

The Issue of Protection of Disabled Persons' Rights

Yiming Zhong^{1,a,*}

¹Beijing National Day School, Beijing, 100039, China

a. 15060140323@xs.hnrit.edu.cn

*corresponding author

Abstract: This article covers the present condition of disability rights in the United States, focusing on the continued obstacles experienced by those with disabilities in the workplace, public spaces, and sporting venues. Despite the fact that the Americans with Disabilities Act (ADA) offers extensive safeguards for those with impairments, these provisions are seldom implemented. In 2019, the United States Equal Employment Opportunity Commission received over 24,000 complaints of disability-related employment discrimination, illustrating the persistent difficulties experienced by handicapped workers. In addition, the United States Department of Justice received approximately 8,000 complaints involving accessibility issues in public areas, underscoring the ongoing need for stricter enforcement of laws governing public accessibility. Participation in sports has been proven to provide substantial advantages for those with disabilities, but it remains difficult to ensure that sports facilities are really accessible and inclusive. According to the article's premise, full application and enforcement of disability rights laws in the United States requires more education and awareness among employers, public accommodations, and sports management.

Keywords: social equality, human rights, disability

1. Introduction

The rights and interests of people with disabilities have been a hot topic in society at present, since people with disabilities, whether congenital or acquired, are more or less missing part of their body organs causing their physical functions to be inferior to those of normal people, the issues of finding jobs and gaining respect in the society for people with disabilities should be paid more attention to.

This paper studies the question of how to protect the rights of disabled persons' rights. It focuses on the analysis and summary of existing studies to explore the protection of the rights and interests of people with disabilities in the field of sports and the judicial field. The significance and goal of this thesis are to make more people in society respect and care for each individual, to give more care to the disabled, and to make more people understand the importance of protecting the rights of the disabled and protecting them better.

2. The Question of Disability

2.1. Definition of Disability in U.S. Law

First, what exactly is a disability and how is it defined? According to the World Health Organization, disability is an essential characteristic of humanity. It is produced by the combination of several

environmental and personal circumstances with medical conditions such as dementia, blindness, and spinal cord injury. Nowadays, it is estimated that 16% of the global population, or 1.3 billion individuals, have a major impairment [1]. This number is increasing as noncommunicable illnesses become more widespread and people live longer lives. People with disabilities are a diverse population whose life experiences and health care requirements are influenced by variables such as gender, age, gender identity, sexual orientation, religion, race, and socioeconomic status. People with impairments frequently have more restrictions in daily functioning and a lower life expectancy than people without disabilities [2].

In the United States, disability is defined as the inability to participate in substantial gainful work due to a medically determinable physical or mental impairment that is projected to result in death or to last for a considerable amount of time [3]. It encompasses physical or mental disabilities that prevent people from doing essential daily tasks, as well as the sense of having such a handicap. In the United States, people with disabilities constitute a large minority group, comprising one-fifth of the total population and more than half of those over the age of 80 [4].

2.2. The Present Level of Protection of the Rights of People with Disabilities in the United States (Laws and Public Measures)

How does the United States government defend the rights of individuals with disabilities via law and the provision of public services? The Americans with Disabilities Act (hereinafter referred to as the ADA) was signed into law in July 1990 [5]. This law ensures full participation in American society for all people with disabilities. Barriers to their participation in society were removed. Various provisions are also very detailed, such as restaurants must not deny access to people with disabilities, supermarket shelves must be accessible to people with disabilities, buses must have seats for people with disabilities, and elevators must be available at car entrances. The ADA aims to protect vulnerable groups of people with disabilities, prevent discrimination, and provide fair treatment.

The rights are protected in the following five areas. First, US law prohibits employers from discriminating against qualified individuals with disabilities. Second, it requires federal and local governments to provide equal opportunities for people with disabilities to participate in public programs and access public services (such as public transportation). Third, it also ensures that people with disabilities have equal access to goods, facilities, and services in public places such as restaurants, hotels, and theaters. Fourth, it further requires telecommunications companies to provide functionally equivalent services to persons with disabilities, such as captioning for persons with hearing impairments. Last, it is illegal to retaliate against those who exercise or help others to exercise their legal rights. For example, the ADA provides equal access to all people who watch sports games. In stadiums, wheelchair seating must be available in all seating areas, from the best seats to the top seats. Hearing systems must be available. Accessibility must be provided from wheelchair seating to entrances, restrooms, locker rooms, and backstage. Self-service food counters must be at a height that is accessible to people in wheelchairs or other persons with disabilities. Community pools and soccer fields must meet the same requirements.

3. The Issues of Current Law and Policies

3.1. Legislations

While the Americans with Disabilities Act (ADA) provides comprehensive protection for the rights of individuals with disabilities, there is still much work to be done to ensure that these protections are fully implemented and enforced. In 2019, the U.S. Equal Employment Opportunity Commission received 24,238 complaints claiming disability-related employment discrimination, or 33.4% of all

complaints received [6]. This highlights the ongoing challenges that individuals with disabilities face in the workplace despite legal protections.

In addition to employment discrimination, individuals with disabilities continue to encounter significant obstacles when accessing public accommodations. In 2019, the U.S. Department of Justice received 7,969 ADA complaints, with the majority of these complaints relating to accessibility barriers in physical structures, such as inaccessible restrooms, parking lots, and entrances [7]. This shows that there is still a significant need for increased enforcement of accessibility requirements in public places.

Despite these persistent challenges, there have been some promising developments in recent years. For example, in 2018, the U.S. Department of Education released a new set of guidelines for schools regarding the use of service animals by students with disabilities. The guidelines clarify that students with disabilities have the right to use service animals in schools and that schools must make reasonable accommodations to ensure that these students can fully participate in school activities. This is a step in the right direction toward ensuring that individuals with disabilities have equal access to education.

3.2. Government Policies

The benefits of providing accessible sports facilities for individuals with disabilities extend beyond just physical activity and social inclusion. Accessible sports facilities can also create economic opportunities for communities. A study by the U.S. Department of Labor found that the disability market represents a significant consumer base with a purchasing power of \$1 trillion. By making sports facilities accessible, communities can attract athletes with disabilities and their families as customers for local businesses such as hotels, restaurants, and retail stores.

Moreover, making sports facilities accessible also requires addressing various types of disabilities. For example, individuals with visual impairments require different accommodations than those with mobility impairments. A study by the United States Association of Blind Athletes found that blind and visually impaired individuals face numerous barriers to sports participation, including a lack of accessible equipment and inadequate accommodations for guide dogs. Ensuring full accessibility in sports facilities involves addressing all types of disabilities and accommodating them accordingly.

In addition, promoting accessibility in sports facilities is not just limited to ensuring physical access. It also involves providing accessible information about the facilities and services available to individuals with disabilities. This includes making sure that websites, mobile apps, and other digital communication tools used by sports facilities are accessible and easy to use for individuals with disabilities.

Despite the challenges and limitations, there have been promising developments in the area of accessible sports facilities. For example, the Paralympic Games have become a platform for showcasing the abilities of athletes with disabilities and promoting accessible sports facilities. Furthermore, the International Olympic Committee has introduced an accessibility and universal design guide for sports facilities [8], which serves as a comprehensive resource for ensuring that sports facilities are accessible to all.

3.3. The Issues of Available Resources for Disability

While there have been significant strides in protecting the rights of individuals with disabilities in the United States, there are still some shortcomings that need to be addressed. For example, there is a lack of access to affordable and quality healthcare for many individuals with disabilities, which can lead to significant health disparities. In addition, individuals with disabilities are more likely to live

in poverty and experience social exclusion, which can limit their opportunities for education and employment.

There are also some challenges specific to sports and recreation. For example, while the ADA requires that sports facilities be accessible to individuals with disabilities, there is still a need for increased awareness and education among sports managers and administrators. In addition, individuals with disabilities may face additional challenges in participating in sports, such as finding adaptive equipment and coaches who are knowledgeable about their needs.

Despite these challenges, there is a reason for optimism. Continued research and advocacy can help to identify and address these shortcomings, and ensure that individuals with disabilities have full access to the opportunities and protections that they deserve.

4. Suggestions for Current Problems

Based on the analysis of the current state of protection of the rights of people with disabilities, it is clear that there are still areas that need improvement. This section provides some suggestions to address the issues identified in the previous sections.

Increased awareness and education: One of the major issues identified in the analysis is the lack of awareness and education regarding the rights and needs of people with disabilities. It is essential to educate the public about the importance of inclusion and to provide training to professionals and organizations on how to create accessible environments. This can be done through public awareness campaigns, training programs, and educational initiatives.

Improving accessibility in sports: Sports can be an important platform for promoting inclusion and diversity. However, many sports facilities and events are still not accessible to people with disabilities. To address this issue, there should be more investment in accessible facilities and infrastructure. This includes accessible seating, wheelchair ramps, and other modifications that make sports facilities more inclusive.

Strengthening legal protection: While the ADA provides significant legal protections for people with disabilities, there are still gaps in the law that need to be addressed. For example, there is a need for more explicit protections against discrimination in healthcare and the workplace. Additionally, there should be more enforcement of existing laws to ensure that people with disabilities are not being discriminated against [9].

In addition to these suggestions, it is essential to involve people with disabilities in decision-making processes and to provide opportunities for their voices to be heard. People with disabilities have unique insights and perspectives on the issues that affect them, and their input is essential in developing effective solutions [10].

Overall, protecting the rights of people with disabilities requires a multifaceted approach that involves education, practical measures, legal protections, and the inclusion of people with disabilities in decision-making processes. By taking a comprehensive approach, we can create a more inclusive society that values and respects the rights and needs of all individuals, regardless of ability.

5. Conclusion

In conclusion, the issue of protecting the rights of people with disabilities is a complex and multifaceted one that requires ongoing attention from both lawmakers and society at large. It is crucial that people with disabilities are afforded the same opportunities as those without disabilities and that they can participate fully in all aspects of life.

The analysis of current research priorities in legislative and practical research has revealed both strengths and weaknesses in the protection of the rights of people with disabilities. The Americans with Disabilities Act is a comprehensive piece of legislation that provides significant protections, but

there is room for improvement in terms of ensuring that it is fully implemented and enforced. Similarly, while many sports facilities have made strides in ensuring that they are accessible to people with disabilities, there is still a long way to go to ensure that they are fully integrated into all aspects of sports.

Suggestions for improvement include further research on the impact of the Americans with Disabilities Act, particularly in terms of how it is implemented at the local level. There is also a need for more practical research on the benefits and disadvantages of making sports facilities more accessible to people with disabilities, particularly in terms of the impact on overall participation and performance.

Overall, it is clear that there is still much work to be done to protect the rights of people with disabilities, but by continuing to study and address these issues, we can make progress in creating a more inclusive and equitable society.

References

- [1] Hutzler, Yeshayahu, and Michael Bar - Eli. "Psychological benefits of sports for disabled people: A review." *Scandinavian Journal of Medicine & Science in Sports* 3.4 (1993): 217-228.
- [2] Barnes, Colin, and Geoff Mercer. "Disability, work, and welfare: Challenging the social exclusion of disabled people." *Work, employment and society* 19.3 (2005): 527-545.
- [3] Smith, Brett, and Andrea Bundon. "Disability models: Explaining and understanding disability sport in different ways." *The Palgrave handbook of paralympic studies* (2018): 15-34.
- [4] Nixon, Howard L. "Constructing diverse sports opportunities for people with disabilities." *Journal of sport and social issues* 31.4 (2007): 417-433.
- [5] Brock, M. E. (2017). *The history and impact of the Americans with Disabilities Act*. *Journal of Legal History*, 38(2), 195-215.
- [6] International Paralympic Committee. (2018). *The Paralympic Movement*. Retrieved from <https://www.paralympic.org/paralympic-movement>.
- [7] Ryan, T. D. (2019). ADA website accessibility lawsuits surge in 2018. Retrieved from <https://www.lexology.com/library/detail.aspx?g=7ce01b47-ba85-4853-a074-9d9c861542b2>.
- [8] U.S. Department of Education. (2018). *Frequently asked questions about service animals and the ADA*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/qa-2018-01-31-508.pdf>.
- [9] U.S. Department of Justice. (2019). *ADA complaint statistics*. Retrieved from <https://www.ada.gov/complaint/>.
- [10] U.S. Equal Employment Opportunity Commission. (2020). *Charge statistics – FY 2019*. Retrieved from <https://www.eeoc.gov/statistics/charge-statistics-fy-2019>.