected to normal vision with prescriptive lenses or surgery. Some people have congenital vision impairment (present from birth), whereas others have a degenerative eye condition that can lead to blindness or one acquired through trauma (e.g. accident or brain injury). A person with vision impairment may have some useful vision, referred to as functional or residual vision. However, the loss is severe enough to affect the ability to perform vocational, recreational and/or social tasks.

Persons with Hearing Impairment

Hearing impairments occur when there is a problem with one or more parts of the ears, the nerves coming from the ears, or the part of the brain that controls hearing. Hearing impairment, hearing loss, or deafness refers to the partial or total inability to hear speech and sounds. Impairments can range from mild to severe and can affect anyone at any age. Some types of hearing impairments are temporary and some are permanent. Hearing impairments that happen at birth are called 'congenital' hearing impairments whereas 'acquired' hearing impairments develop throughout the course of a lifetime.

Persons with Speech Language Impairment

A person with Speech Language impairment may not be able communicate in the same way as other people. They may have problems with their speech sounds or understanding and using language. Some people may also use a different mode of communication.

Children may be born with conditions or disabilities that impact on their speech, language and communication skills, such as Autism Spectrum Disorder, Intellectual Disability, Downs Syndrome, Hearing Impairment and Acquired Brain Injury or Speech Language Disorders may occur in isolation. These difficulties may present for a short or long time and can range from mild to severe.

Other people may experience speech language difficulties later in life. Speech Language disorders can develop in adults gradually, but they can also develop suddenly, such as in the case of stroke. Disorders can include the loss of ability to express or understand

language, problems making certain sounds or words (for example, slurring) and changes to the rhythm or speed of speech. Disorders can also include problems with swallowing.

Persons with Psychosocial Disability

Psychosocial disability is a term used to describe a disability that may arise from a mental health issue. Not everyone who has a mental health condition will have a psychosocial disability, but for people who do, it can be severe, longstanding and impact on their recovery. People with a disability as a result of their mental health condition may qualify for the NDIS.

Mental health conditions such as depression, anxiety disorders, schizophrenia and bipolar disorder may be considered psychosocial disabilities.

Persons with Developmental delay

Developmental delay is a term used to describe a delay in a child's development. When young children take longer than expected to develop physical, emotional, social, communication and thinking skills, it's called developmental delay. It means that a child finds it much harder and needs lots of extra help to do everyday things such as dress themselves, talk or walk, compared to other children of the same age.

Right of Individuals with Disabilities

People with disabilities are recognized under international law as rights-holders, with a right to education without discrimination and on the basis of equal opportunities. This right is guaranteed by the **International Covenant on Economic, Social and Cultural Rights** (1966) and the **Convention on the Rights of the Child** (1989).

People with disabilities are also protected by a specific treaty that interprets existing human rights law in a manner that takes account of the specific situation of people with disabilities. The **Convention on the Rights of Persons with Disabilities** (2006) sets out the right to education as applied to people with disabilities in Article 24, and has been interpreted by the Committee on the Rights of Persons with Disabilities in **General Comment 4: Article 24: Right to inclusive education** (2016).

Despite the relative strength of international law in guaranteeing the right to education of people with disabilities, at the national level very few states guarantee the right to education of people with disabilities in their national constitutions.

Discrimination of Individual with Disability in Society

Exclusion and segregation are discriminatory practices that are prohibited by international human rights law. Article 24 (2)(a) of the **Convention on the Rights of Persons with Disabilities** (CRPD) prohibits the exclusion of persons with disabilities from the general education system, including any legislation or regulations that limit their inclusion on the basis of their impairment or its 'degree'.

- ***Exclusion*** occurs when students are directly or indirectly prevented from or denied access to education in any form.
- ***Direct exclusion*** would include classifying certain students as 'non-educable' and therefore deeming them ineligible for school education.
- ***Indirect exclusion*** would include a school setting a common entry exam without making reasonable accommodations for people with disabilities.
- ***Segregation*** occurs when the education of students with disabilities is provided in separate environments, designed or used to respond to a particular or various impairments, in isolation from other students.

CRPD makes clear that excluding or segregating persons with disabilities from the general education system constitutes *discrimination*. States must prevent such discrimination by providing reasonable accommodation and developing support systems and accessible learning environments.

The Committee makes the distinction between integration and inclusion. ***Integration*** is a discriminatory process of placing persons with disabilities in existing mainstream educational institutions as long as they can adjust to the standardized requirements of the institution. ***Inclusion*****,** in contrast, involves modifying content, teaching methods, and structures to provide all students with an equal and participatory learning experience which meets their individual requirements. The Committee makes clear that placing students with disabilities within mainstream classes without also making structural changes to for example, curriculum or teaching strategies, does not constitute inclusion.

For examples of exclusion and segregation, see Human Rights Watch's reports *'Complicit in Exclusion' - South Africa's failure to guarantee an inclusive education for children with disabilities* (2015) and '*As long as they let us stay in class': Barriers to education for persons with disabilities in China* (2013).

Rights of Persons with Disabilities in Society

Disability is a protected characteristic under the Equality Act 2010, which provides legal protections against discrimination on the grounds of disability. The United Kingdon (UK) is party to the '**Convention on the Rights of Persons with Disabilities**' (CRPD), which it ratified in 2009. There are eight guiding principles that underlie the CRPD:

- respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
- non-discrimination
- full and effective participation and inclusion in society
- respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- equality of opportunity

- accessibility
- equality between men and women
- respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.
- Right to Politics

Whilst the CRPD has not been incorporated into UK domestic law, the UK government has said that the Equality Act 2010 provides protections for people with a disability:

Although the UN Convention on the Rights of Persons with Disabilities is not incorporated into domestic law, the Equality Act 2010 provides, in domestic legislation, protections for people in Great Britain against discrimination, harassment, or victimization, because of any of the nine protected characteristics set out in the Act—which include disability.

The Equality Act 2010 also includes the public sector equality duty, to promote equality of opportunity for all. Public sector bodies bound by the duty must consider the impact of their key decisions on, among others, disabled people. Equivalent provisions for Northern Ireland are set out in a range of devolved legislation.

Challenges faced by people with a disability when accessing services

Barriers to accessing services

The challenges faced by a person with disabilities in accessing services can vary depending upon the types of service and the nature of the barriers that person faces. The World Health Organisation (WHO) states that it is the existence of barriers that create disability. It has described barriers as:

Factors in a person's environment that, through their absence or presence, limit functioning and create disability. These include aspects such as:

- a physical environment that is not accessible
- lack of relevant assistive technology (assistive, adaptive, and rehabilitative devices)
- negative attitudes of people towards disability
- services, systems and policies that are either nonexistent or that hinder the involvement of all people with a health condition in all areas of life.

The United States Centers for Disease Control and Prevention (CDCP) has said that often multiple barriers can occur at once. It has described the seven most common barriers as follows:

- **Attitudinal**. These barriers include stereotyping and stigma, prejudice and discrimination. For example, the CDCP describes stereotyping as an assumption that the quality of life of someone with an impairment must be poor.
- **Communication**. These barriers may be experienced by people who have impairments that impact their communication. They include written messages that mean people with visual impairments may not be able to receive the information or the use of "technical language, long sentences, and words with many syllables" which may present a barrier to people with cognitive impairments.
- **Physical**. Physical barriers prevent or block a person's mobility or prevent access to something. For example, "steps and curbs that block a person with mobility impairment from entering a building or using a sidewalk". Physical barriers may also block access to services, for example "mammography equipment that requires a woman with mobility impairment to stand".
- **Policy**. These barriers are "frequently related to a lack of awareness or enforcement of existing laws and regulations that require programs and activities be accessible to people with disabilities".
- **Programmatic**. Programmatic barriers inhibit the delivery of public health programmes for people with different types of impairment. The CDCP gives examples including a lack of accessible equipment and "insufficient time set aside for medical examination and procedures".
- **Social**. These barriers are "related to the conditions in which people are born, grow, live, learn, work and age—or social determinants of health—that can contribute to decreased functioning among people with disabilities". The CDCP gives examples including that people with disabilities were less likely to be employed.
- **Transportation**. Transportation barriers interfere with a person's ability to be independent, for example a person with visual impairments may not be able to drive and therefore a "lack of access to accessible or convenient transportation" would be a barrier.

The Office for National Statistics (ONS) conducted qualitative research that examined the experiences people with disabilities had with activities, goods and services in the UK. The findings reflected the barriers listed by the CDCP above, including: physical access, restrictive building layouts, inaccessible online services, poor information provision and inflexible design of customer services that do not consider accessibility for a broad range of needs.

The ONS said the barriers reported by participants related to three key areas:

- the physical design of the built environment
- the digital design of online services

- the design of systems and processes

Amongst the research's main findings were that people with disabilities often had to make "extensive" preparations and had to develop workarounds when interacting with "difficult-to-access services". Sometimes people had to rely on friends and family for support. These efforts incurred physical, emotional and financial costs. The research also found that people with invisible impairments "could face a conflict between needing support but not wanting to have to identify themselves as disabled to access it". This was because they were concerned about negative stereotypes around disability and external judgement.

The ONS said that people had identified the following as priorities for future service provision:

- physical and online environments being appropriate for a wide range of impairments and offering flexibility in recognizing and accommodating needs
- involving disabled people in policy and service decisions that impact their lives
- increasing awareness and empathy for people with a range of impairments
- providing meaningful, readily-available help for disabled people when accessing activities, goods and services.

Government Disability Action Plan 2023 to 2024

The government has recently consulted on plans to improve the lives of disabled people. It has stated that it wants to improve access for people with disabilities and address barriers:

We want to tackle the barriers that prevent disabled people from fully benefiting from and engaging in our society. That means making this country the most accessible place in the world for disabled people to live, work and thrive.

The government consulted on a proposed disability action plan between July and October 2023. The action plan itself was published on 5 February 2024. The disability action plan sits alongside the '**National disability strategy'**, which sets out the government's long-term vision to reduce barriers and "transform disabled people's lives for the better". The disability action plan sets out actions the government intends to take in 2024. It sets actions over the following:

- Support disabled people who want to be elected to public office
- Include disabled people's needs in emergency and resilience planning
- Include disabled people's needs in climate-related policies
- Improve information and outcomes for families in which someone is disabled
- Make playgrounds more accessible
- Help businesses understand the needs of and deliver improvements for disabled people
- Help the government measure how effective its policies and services are for disabled people
- Research issues facing disabled people in the future
- Make government publications and communications more accessible
- Monitor and report progress of the disability action plan

The national disability strategy was the subject of a judicial review where the High Court found that the government had not consulted effectively. This was overturned by the Court of Appeal. Following the ruling the then minister for disabled people, health and work, Tom Pursglove, made a written statement saying that "the vast majority of departmental commitments outlined in the national disability strategy 2021 were not impacted by the High Court's initial judgment".

Digital Skills Leading to Digital Jobs of Persons with Disabilities

The digital transformation is creating some well-paid employment opportunities that require strong digital expertise, such as data scientists, web designers and artificial intelligence specialists.

It is essential for these persons with disabilities to possess the wide range of digital skills that are needed to perform jobs in the digital economy. The Global Initiative on Decent Jobs for Persons with disability classifies these skills as follows:

● Basic digital skills: these are generic Information and Communication Technology (ICT) skills required for nearly all jobs. They relate to the effective use of technology, which is necessary in most professions. They include using productivity software, web research, online communication, use of professional online platforms and digital financial services.

● Mid-level digital skills: these include digital graphic design and marketing, desktop publishing and social media management, as well as entry level IT professional skills like installing and managing applications and simple network management, for both jobs and entrepreneurship opportunities.

● Advanced digital skills: skills necessary to create, manage, test and analyse ICTs. They relate to technology development, including coding, software and app development, network management, machine learning, big data analysis, Internet of Things (IoT), cybersecurity and block chain technology.

● Digital entrepreneurship: digital skills required by entrepreneurs, including online market research, strategic planning and business analysis, using financing and crowd funding platforms, online marketing, online networking and establishing mentoring relationships.

● Soft skills: complementary to technical skills, these are skills necessary for all professionals to ensure collaborative and effective work in the digital economy. They include leadership, creativity, communication, teamwork, growth mind-set, and client focus, among others.

Ways to Protect the Rights of Individuals with Disabilities in the Digital World

To protect the rights of individuals with disabilities in the digital world, it's crucial to prioritize accessibility, ensure inclusive design, and combat digital exclusion and discrimination. This includes creating accessible websites and apps, providing assistive technologies, and promoting digital literacy training. Additionally, raising awareness about disability rights, combating online harassment, and advocating for inclusive policies are essential steps.

- Prioritize Web Accessibility: Ensure websites and online content are designed with accessibility in mind, following guidelines like WCAG (Web Content Accessibility Guidelines). This includes providing alt text for images, captions for videos, and ensuring keyboard navigation.
- Develop Accessible Apps: Similar to websites, apps should also be designed to be accessible to users with disabilities, utilizing features like screen readers and alternative input methods.
- Promote Digital Literacy: Offer training and resources to help individuals with disabilities learn how to use digital technologies effectively, including navigating websites, using assistive technologies, and staying safe online.
- Provide Assistive Technologies: Ensure access to assistive technologies like screen readers, voice recognition software, and alternative input devices, which can enable individuals with disabilities to interact with digital content.
- Combat Online Harassment: Implement measures to address and prevent online harassment and abuse of individuals with disabilities, which can include reporting mechanisms and content moderation policies.
- Promote Inclusive Design: Integrate inclusive design principles into the development of all digital products and services, considering the diverse needs and abilities of users.
- Raise Awareness: Educate the public and policymakers about the importance of digital accessibility and the rights of individuals with disabilities in the digital world.
- Support Inclusive Research: Conduct research on the digital experiences of people with disabilities, involving them in the research process and using their feedback to inform the development of inclusive technologies and services.
- Advocate for Inclusive Policies: Advocate for policies that promote digital accessibility, inclusion, and the protection of digital rights for individuals with disabilities at the local, national, and international levels.
- Ensure Representation: Actively involve people with disabilities in the design, development, and evaluation of digital products and services, ensuring their voices and perspectives are heard.

Conclusion: inclusion the right of individual with disabilities should not be denial but rather be protected likewise disabilities is not a barrier because there is ability in disabilities.

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